



Civil MRCC

Coordination and documentation platform for people in distress in the Central Mediterranean

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2022

# ECHOES

## From the Central Mediterranean



David Lohmueller, Autonomous arrival to Lampedusa

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## AGAINST FASCISM AND RACISM, SOLIDARITY WILL WIN!

5 min

At the end of September 2022, the arrival in power in Italy of a post-fascist party has reinforced a discourse of hatred, promoting racism and closed borders. As the attacks against the sea rescue NGOs started, it becomes clear that the civil will be one of the targets of the government.

We, Civil MRCC repeat it loud and clear: against fascism, solidarity will win! We will continue to fight together and with the people in the move for an open Mediterranean!

In "Echoes", the bimonthly publication of Civil MRCC, many aspects of SAR in the Central Med are reflected: actual topics discussed, analysis and researches presented and self-organized struggles of refugees and migrants highlighted.

From the 1<sup>st</sup> of January 2022 until the 31st of October 2022:

- Around 80 000 people arrived in Italy, of which a significant number arrived **autonomously** (UNHCR figures)
- 11 346 people were **rescued by the civil fleet** from 182 **boats** in distress (CMRCC figures)
- 16 621 people were **pushed back** to Libya, and 1129 people **died** or are reported **missing** (IOM figures until 3rd of October)

# INTRODUCTION

## ELECTIONS IN ITALY: TOWARDS THE BRUTALIZATION OF THE EU BORDER REGIME

The new rightwing government of Giorgia Meloni in Italy immediately presented itself, as many feared, with the hard face of “Law & Order”. Not only on migration, however. On the contrary, within two weeks of taking office on October 22nd, Italian police were ordered to assault students at the University of Rome, the special measures of life imprisonment were reinforced and a new official “anti rave-party” law was approved, which in fact can be used to hit promoters or participants in any spontaneous rally with sentences of three to six years in prison. A substantial attack on the constitutional freedom of expression and demonstration is then taking place.

Spearheading these initiatives is the new Minister of the Interior, the “technician” (formerly a senior police officer and career prefect) Matteo Piantedosi. He is by no means new - between 2018 and 2019 Piantedosi was Matteo Salvini's chief of staff at the same ministry, also being the inspiration and practical executor regarding the “closed ports” policy of the time. This time, Salvini has become the Minister for Infrastructure and Transport, thus holding political responsibility for the activities of the Coast Guard and Port Authorities, including the Maritime Rescue Coordination Centre in Rome. The circle is completed with the new Defence Minister, Guido Crosetto (Fdi), the lobby-man for the Italian military-industrial complex including Leonardo and Fincantieri, and their significant vested interests in African and Middle-Eastern countries.

As soon as he took office on October 24th, Piantedosi issued a “Directive” addressed towards the heads of the various police forces and the Coast Guard, claiming that rescue operations carried out by the civil fleet ships OCEAN VIKING and HUMANITY 1 took place in “*a manner not in line with the spirit of European and Italian regulations on security and border control and the fight against illegal immigration.*” In the directive, Piantedosi asks for the gathering of all useful elements towards “evaluating” the possible application of a ban on the ships from entering Italian territorial waters, still provided for by reformed security decrees.

These are very vague statements, though sufficient to justify the Ministry of Foreign Affairs sending a formal diplomatic act - the “Verbal Note” - to the embassies in Italy of Norway and Germany, the flag states of the two ships concerned. These further documents mention “delays and non-communication” to the Libyan, Maltese, Italian and flag state SAR authorities. This refutes any

*“responsibility of the Italian authorities for the identification of the port of disembarkation of the shipwrecked persons”* and instead “urges” the governments of the flag states to take action regarding the safe harbour.

The legal arguments used by Minister Piantedosi are very weak, since both the OCEAN VIKING and HUMANITY 1 have always operated in full compliance with the conventions of international maritime law, promptly notifying all relevant coordination centres about any search and rescue operations in progress. But the Italian government's political objective seems essentially to be singular - attempting to indicate the exclusive responsibility of a ship's flag state for disembarking any survivors on board. This is truly in violation of the letter and spirit of international law, which instead demands the disembarkation of persons in the nearest place of safety within the shortest possible time.

While the ships endure yet another standoff with the Italian state, Piantedosi has explained the governmental strategy in several interviews - to bully the people on the move, who have already suffered terrible stays in detention in Libya as well as the deadly risks and fatigue of the crossing, and to force the civil ships to wait for longer periods offshore, towards achieving the political aim of increasing pressure on other European states to boost their own “relocation” numbers. Curiously demanded, indeed, by a rightwing spectrum that has always opposed a reform to the Dublin regulations which would be geared towards freedom of movement and increased self-determination within the European space.

However, this is not the only paradox which is being created regarding the situation: while civil ships such as the OCEAN VIKING, HUMANITY 1 and GEO BARENTS are stranded offshore, during one fortnight at least 3.000 people were rescued at sea and landed in Italy by patrol boats of the Italian Coast Guard, Guardia di Finanza and even Frontex units, under the coordination of the Italian MRCC in Rome. This is as hundreds of others also arrived independently in Lampedusa and along the Italian coast.

This shows clearly that the reasons for such an escalation in the brutal treatment of people on the move and the direct attacks on civil fleet ships are essentially political, propagandistic and ideological. We have seen the first steps of this violent attack take place so far and must unfortunately expect further dangerous moves in the coming weeks and months. Particularly since the Italian

government seems to be incapable of responding to multiple oncoming economic and social crises, migrants and civil rescue are always an easy factor for “mass distraction” attempts and a convenient scapegoat in difficult times.

For these reasons, the reaction to this escalation must be as broad, timely and effective as possible. It must also exist on several levels: on the international social and political scene, on the legal level, as well as in Italian society and public opinion.

The vast dimensions of the ongoing attack on the rights of all show how the battle for freedom of movement can involve ever larger sections of society. Two years ago, out of the clash with the “closed ports” policy, we all emerged stronger and more aware. The valiance of our principles and actions, the substantial unity in the articulation of our differences, the offensive use of law, and a certain strategic and tactical intelligence can once again all prove to be powerful weapons in defence of the fundamental rights of all.

The CMRCC is a network of different non-governmental actors and individuals with Search & Rescue (SAR) experience in the Mediterranean. It supports the fleet of NGOs that have assisted and brought to safety tens of thousands of lives since 2014.

This was done through maritime rescues carried out by NGO ships and aerial monitoring flights by their planes, as well as through the Alarm Phone hotline, which supported over 5.000 boats in danger since 2014.

The CMRCC aims to contribute to create a solidarity network in support of people on the move.

“Against fascism and racism,  
solidarity will win!”



# IT MAKES A DIFFERENCE!

## A DIARY OF RESCUE COORDINATION BY CIVIL ACTORS IN THE CENTRAL MEDITERRANEAN SEA

The following page provides an overview of the level and impact of rescue coordination by civil actors in the Central Mediterranean Sea, using brief reports and Twitter extracts.

During September and October, the civil fleet rescued 45 boats carrying 2.811 people in distress. The vast majority of these boats departed from Libya and Tunisia.

Furthermore, the CMRCC documented 5 boats which were rescued to the EU by merchant vessels.

### SEPTEMBER 2022

2 September

The sailing vessel **Nadir (RESQSHIP)** spots and assists a wooden boat in distress and alerts authorities and NGOs nearby. The **Sea-Eye 4 (Sea-Eye)** responds first and rescues the 76 people.

6 September

Alerted by **Alarm Phone**, the **Rise Above (Mission Lifeline)** rescues 53 people in distress. Later the rescued people are transhipped to the better equipped **Sea-Eye 4**. In the meantime, **Nadir** finds a rubber boat in distress off Libya. In a joint operation with **Humanity 1 (SOS Humanity)**, the 111 people are also rescued (1).

8 September

**Sea-Watch 3 (Sea-Watch)** is able to take 128 people on board from 2 boats in distress. The people had previously reached out to the **Alarm Phone**.

9 September

**Alarm Phone** receives two distress calls from people at sea. 72 people on a wooden boat are rescued by **Humanity 1**, while the 80 people aboard a rubber boat are rescued by **Sea-Watch 3**, which also finds a further 55 people in distress on the way.

10 September

After a very rare alert from Frontex aircraft Osprey 3, **Humanity 1** rescues 25 people from a small rubber boat, while **Sea-Watch 3** finds 18 people on a fiberglass boat further south.

11 September

**Sea-Watch 3** rescues 113 people from 5 different boats. Three of these boats previously reached out to **Alarm Phone** (2).

13 September

**Humanity 1** rescues 207 people from a boat which departed from Lebanon one week previously. The people reached out to **Alarm Phone** once their engine stopped working in the middle of the Ionian Sea (3).

15 September

**Alarm Phone** receives a distress call from 20 people on a rubber boat. When **Open Arms Uno (Proactiva Open Arms)** arrives on scene, one woman is already missing (4).

17 September

**Open Arms Uno** embarks 59 people and recovers one dead body from an oil platform off Libya. **Alarm Phone** was in contact with the people, who climbed onto the nearby platform after their boat had broken down (5). In another long rescue operation, which lasts throughout the night, **Open Arms Uno** rescues 294 people from a large fishing vessel which had departed from Egypt. The aircraft **Colibri 2 (Pilotes Volontaires)** successfully supports the search. The people had reached out to **Alarm Phone** previously (6).

18 September

**Alarm Phone** forwards a distress call from 30 people fleeing Libya. **Colibri 2** supports the search from the air and **Open Arms Uno** rescues the boat in the night.

21 September

After an alert via **Alarm Phone**, **Colibri 2** helps the **Nadir** to take 35 people in distress on board. Later, **Seabird 1 (Sea Watch)** supports **Nadir** in stabilizing another 40 people in distress until the Italian Coast Guard eventually takes the group on board. **Geo Barents (Médecins Sans Frontières)** rescues 76 people from a rubber boat off Libya which had previously reached out to **Alarm Phone**.

29 September

After 88 people in distress reach out to **Alarm Phone**, **Colibri 2** supports the rescue of the group by the **Louise Michel**.

SOS Humanity (international)  
@soshumanity\_en

1  
● BREAKING: Yesterday evening, our #Humanity1 crew rescued 111 people from a rubber boat in a joint effort w/ the #Nadir of @resqship in the Libyan #SAR zone.

Among the rescued are 2 women, 86 unaccompanied minors, 1 toddler, & 1 baby. All are safe on board the Humanity 1 now.



Sea-Watch International  
@seawatch\_intl

2  
● 3 more rescues were conducted by the #SeaWatch3 last night. First, 20 people were rescued from a boat that the @alarm\_phone had informed us about. Right after that, 58 people were evacuated from a boat in distress that the Sea-Watch 3 had spotted.



SOS Humanity (international)  
@soshumanity\_en

3  
● Breaking: All 207 people from the boat we came to the rescue are safe on board the #Humanity1. Prepared for the worst, we are relieved to report: No casualties, incl. the prev. mentioned 3-month-old. Among the survivors are many women (36) as well as minors & children (88).

Open Arms ENG  
@openarms\_found

4  
#BREAKING

Rescued in international waters #Med 19 people from a drifting rubber boat, including 4 children and 2 babies.

They are from Syria, Sudan, from places where forgotten wars continue.

They are already safe onboard #OpenArmsUno #everylifecounts #life

Open Arms  
@openarms\_fund

5  
#ULTIMAHORA

24h de búsqueda ininterrumpida en aguas internacionales x #OpenArmsUno

A salvo y a bordo, por fin, 59 personas vivas, 6 niños entre ellas, y un cadáver en este segundo rescate.

Salvar vidas, pero también dignificar sus muertes, es nuestra misión.

#cadavidacuenta

Pilotes Volontaires  
@PVolontaires

6  
● 200 personnes en danger

Les 5 heures de vol d'aujourd'hui nous ont permis de retrouver 200 personnes qui s'étaient signalées en détresse via @alarm\_phone. Elles sont parties d'Egypte il y a plus de 3 jours. 1/2

Picture: Pilotes Volontaires



## OCTOBER 2022

- 4 October** After the disembarkation of previously rescued people in Lampedusa, **Louise Michel** rescues another boat in distress carrying 48 people which had previously reached out to **Alarm Phone**.
- 8 October** The **Nadir** finds and assists 18 people in distress on a wooden boat and prompts a rescue by the Italian Coast Guard (7).
- 10 October** **Alarm Phone** receives a distress call from 55 people who had lost their orientation at sea while fleeing Libya. The sailing vessel **Imara (R42 sailandrescue)** finds the people and stabilizes the boat. 30 hours after the first alert, the Italian Coast Guard finally arrives and brings the people to Lampedusa.
- 11 October** While the **Nadir** searches for a boat which had previously reached out to **Alarm Phone**, the sailing vessel assists 11 people in distress who are located by **Seabird 3 (Sea-Watch)**.
- 12 October** After an alert through the **Alarm Phone**, **Colibri 2** is able to support the **Geo Barents** in rescuing 9 people in distress from a small fiberglass boat (8).
- 13 October** **Alarm Phone** receives and forwards a distress call from 122 people on a rubber boat off the Libyan coast. With the support of **Colibri 2**, the **Geo Barents** is able to get everybody safely on board.
- 16 October** After an alert through **Alarm Phone**, the **Geo Barents** rescues 47 people from a small rubber boat off Libya. South of Lampedusa meanwhile, the **Nadir** finds 65 people in distress, provides medical first aid and assists the boat until the Italian Coast Guard arrives.
- 17 October** **Geo Barents** rescues 40 people in distress who previously reached out to **Alarm Phone**.
- 18 October** **Geo Barents** conducts another rescue after **Alarm Phone** forwards an alert about 76 people in distress.
- 22 October** **Alarm Phone** receives and forwards a distress call from 34 people fleeing Libya. **Ocean Viking (SOS Méditerranée)**, the only vessel nearby, rescues them during the night (9). **Seabird 3** also finds 45 people in distress. The US military vessel USNS Kanawha is nearby and waits in the vicinity of the boat until **Humanity 1** arrives and takes everyone on board.
- 23 October** **Alarm Phone** receives a distress call from a group off Libya and alerts authorities and NGOs. With the help of **Colibri 2**, **Ocean Viking** is able to take the 39 people safely on board.
- 24 October** **Humanity 1** rescues 125 people in distress from two boats. A rubber boat carrying 113 people was located through an **Alarm Phone** alert, while the other 22 people were spotted by an unidentified vessel which relayed the distress case via radio. **Ocean Viking** spots 2 boats and is able to rescue all 73 people in distress.
- 25 October** In the morning, **Colibri 2** finds 56 people adrift south of Lampedusa. Shortly afterwards, the group also reaches out to the **Alarm Phone**. During the day, **Seabird 3** spots the same boat and forwards information about the distress case. **Ocean Viking** conducts the rescue during the night.
- 25 October** **Alarm Phone** was alerted by 2 boats traveling together from Tobruk to Sicily. The 1.300 people are rescued by the Italian Coast Guard while **Geo Barents** and **Humanity 1** receive instructions to stay away. Italy performs the largest rescue operation of the last years while simultaneously attempting to close its ports to NGO vessels (10).
- 26 October** With the help of **Seabird 3**, **Ocean Viking** rescues 32 people in distress who previously reached out to **Alarm Phone**.
- 27 October** **Geo Barents** rescues 268 people from 4 different boats. 3 of these groups previously reached out to **Alarm Phone** for help. The civil aircraft **Seabird 3** and **Colibri 2** supported 2 of the rescues from the air.
- 28 October** **Geo Barents** rescues another 3 boats in distress. 1 had reached out to **Alarm Phone** before, while the other 2 were spotted by **Seabird 3** and **Colibri 2**. With 572 guests on board, the **Geo Barents** heads towards Sicily.



RESQSHIP  
@resqship

7

1/2 Heute Vormittag war unsere Crew wieder im #Einsatz. 18 Menschen, darunter 10 Minderjährige waren bereits den zweiten Tag auf See in einem kleinen Holzboot. Die Crew der #Nadir versorgte sie mit Rettungswesten und setzte einen Notruf ab.

MSF Sea  
@MSF\_Sea

8

Our team just conducted a rescue following an alert by @alarm\_phone. 9 people were on a small fiberglass boat in distress located in international waters near #Libya. Thanks to @PVolontaires's support they are now safe and cared for by the #GeoBarents team.

SOS MEDITERRANEE  
@SOSMedIntl

9

In pitch dark last night, #OceanViking rescued 34 people, incl. 1 woman & 5 children, from an unseaworthy fiberglass boat following a distress alert relayed by @alarm\_phone in intl. waters.

All survivors are now being taken care of by @SOSMedIntl & @ifrc onboard our rescue ship.

Alarm Phone  
@alarm\_phone

10

sos! ~700 people in distress!!

We were alerted by a large wooden boat that left #Tobruk, #Libya, and is now in the SAR zones of #Malta and #Italy. Communication is difficult but we believe we heard they were 700 people on board! We urge authorities: launch a rescue operation!!

## FOCUS

### 12.09.2022 – Cooperation between civil actors resulting in the successful rescue of a high number of people in acute distress within a remote position

At approximately 1040 UTC, the **Alarm Phone** was called by the occupants of a boat in distress carrying 207 people, which had departed from Lebanon and was considerably further east of the area in which such cases tend to appear. The people on board reported having been at sea for over a week, and for several days without food or drinking water. There were pregnant women and many children on the boat, which was positioned at that time in the Maltese Search and Rescue Region (SRR), though was physically closer to Greek territory.

The crew of the vessel **Humanity 1 (SOS Humanity)**, having received Alarm Phone's alert, made the decision to change course towards the location - even though the vessel already had 208 survivors already on board from previous rescues, and that the position of the boat in distress was around 20 hours travel time east of their location. This was in light of the fact that none of the responsible authorities in the region had or were likely to take any steps to respond to the incident. And indeed, despite multiple further updates by the Alarm Phone, the Maltese Rescue Coordination Centre, supposedly in charge of handling the incident, did not provide any information or instruction to the crew of the Humanity 1 as it approached the location.

### 18.09.2022 – Successful coordination of civil air, land and sea initiatives in order to rescue and bring to safety 30 people including 10 minors in distress

At 0635 UTC, the **Alarm Phone** was contacted by 30 people aboard a boat in distress on the high seas. The people on board the boat reported that they were adrift, and furthermore were experiencing difficulties communicating a clear position to the Alarm Phone which could then be relayed to authorities and civil actors in the area. In any case, the vessel **Open Arms Uno (Proactiva Open Arms)** began heading to the area indicated in the positions which had thus far been communicated to the Alarm Phone in order to investigate. Fortunately, the civilian aerial reconnaissance initiative **Pilotes Volontaires**, with their aircraft **Colibri 2**, was also operational on that day, and was able to conduct a sweep of the relevant area, ultimately locating the people in distress and communicating their exact position.

During that night, many hours after the first alert, the Open Arms Uno was able to arrive on the scene, locating

At 1215 UTC on the following day, 13.09, the people on board the boat in distress reached out once again to the Alarm Phone, reporting that 2 merchant vessels were standing by on the scene, but had not distributed food or water, which the people had repeatedly stated that they were lacking. At approximately 1516 UTC, the Humanity 1 at last arrived on scene, and was able to conduct a successful rescue of all 207 people, including 4 people who had been embarked by one of the merchant actors after jumping overboard and attempting to swim to the cargo vessel.

Several requests were made by the Humanity 1 before the responsible authorities ultimately assigned a safe place for disembarkation, despite the difficult situation regarding the number of rescued people aboard the vessel. Without the operation of the Alarm Phone to alert about the location and condition of this boat in distress, as well as the presence of the Humanity 1 to investigate and conduct a proper rescue in a position well out of the way of its normal area of operation, the 207 people on board the boat may well have met with a far graver outcome, as the competent authorities insisted again on doing all that they could to look the other way.

the people in distress and safely embarking all 30 people from the small and strikingly unseaworthy boat, among them several minors. Again, the civil actors involved were given no assistance or instruction by the authorities responsible for handling the case.

This incident illustrates yet another example of the necessary presence of civil actors with various types of expertise in order to ensure a safe outcome for people in emergency situations at sea, as European rescue coordination centres continue to shirk their duties and endanger human lives under a disastrous political context of attitudes to people on the move.

Without the persons active within the Alarm Phone to alert about these people, the air crews of Pilotes Volontaires to determine their whereabouts, and the seafarers of the Open Arms Uno to rescue and disembark them in a safe place, this situation would likely have turned out far different. It continues to demand a cooperative civilian response including actors from several different nations to contest the deadly fallout of European migration policies.



**03.10.2022 – Night rescue by fast asset Louise Michel of 48 people from overcrowded boat in distress thanks to yet another alert by Alarm Phone, with Frontex aircraft also on scene, uncommunicative to the civil fleet**

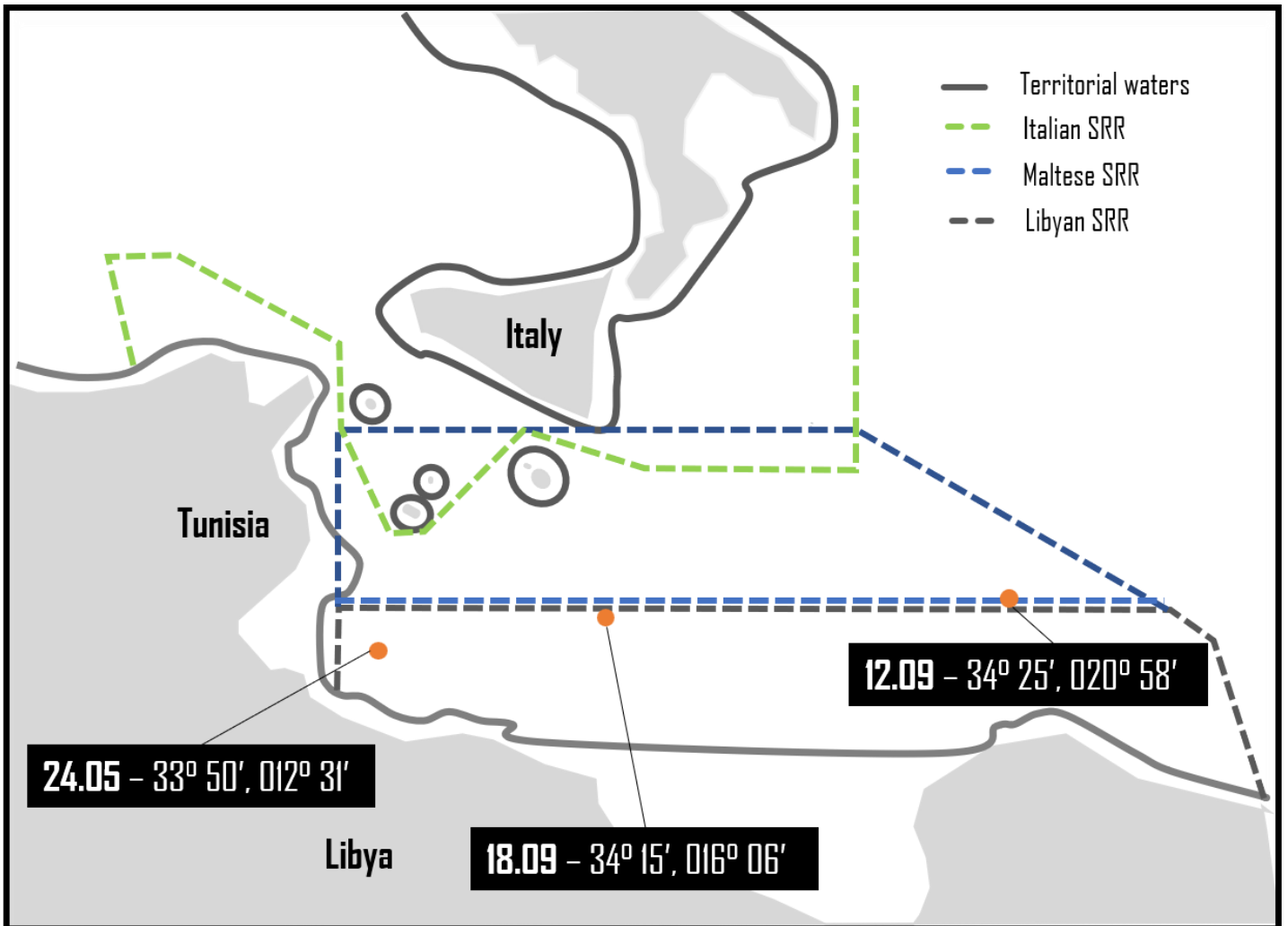
At 2024 UTC, the **Alarm Phone** was contacted by yet another boat in distress which had departed from the coast of Libya, on which the people aboard were panicking and asking for an urgent rescue. The Alarm Phone then relayed the information to authorities and to civil actors, where the presence of fast asset the **Louise Michel** then proved pivotal in the quick and professional response to this potentially critical situation.

The crew of the Louise Michel were able to make haste to the position of the people in distress after receiving the alert, arriving to the scene and locating the people within a matter of hours, where they could then embark all of the people in a safe and coordinated manner. It is interesting also to note that, observable on open-source tracking platforms, a manned aircraft from the European border monitoring agency Frontex was also on scene during the night, around 3 hours before the crew of the

Louise Michel successfully located the vessel in distress. The Frontex aircraft however was uncommunicative with any of the civil actors involved. It is then fortunate in this case that the Louise Michel was able to arrive on scene within good time, in the interests of avoiding yet another recurrence of the numerous illegal interceptions conducted by the so-called Libyan Coast Guard or shipwrecks which have been documented in the past years while Frontex aircraft have been monitoring the situation, though doing nothing to ensure the sanctity of lives at risk.

In the case of this rescue, there were several cases of severe seasickness and one person brought aboard the Louise Michel was injured. All people concerned were brought to a safe port in accordance with international law.

Again, without the fast and effective responses of cooperating actors from civil society to uphold these laws, the desperate people aboard this boat may well have been left to a darker fate at the hands of the European authorities and their appendages in the region.



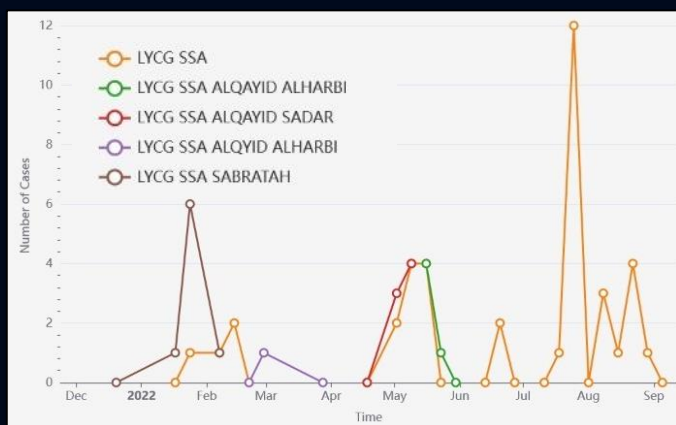
# ANALYSIS

## STABILITY SUPPORT APPARATUS: A WORRYING NEW ACTOR IN THE CENTRAL MEDITERRANEAN

Since the summer of 2021, SSA (Stability Support Apparatus) vessels have appeared off the Libyan coast, participating in interceptions and the push-backs of migrant boats to Libya. Made up of various militias from the regions around Tripoli and Zawiyah, this new body has gradually established itself as a key player in border control, and indeed well integrated into the current set of EU migration policies. Infamous for its rights abuses both at sea and on land, the SSA has had a growing presence in the central Mediterranean, putting pressure on both the vessels of the civil fleet as well as the people on the move desperately trying to flee Libya.

The following analysis aims to shed light on the nature of this new actor. It is based upon the testimonies of migrants as well as crew members from NGO vessels, also including press articles, documents published by NGOs and a report published by the UN panel of experts on Libya in May 2022.

### A GROWING PRESENCE AT SEA MARKED BY THE USE OF VIOLENCE



**SSA vessels spotted in 2022.** Data extracted from SARChive, the CMRCC database. These are only a fraction of likely SSA interceptions which could be properly verified by the CMRCC.

On **12<sup>th</sup> August 2021**, an initial incident involving the SSA was documented by the UN panel of experts on Libya. During the night, “in a supposed law enforcement operation, armed individuals of SSA maritime units used deadly force against migrants located in a boat in waters that survivors claimed to be an hour away from the coast of Zawiyah, in violation of their right to life. In particular, SSA individuals performed hazardous movements, including hitting the migrant boat, and firing gunshots at the passengers that caused the death of one person on board.”

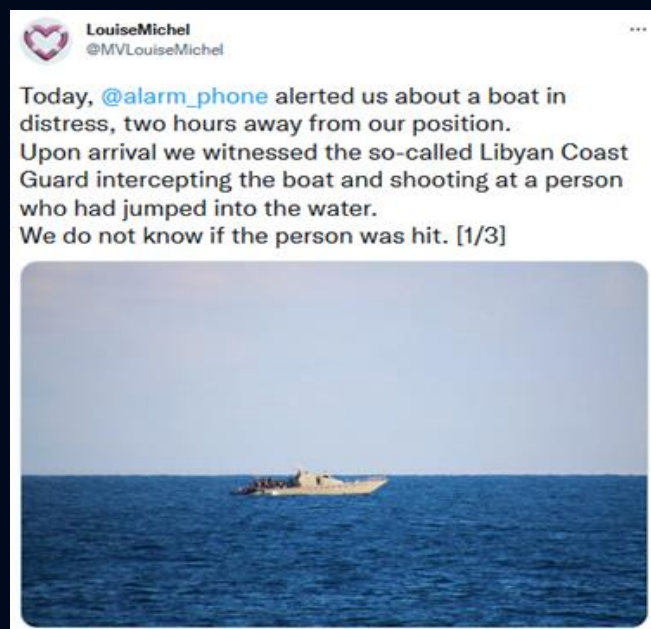
On **21<sup>st</sup> November 2021**, an incident occurred involving the SSA which was witnessed by the crew of the civil monitoring aircraft Seabird, operated by Sea Watch and Humanitarian Pilots Initiative (HPI). According to the crew, an SSA vessel now identified as Alqayid 1 was on scene together with a larger patrol boat from the so-called Libyan Coast Guard (scLYCG), as the scLYCG vessel was aggressively attempting to intercept a rubber boat carrying around 100 people in distress. As the people

attempted to escape, the scLYCG vessel made several attempts to ram the boat in distress. The boat in distress eventually managed to maneuver itself towards the nearby NGO vessel Sea-Watch 4, where the people could ultimately be safely embarked.



Picture: *suzanne caroline de carrasco*

On **19<sup>th</sup> January 2022**, the NGO vessel Louise Michel reported an unknown vessel shooting at a migrant who had fallen into the sea during an interception operation. This event was first attributed to the Libyan Coast Guard, but the unfamiliar vessel was later recognized as belonging to the SSA (Alqayid Alharbi).



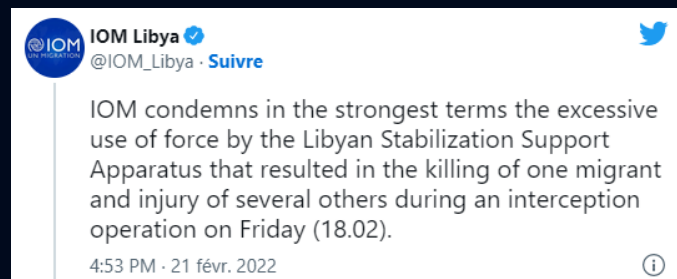
“ When we arrived on scene the vessel from SSA was already close to the rubber boat. After some turns around them, they started to pull the people from the boat violently on their deck. After beating the people with sticks, several people jumped into the water which caused the SSA crew to fire several shots into the direction of the people in the water. Later they reported the shots were meant as warning shots towards us. This is just one example of how brutal this group is acting towards people on the move, no matter if people die ”

Louise Michel crew member

A twitter account with ties to the SSA (“Migrant Rescue Watch”) also published a video of this interception a few days later, showing an individual from the SSA assaulting a person in distress. As indicated in the tweet, the intercepted persons were disembarked in the Al Mayah detention center, located 30km west of Tripoli and controlled by the SSA.



On **18<sup>th</sup> February 2022**, a ship belonging to the SSA fired live ammunition at a boat carrying 80 people, killing one and injuring several others. This attack was condemned by the International Organization for Migration (IOM). The SSA denied these allegations outright and called the statements published by IOM "absurd".



On **26<sup>th</sup> February 2022**, the NGO vessel Geo Barents was approached by the same vessel during the night. The SSA vessel claimed to have “intercepted” the Geo Barents.



## A CONGLOMERATE OF MILITIAS GAINING EVER MORE POWER AND LEGITIMACY

Created in January 2021 with the involvement of Fayed al-Sarraj, the previous prime minister of the Government of National Accord (GNA), the Stability Support Apparatus is a security body which also bears a law enforcement mandate. Whereas its initial objective was to provide protection services to the Libyan Prime Minister and counteract the previous Interior Minister Fathi Bashagha, the SSA has over time formed new alliances, enlarged its objectives and expanded its influence. Gathering into its scope different militias and armed groups based in Zawiyah, Tripoli and in the region South of Tripoli, it remains a complex and constantly evolving actor.

For over a decade now, Libya has been split between rival administrations in the East and the West, each supported by different militias and foreign governments. The rivalry between these two camps was recently revived after the election of Fathi Bashagha, appointed as Prime Minister by the eastern parliament in March 2022. After this election, a war of influence broke out between the latter and the Prime Minister in office, Abdel Hamid Dbeibah. While Bashagha is supported by the House of representative based in the West (Tobruk) and the Libyan National Army (LNA), Dbeibah is backed by the internationally recognized Government of National Unity (GNU) settled in the East. Since May 2022, forces loyal to Bashagha have attempted to break into the Libyan capital Tripoli, but were so far always defeated by forces loyal to Dbeibah.

The SSA is not exempt from this war of influence. Although officially presented as a unified body, it is divided into two main branches, each of which has recently rallied behind one of the rival Prime ministers:

- the **Tripoli** branch, led by **Abdel Ghani al-Kikli** (known as **Gheniwa** and current head of the Stability Support Apparatus), is largely supportive of Abdel Hamid Dbeibah.
- the **Zawiyah** branch, mainly influenced by the **Abu Zriba** brothers (known as Buzriba) and the **Al Nasr Brigade**, has become closer to Fathi Bashagha over time. A few months ago, Bashagha also appointed one of the brothers, Issam Abu Zriba, as Minister of the interior for his government.

The efforts made by Bashagha and Dbeibah to obtain the support of the SSA demonstrate the importance that the body has gained since its creation in January 2021. By allying itself with both camps, so legitimized by Tripoli as well as being supported by eastern forces, the SSA is securing itself a prominent place within the future government, regardless of the outcome of the conflict. While some of its moves may seem contradictory, this in fact exemplifies the strategy of the SSA to exploit the multiplicity of its allies located throughout the territory in order to gain power.

### A COMPETING ACTOR INVOLVED IN "MIGRATION CONTROL" IN LIBYA

As indicated on its website, the SSA is divided into four departments, including the « Department for Combating Settlement and Illegal Migration » (DCSIM). The DCSIM presents itself *de facto* as a parallel and competing body to the official "DCIM", the "Department for Combating Illegal Immigration" which is under the authority of the Ministry of the Interior. Present within all the main hubs through which people on the move pass, the SSA is involved in intercepting migrant boats at sea, detaining migrants in centers, "dismantling smuggling networks"... On the 18<sup>th</sup> of June 2022, the SSA also announced a broad operation along the western coast of Libya "to counter illegal immigration", conducting patrols both on land and at sea.

At sea, the SSA operates in addition to the three other command and control structures carrying out maritime security operations in Libyan territorial and international waters: the Libyan navy and Libyan Coast Guard, under the authority of the Ministry of Defense, and the General Administration for Coastal Security (GACS), under the authority of the Ministry of Interior. According to collected information, the SSA operates at least seven vessels (the following pictures having been sourced from the Twitter accounts "Migrant Rescue Watch" and "SARwatchMED"):

**Alqayid Saqar** (MMSI number 271047452, registered as "Rustu Kaptan") is based in Al Mayah port and patrols a large area West of Tripoli. It is regularly seen by sea rescue NGOs and is sometimes also observable on vessel tracking applications. The stern is low, easing recovery and man-overboard assistance, and its deck can accommodate a limited number of persons.



**Alqayid 1** is a civilian type vessel, built in Turkey. It was not specifically designed for intercepting migrant boats for return, mainly owing to its limited passenger and life-saving equipment capacity. Alqayid 1 has been observed both with and without a heavy machine gun mounted on its bow. It is also based in Al Mayah port.



**Alqayid 2** has a specification close to Alqayid 1. It was involved in the 12<sup>th</sup> of August 2021 incident during which a migrant boat departing from Zawiya was intercepted by the SSA unit. According to surviving eyewitnesses, the SSA repeatedly rammed their boat and shot at the passengers, resulting in the death of one person on board.



**Alqayid Alharbi**, is a naval type fast patrol boat. The same model "Lambro Olympic D74 / Javelin 74" was also used by the Hellenic Coast Guard. The vessel was involved in the violent 19<sup>th</sup> January 2022 interception witnessed by the Louise Michel crew, and later also threatened the Geo Barents crew on the 26<sup>th</sup> of February.



At least three further unidentified vessels are presented as belonging to the SSA by the Twitter account "Migrant Rescue Watch". The first picture shown here was taken

in Al Mayah port, the second during an interception operation conducted on 21 October 2022:



The UN panel has written to Greece in order to establish the supply chain regarding the vessel Alqayid Alharbi. The transfer of such a military vessel to Libya would constitute a clear violation of the arms embargo currently in force for the region. Whereas some civilian models have been observed with heavy machine guns mounted on the bow (Alqayid Saqar, Alqayid 2), the panel pointed out that these modifications could also constitute a violation of the embargo.

Most of the described vessels are based in the port of Al Mayah, which appears to have been built recently. Located around 30 kilometers west of Tripoli, this port is close to a large detention center, also controlled by the SSA, built at a repurposed pharmaceutical factory. According to the last report written by the UN expert panel on Libya, the SSA controls three such facilities: Al-Mayah, Al-Zahra and Az-Zawiyah Al Nasr detention centers.

According to the same report, as of March 2022, the DCIM controlled nearly 24 official detention centers throughout Libya, while the DCSIM appears to have had control over only a very small number of centers. However, according to various sources, the centers under DCSIM's control have the capacity to hold a much larger number of migrants. In February 2022, in a video posted on its social networks, the SSA stated that more than 8.000 people were detained in Al Mayah. These figures though should be treated with caution: no doubt it is in the interest of the militia to show that it controls more migrants than others, as migration control remains an important stake in terms of gaining recognition from both State and international actors. The organisation Libya Crimes Watch estimates that around 1.800 migrants are actually detained in Al Mayah.

### A NETWORK OF CRIMINALS, INVOLVED IN MULTIPLE RIGHTS VIOLATIONS

The SSA has become infamous for its direct involvement in countless rights violations, not only at sea but also on land. Most of its leaders are themselves already known at national and international levels for the abuse they have perpetrated. Gheniwa, the head of the SSA, has been accused by both Amnesty International and the UN Security council of war crimes and other rights violations against the local and migrant population during the last decade. Leading a powerful armed group in the Abu Salim neighborhood (Tripoli), there were numerous

testimonies of torture, sexual violence, deprivation of rights and killings resulting from the violent practices of the militia. All of these violations were then legitimized by the integration of Gheniwa's forces into the departments of the Minister of the Interior and then the SSA.

Alongside Gheniwa, the Al-Nasr brigade (active within the SSA branch controlling the Zawiyah area) is also known for its mistreatment of migrants and its human trafficking and smuggling activities. Among the most famous figures in the Al-Nasr Brigade is Mohamed Koshlaf, dominant in the fields of migrants and oil smuggling in the Zawiyah region. He cooperates closely with Abd al Rahmane Milad, nicknamed "Al-Bija", the head of the local unit of the coast Guard of Zawiyah, who was placed on a UN Security Council sanctions list in 2018 for his involvement in human trafficking in Libya. According to the UN panel of experts, al-Bija's crimes include "directly participating in scuttling migrant boats with firearms". Though Al-Bija was arrested in October 2020, he was released in April 2021, "due to a lack of evidence" and has since regained his influence among the Zawiyah Coast Guard.

Al-Bija's cousin, Osama al-Kuni Ibrahim, is known as the *de facto* director of the Al-Nasr detention center in Zawiya, also called the "Osama prison". Despite the fact that it was for a long time under nominal DCIM control, the Al Nasr center has always been operated by the Al-Nasr Brigade and is now clearly under SSA control. This detention center works closely with the Zawiyah Coast Guard. After their interception at sea, migrants are taken to the center, where they are subjected to torture and extortion and where some are also sold to other detention sites, including Al Mayah detention center. In 2021, the UN also imposed sanctions on Osama al-Kuni for carrying out "horrific abuses" on migrants in Al-Nasr, including killings, sexual violence and beatings.

The Al Mayah detention center does not have a better reputation. On January 2022, the organization Libyan Crimes Watch published a report on the center describing deplorable conditions (including overcrowding, lack of ventilation, migrants forced to drink water from toilets and violence from guards). The report also confirmed that 3 Moroccan people were tortured and killed while they were detained in the redesigned pharmaceutical factory. According to testimonies collected by the UN experts, the prison's chief, Mohamed al-Kabouti, was personally involved in beating detainees.



Alarm Phone  
@alarm\_phone

We mourn the death of Samy, who died two days ago as a consequence of being tortured in a Libyan camp. Samy wanted to reach safety but was captured by the EU-funded Libyan militias at sea and forced back. Rest in power. We will not forget you. [@RefugeesinLibya](#)

On the 30<sup>th</sup> of March, several organizations denounced the death of Samy, who also died as a consequence of being tortured in Al Mayah after being intercepted at sea.

### A BODY WITHOUT ACCOUNTABILITY AT THE SERVICE OF THE EU'S DEADLY MIGRATION POLICIES

Although the links between the SSA and the European Union are still blurry, it is clear that the militia serves the interests of EU member states, fulfilling the main objective of their migration policies: to prevent migrants from reaching European shores at all costs. The SSA Coast Guard does not receive direct funding from the EU, as these funds are theoretically reserved for officially recognized partner authorities: the so-called Libyan Coast Guard and the GACS (Ministries of Defense and Interior).

However, this does not prevent the SSA from receiving European funds indirectly. According to a former head of the so-called Libyan Coast Guard anonymously interviewed by the Associated Press, the SSA indirectly draws money given by the EU, while being funded by the Tripoli based government. Amnesty international wrote in its report that *"the Government of National Unity's (GNU) 2021 proposed budget allocated 40 million LYD (8.9 million USD) to the SSA, of which 5 million LYD (1.1 million USD) was for payroll. Additional ad hoc payments also take place: in February 2022, GNU Prime Minister Abdelhamid Debibah authorized a payment of 132 million LYD (around \$28 million) to the SSA."* Since 2015, in a bid to stem migration along the central Mediterranean route, the European Union has given the government in Tripoli more than \$500 million.

In addition to this public funding, the SSA also benefits from illicit activities related to human trafficking, smuggling and extortion in the detention centers they control. As has been demonstrated for the so-called Libyan Coast Guard, the SSA receives funds both to organize boats to Europe and to intercept them. This link is particularly visible in Al Mayah, where migrants report going directly from the port of disembarkation to the

detention center before being forced to pay to be released and then potentially try their luck at sea again. Similar testimonies were collected regarding the Al Nasr detention center. UN agencies and other actors such as Médecins Sans Frontières do not have access to these detention centers, nor to the disembarkation port of Al Mayah, a lack of access which makes the SSA even less accountable for their criminal activities and ill-treatment of migrants.

As for the link between the SSA and the EU, another question arises: how is it that the SSA manages to intercept migrant boats when, theoretically, it does not have the surveillance resources made available by the EU through the Frontex agency and Irini military operation? The answer is likely to be found in the proximity between the Coast Guard of the oil refinery port in Zawiyah, which benefits from European support, and the local branch of the SSA. Close to both the Zawiyah Coast Guard and the SSA, Al-Bija and more broadly the Al-Nasr brigade may be the link between the EU and the SSA, having the ability to share Frontex data with the SSA in order to facilitate interceptions at sea.

A navy official interviewed by the Associated press confirmed that in Zawiyah, the Coast Guard unit *"virtually belongs to [SSA] and that it was "a separate unit in name only"*. Another naval official added that the SSA vessels were maintained by the navy, which benefits from EU funds and confirmed that the Apparatus has also become involved in the continual coordination between Libyan naval authorities and Frontex.

In spite of its criminal composition and recurring involvement in human rights violations, the SSA has risen to become one of the main forces carrying out EU border control policies. Unlike the Coast Guard and navy, the SSA reports directly to Libya's Tripoli-based presidential council and is not subject to EU and UN scrutiny. Whereas this scrutiny proved to be helpless (or simply not used by the EU) to prevent rights abuses, the total impunity enjoyed by the SSA is highly concerning.



It is of no doubt that the EU is also benefiting from the operational fragmentation of entities in charge of the maritime interceptions in Libya (between the so-called Libyan Coast Guard, the GACS and the SSA), at the expense of migrant rights. As emphasized by the UN Panel, “[d]ifficulties in identifying the appropriate Libyan maritime agency placed migrants and asylum seekers at a real risk of serious human rights violations and eroded prospects for accountability in relation to reported human rights violations”.

In recent months, the SSA has put a high level of effort into presenting itself as a reliable actor and acceptable partner on the national and international scene. On its website, the Apparatus displays its commitment to a united, secure and rights-respecting Libya. On the 20th of December 2021, the SSA also participated in the activities of the national symposium against torture held in Tripoli. Following a statement published by Amnesty International in May 2022 entitled “Libya: Hold Stability Support Authority militia leaders to account”, the SSA dismissed all allegations of abuses against migrants. Shortly before, the SSA had posted a video on Facebook purportedly shot in the Al Mayah center, showing smiling and relaxed migrants enjoying the many amenities offered by the center (treatment areas, a spacious dining room, a classroom for children, a gym ...). This colorful

atmosphere stands however in stark contrast to the painful testimonies of the people who have stayed in the center and the dozens of deaths which have been reported as taking place within its walls ...

Whether it is the SSA or the so-called Libyan Coast Guard, the Civil MRCC will continue to document and denounce violations committed at sea and on land by the militias which the EU entrusts with controlling its borders.

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***“Whether it is the SSA or the so-called Libyan Coast Guard, the Civil MRCC will continue to document and denounce violations committed at sea and on land by the militias which the EU entrusts with controlling its borders”***



Picture: SSA Facebook page, January 2022

# INTERVIEW

## "AMPLIFY VOICES OF THOSE WHO ARE CLOSE TO THE REALITY OF EVERYDAY BORDER VIOLENCE"



*Border Forensics is an agency mobilising innovative methods of spatial and visual analysis to investigate practices of border violence, wherever this violence might take place.*

**Website:** <https://www.borderforensics.org/>

***Can you explain firstly the approach and work of Border Forensics and the wider political frame, in which you are choosing your research projects?***

We are conducting visual and spatial investigations into practices of border violence. Our method is to combine different elements of established human rights work and research practices with new forms of remote sensing, data gathering, and visual research as well as trying new investigative-driven research methods. By working together with activists, non-governmental Organizations and migrant groups, our work tries to amplify voices of those who are close to the reality of everyday border violence with the aim to defend the dignity and rights of migrants and to foster mobility justice. Therefore, their experienced reality often becomes the starting point for our research and analysis.

***We remember from last years the important work of Forensic Oceanography. Do you continue in a similar approach and with the same methods?***

Whilst we obviously build upon the work that has been conducted by Forensic Oceanography over the past 10 years, Border Forensics broadens this approach to focus

on different forms of border violence that take place before, at and after what we normally refer to as the border: for instance the more imperceptible, yet not less damaging, forms of harassment affecting those racialized as migrants within European cities, or forms of neocolonial extraction such as the overfishing by industrial foreign fleets along the West African coast that has contributed to the “re-opening” of the so-called Atlantic route. In these past years, through the efforts of civil society actors in the central Mediterranean there is a stronger capacity to intervene, document and demand accountability for violations at the maritime frontier. This is obviously not the case for many other areas where border violence receives far less attention and continues to be perpetuated in all impunity.

***But you still and again keep one focus on the Mediterranean Sea and one of your projects is dedicated to Frontex air operations from Malta. Can you outline this research a bit more?***

Indeed, despite all the efforts mentioned earlier, the Mediterranean border remains one of the deadliest border zones in the world. Our current investigation will



*Border Forensics, Frontex drone based in Malta*



focus on what we see as the latest key development in this area: European states and agencies' attempt to create a network of almost constant aerial surveillance over the Central Mediterranean. Frontex in particular, through a series of private contractors, has been deploying a growing number of manned and unmanned surveillance aircrafts that allow the agency to spot departing migrants' boats close to the Libyan coast and inform the so-called Libyan Coast Guard very early on. This "invisible watchtower", as we have started to call it, has thus become a key cog in the pullback machine: it allows EU agencies and states to continue to monitor closely what is happening at sea, without the "risk" of becoming implicated in rescue operations with their naval assets.

***In this project you closely cooperate with Human Rights Watch. Do you follow a common idea of strategic litigation?***

We are two independent agencies with different approaches, size and mandate, but we think those differences can strengthen us mutually in the collaboration and we have worked with them already in the past in a very productive way.

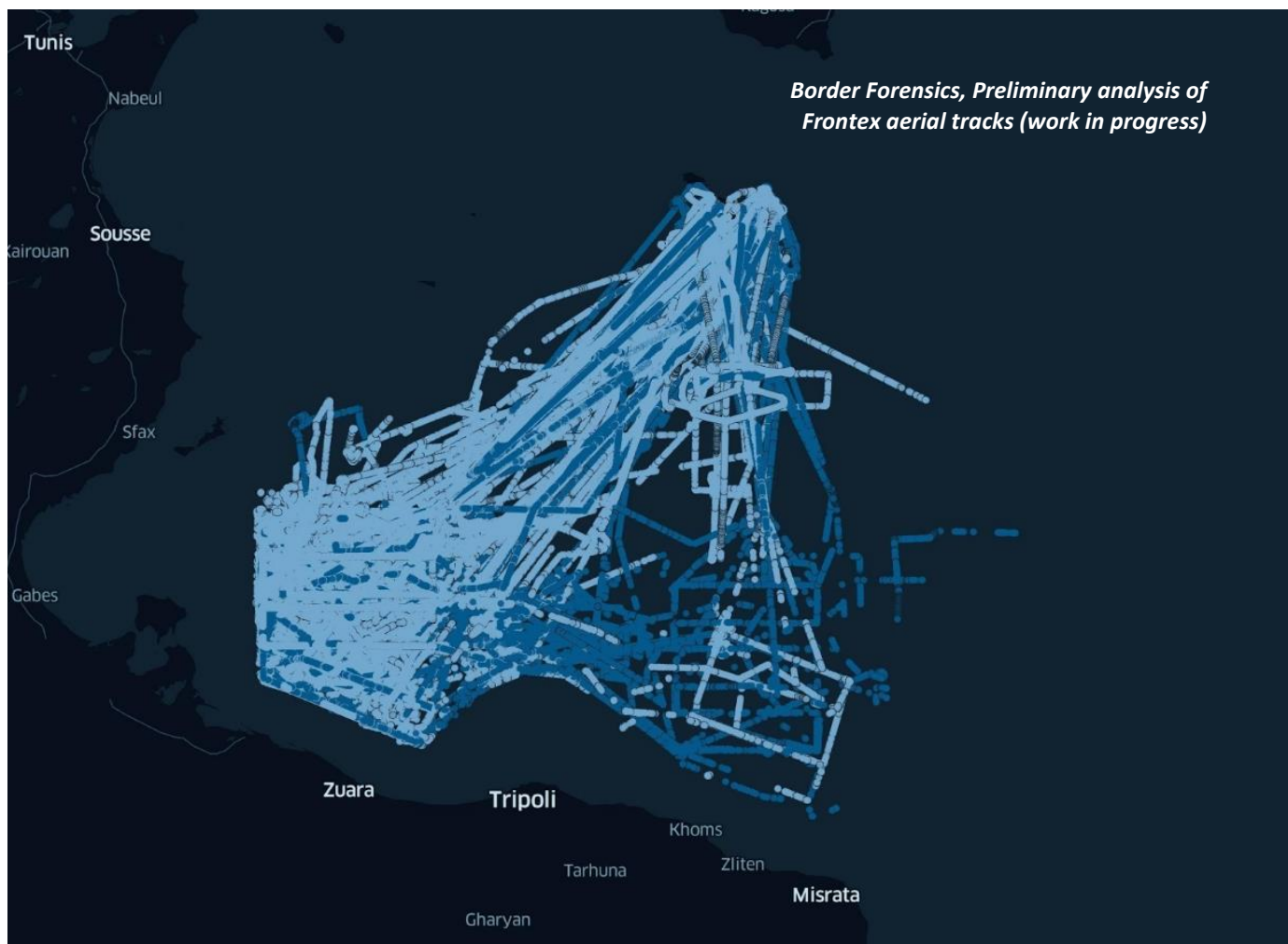
As for strategic litigation, this is not part of Human Rights Watch's mandate and is not therefore an objective of this joint project. This said, we as Border Forensics

understand this as only a first phase of a larger project on aerial surveillance, and thus we do hope that further down the line there will be chances to use some of the findings of our investigations into materials for legal initiatives targeting the role played by aerial surveillance in the pullback machine.

***In which way or ways do you see the best chance to intervene against or even to try to stop Frontex role in the push- and pull back regime in the Central Mediterranean?***

With this investigation we seek to re-tie back aerial surveillance to EU agencies and states' responsibility for rescuing migrants at sea, denouncing the practices that led to deaths at sea and pullbacks to the horrible detention conditions migrants face in Libya. In this way, we seek to contribute to the ongoing efforts by the many actors that both on land and at sea are trying to oppose this state of things, from the incredible protests by Refugees in Libya to the Civil Fleet.

As for previous projects, we hope that our investigation will contribute to this collective effort not only by revealing new aspects of European agencies' role, but also, as it has been the case in the past, to the development of new methods and tools of documentation and struggle



# LEGAL FRAGMENT\*

\* Report from the CMRCC legal team

## “A CONVICTION WOULD FORCE A CORRECT INTERPRETATION OF INTERNATIONAL RESCUE CONVENTIONS...”

### THE TRIAL OF THE LEFT-TO-DIE CASE OF THE 11<sup>TH</sup> OF OCTOBER 2013

On 3<sup>rd</sup> of October 2013 at least 366 people died near the coast of Lampedusa. The photos of endless coffins in the commemoration hall of the island went through the media worldwide and all politicians pretended to be affected. Cecilia Malmström, who at that time was the EU Commissioner for Home Affairs, concluded her speech in the 8th October press conference with the following sentence: „Let’s make sure that what happened in Lampedusa will be a wake-up call to increase solidarity and mutual support and to prevent similar tragedies in the future.“

Only a few days later, while the crocodile tears were not yet dried, the next big shipwreck happened again, just about 60 nautical miles south of Lampedusa in Maltese SAR-zone. It was the October 11 so-called 'children’s shipwreck', in which 268 people died after more than five hours of non-assistance from state authorities.

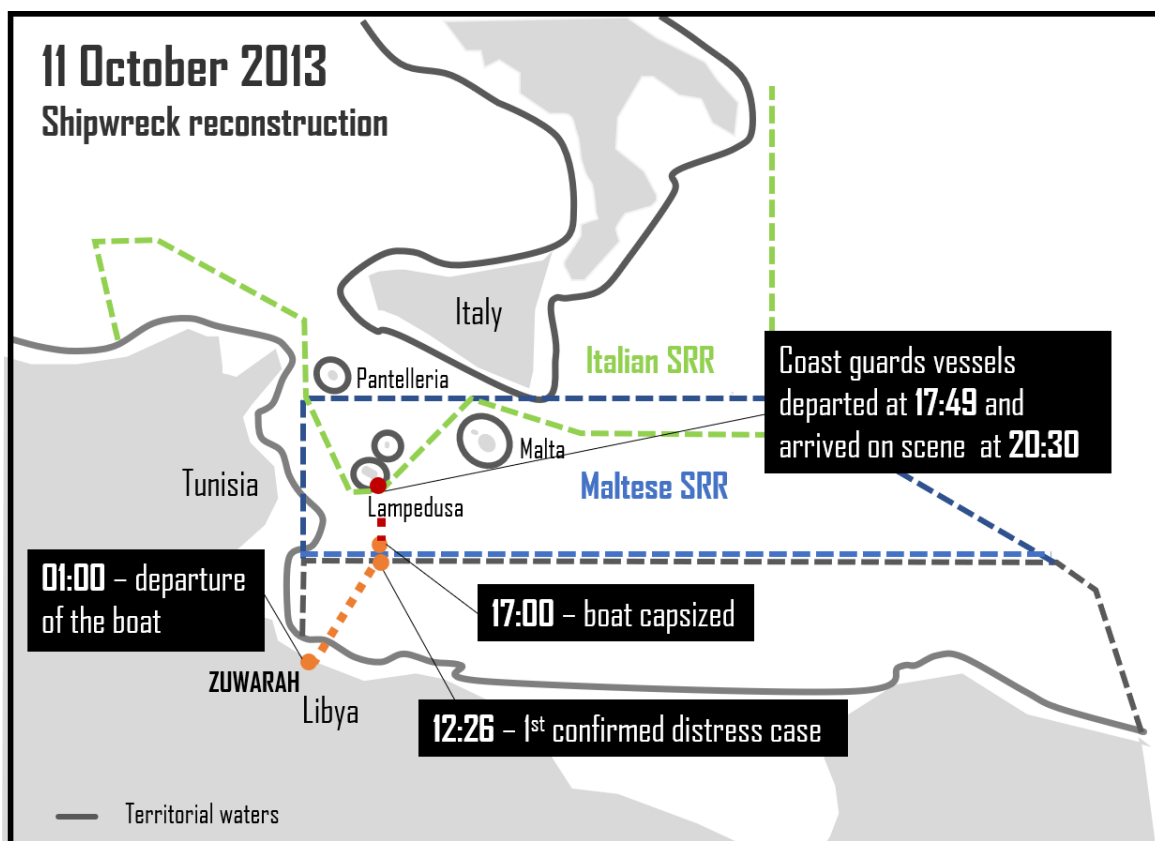
On October 10, a fishing boat with about 400 Syrian and Palestinian refugees on board had left from Zuwarah and shortly after, it had been attacked by a Libyan boat, which had punctured the hull with gunfire. On October 11, as reported by persons on board to the Italian Coast Guard, the boat was slowly moving but embarking water;

several injured people including two children were on board,

Nevertheless, no rescue operation was launched. Although being only 17 nautical miles from the ship in distress, the Italian Navy Libra Ship, was not allowed to intervene. In addition, it was required to hide itself, in order “not to be found on the Malta-Thuraya junction”, otherwise “those [the Maltese] would have put the engine out of action and turned back”.

It was only at 5.04 p.m., some five hours after the first call made by the people on board to the Italian Coast Guard, that the Libra ship received the order to proceed towards the target, and at 5.14 p.m., to do so “at the maximum allowed speed”, since a Maltese aircraft had sighted and reported the capsizing of the vessel.

Phone calls between the refugees on the boat in distress, the Italian Coast Guard and the Italian Navy, were found and made public by L'Espresso (Fabrizio Gatti). A case reconstruction was also made by Watch The Med (<https://watchthemed.net/reports/view/32>), which finally contributed to the foundation of the independent hotline project of Alarm Phone exactly one year after this horrible incident.



## INTERVIEW WITH ALESSANDRA BALLERINI:

**Alessandra Ballerini is the lawyer of some of the shipwreck survivors, who lost their relatives at sea and a civil party in the Rome trial.**

***Can you recapitulate briefly the history of the trial? Which interventions made it possible that high-ranking members of authorities were accused in front of the court?***

The first key element was the journalistic investigation by Fabrizio Gatti, who managed to reconstruct the exact chronology of events, thanks also to the testimony of the victims. A criminal report was first filed in Palermo and then in Agrigento. Investigations were ordered by the public prosecutor's office, which helped to acquire many useful elements to determine responsibilities for the shipwreck. The trial was then moved to Rome due to questions of jurisdiction. We had to oppose the various requests for archiving, but in the end the Judge for Preliminary Hearing (Gup) ordered the indictment against Manna (Italian Coast Guards) and Licciardi (Italian Navy) and the hearing in the Court of Assize in Rome was opened. About 30 hearings have been held and now we have reached to the final discussion.

***What are the concrete accusations?***

These are the charges in which the accusations are summarised:

— Luca Licciardi : charged with the offense referred to in Article 328, paragraph 1, of the Italian Criminal Code 'because - holding the rank of Captain of the Italian Navy as head of the current operations section of the CINCPNAV (Comando in Capo della Squadra Navale, Command in Chief of the Naval Squad) as a public official unduly refusing to perform an act of his office which, for reasons of public safety, should have been performed without delay, in particular, having received notice through the "I.M.R.C.C." of Rome that at 16.22 hours "M.R.C.C." of Malta (which had already taken over formal coordination of SAR operations) had expressly requested the use of the Italian Navy's *Libra* ship (as it was the closest vessel to the target) for rescue operations of an unstable boat overloaded with migrants located in international waters falling within the Maltese S.A.R. zone and which was in a dangerous situation (having been sighted by a Maltese aircraft), failed to give the order for immediate intervention at maximum speed to the above-mentioned naval unit, firstly ordering the *Libra* ship not to be informed, and subsequently, and in any case belatedly, at 17.04 to give the order to the *Libra* ship to proceed to verify the situation and provide assistance, and at 17.14 to proceed at maximum speed, reporting the capsizing of the vessel, in Rome on 11/10/2013.

— Leopoldo Manna : charged with the crime of Article 328 paragraph 1 of the Italian Criminal Code, "because - holding the rank of Captain of the Corps of Harbour Offices and the position of head of the 3rd office - operations centre of the General Command of the Harbour Offices, with duties of general coordination of the maritime rescue services, indicated, according to the International Convention on Search and Rescue at Sea - S.A.R. Convention adopted in Hamburg on 27/04/1979, as "I.M.R.C.C. (Italian Maritime Rescue Coordination Centre) - as a public official unduly refused to perform an act of his office which, for reasons of public safety, had to be carried out without delay (...see above) failed to give the order for immediate intervention at maximum speed to the above-mentioned naval unit, limiting itself to passing the information to the CINCPNAV of the Italian Navy, in Rome on 11/10/2013.

— Both (Luca Licciardi and Leopoldo Manna) charged with "the offense referred to in Articles. 113 - 589, paragraphs 1 and 3, because in cooperation with each other by failing to promptly give the order to steer the ship *Libra* at maximum speed, thus not allowing it to provide rescue in due time - they negligently caused the death of an unspecified number of people (26 corpses recovered and an estimate of over 200 missing persons) - including N. and M., sons of J. M.; R.C. and M., T., B, wife and children of M.D. - migrants who, traveling on board an overloaded and unstable boat, which left the Libyan coast the evening of the previous day, drowned at sea after the boat capsized, they did so due to general negligence (imprudence, inexperience and negligence) and specific negligence, due to the breach of legal obligations to intervene and rescue at sea, based on national (navigation code) and international provisions (UNCLOS Convention, SOLAS Convention, SAR Convention) In international waters of the Mediterranean Sea on 11/10/2013.

***When did the trial start and how did it go on?***

I filed a criminal report signed by the parents I represent a few months after the shipwreck. We had to oppose several archiving requests but in 2016 the criminal proceedings finally started. The trial that started in October 2021 suffered some pauses also because of the pandemic, but the thirty hearings were still held with some regularity.

***We understand that the LIBRA commander is not charged in this trial: could there be another trial for failure to assist or other charges against Pellegrino?***

Yes, the proceeding against *Libra* Commander Pellegrino has not been archived, thanks to our opposition to the Prosecutor's request to dismiss the case, and is still in the preliminary phase.

***Was the role of the Maltese Coast Guards a topic as well? If yes, does it mean anything for Malta?***

There was a lot of talk about the Maltese Coast Guard because the shipwreck occurred in Maltese SAR zone and the coordination was assumed by Malta. The defense of the defendants tried to shift the responsibility to Malta. But in this trial the only defendants are Licciardi (Navy) and Manna (Coast Guard).

***How was and is the media attention in Italy? And internationally?***

In the beginning it was very high, mainly thanks to the investigative journalism work carried out by journalist Fabrizio Gatti, without whom this process would probably not even have started. But as nine years have passed and there have unfortunately been many other shipwrecks, attention has definitely waned.

***What have been from your point of view the most remarkable events during the trial?***

Certainly the testimonies of the survivors and that of journalist Fabrizio Gatti!

***As the trial will come to an end probably within coming months: do you have estimation on the outcome or a certain expectation?***

Since I'm superstitious, I prefer not to express myself. This process absorbed our energies and continuously forced us into an exercise of heartbreaking empathy. The parents of the children who died in the shipwreck have been forced to remember and recount the drama of those hours. I believe that a verdict establishing responsibility for those deaths, after nine years, is the least they can achieve. We hope that the defendants will

not dare, in order to evade judgment and responsibility, to raise pitiful statute of limitations issues.

***In case of a sentence, what would be the consequences? Individually for the victims, but also politically for state authorities?***

Victims could obtain compensation. Politically, a conviction would force a correct interpretation of international rescue conventions regarding the proper care and immediate rescue that must be given to any vessel in distress or better still, in presumed danger, because it is overloaded, unstable, damaged, with many passengers on board and among them children. A conviction would make it more difficult in the future to shift responsibility between states and would sanction the duty of immediate rescue (irrespective of the area in which the vessel in distress is located) as well as that of cooperation between Coast Guards of different countries.

***The verdict is only coming after the election of a new extreme right-wing government... do you think it will influence the decision making? Or vice versa: can we really expect a clear independence of the legislative from the executive power?***

Italians who are sensitive to human rights were very concerned about the outcome of these elections. The parties who won the elections are the same ones that spoke of an unlikely "naval blockade". However, we believe in the separation of powers, the foundation of any democracy, and we do not think that the victory of the right-wing coalition should influence the decision of the judiciary.

***Thank you very much for this interview!***

## **CONCLUDING REMARKS AND THE COMING DECISION: WHAT IS AT STAKE?**

On the 27th of January 2021, the UN Human Rights Committee ruled on the case and affirmed Italy's and Malta's responsibility for the violation of the right to life of the 268 shipwrecked people, including over 60 children. In spite thereof, this responsibility is still being discussed in current proceedings in Rome, as was the case during the last hearing on the 4th of October 2022. After "redefining the perimeter" of the judge's decision, the Rome Public Prosecutor's Office asked for full acquittal of the defendants because "the fact does not exist".

In particular, while redefining the outline of the judge's decision, the Prosecutor placed emphasis on traffickers and smugglers as "the true responsible", as well as refugees themselves, who should have not put their lives in danger by choosing irregular migration pathways. Despite more than 5 hours of non-intervention, the

Prosecutor decided to look only into the 40-minute window (from 16:22 to 17:04) i.e. from the official fax sent by Malta to the Italian MRCC until the order to the Libra ship to go to the target. Consequently, the Prosecutor concluded that "there had been no delay, and indeed, the officers had acted in advance". The defendants' lawyers went even further, arguing that the event in question was not a SAR event and thus, the people were not in distress.

In view of this (dangerous) alignment between prosecution and defense, 8 November is the date set for the next hearing, at which the judge after further hearing the defense is expected to issue a decision.

What is at stake goes far beyond the assessment of the criminal liability of the defendants. At stake is the possibility of shipwreck survivors to speak out through legal channels demanding truth and justice. At stake is

also the possible reconstruction of the complex legislation on search and rescue. Starting from the single event, going for the first time to clarify what circumstances constitute a SAR event, what elements contribute to defining the 'danger' of a vessel in the Mediterranean Sea, and what those duties of rescue and cooperation between coastal states, well-enshrined in the International Conventions on the Law of the Sea, may consist of in practice. Additionally, the whole mainstream narrative about sea-crossing and death at sea is at stake: while defendants' lawyers keep highlighting the responsibility of shipwrecked persons

for the loss of their own and their relatives' lives, this trial is an opportunity to overthrow this narrative, to put the accent on the lack of safe and regular pathways to seek asylum, and to fill, at least for once, the gap concerning state accountability for deaths at sea.

At a historical and political moment, when people continue to die at sea every day, despite the fact that the competent authorities are often informed, the relevance of this procedure seems clear. Not only from a legal point of view, but also from a cultural and political one, so that people no longer die of non-assistance.



Picture: Lampedusa, Alarm Phone

# CRIMINALIZATION

## IUVENTA TRIAL: CRIMES OF SOLIDARITY

**Notes from Trapani:** *During 2016 / 2017, the rescue ship iuventa was part of the civil fleet. It was a practical political intervention in response to the EU's left-to-die policy. As a response to her contribution to rescuing more than 14,000 of people from drowning in the central Mediterranean Sea, the Italian state launched an extensive investigation, which included undercover operatives, wire-tapping of phones, ships and houses and also the surveillance of journalists, lawyers and clergy.*

*These investigations became internationally known in August 2017, when they led to the seizure of the iuventa and escalated again in 2021, when charges for "facilitation of unauthorised entry into Italy" were brought against 21 individuals, crew members of 3 rescue vessels (iuventa, STC, MSF), and a shipping company (VROON). The prosecution alleges that these rescue operations were neither carried out in response to distress at sea nor to save people from suffering and certain death. They claim to have evidence that proves direct collaboration with smugglers and direct transfers at sea, with the sole intention of facilitating the entry of people into Italy.*

### PART ONE - MISSING COURAGE

On the 21<sup>th</sup> of May 2022, we finally faced our accusers in a preliminary hearing at the Court of Trapani, where we had to learn that the judge did not show the necessary civil courage to stop the proceedings. 5 years after the seizure of the vessel, there was no intention to deal with the core of the matter – the urgent conclusion that sea rescue and other forms of facilitation of flight cannot be a crime because flight and migration are not a crime. Not a single word was said about the long overdue and urgent release of the confiscated rescue equipment or even the rehabilitation of the defendants and their cause. It was exclusively about cleaning up the sloppy work of the investigating authorities and the public prosecutor's office in order to finally let the trial start.

The same prosecution that had successfully coordinated five different police agencies, including anti-mafia units and intelligence services, to disable an urgently-needed rescue ship, failed when it came to justifying why it had done so. They even failed – or just didn't care - to inform

all us defendants about our own charges, which will not only keep us trapped in an absurd court case for several years, but could end with up to 20 years in prison.

Nevertheless, we have achieved small "successes" over the past months. Pushing legal boundaries: A group of international trial observers, who were initially denied access to the first trial, are now allowed to monitor the upcoming hearings. We see them as an important agency of civil society. They will observe and report, making relevant processes visible and thus laying the basis for assessments, evaluations and interventions.

**Wave of solidarity:** Despite state repression, there were incredibly uplifting moments in the public space! We defendants were not alone! Support groups from all over Europe were called for solidarity on the ground on the day of the first hearing - a rally in front of the court as well as actions and demonstrations in many European cities took place. All over, there were people linking their struggles to the iuventa case and relating to its experiences, thereby showing that the fight for solidarity at sea is not isolated, that it has its roots in many different realities of resistance!

### PART TWO - THEY ARE IN NO HURRY, THEY COULDN'T CARE LESS.

29<sup>th</sup> of October 2022: We are back in Trapani, and once again a hearing had to be postponed ... and not because of unexpected occurrences, the lacks of new findings, or

even a change in the policy of criminalisation of solidarity - no, once again a defendant was not properly invited to a meeting relevant to the proceedings, once again the sloppiness and ignorance of the public prosecutor's office led to a delay of the trial. This is how easy it is to keep a trial alive, at least for the sake of maintaining the chilling effect on society.

However, while we have to grapple with the accuracy of postmarks, names and addresses, at least we can move freely, organise and fight back. But countless people on the move have to wait in prisons for their trials to be conducted. According to the recent report "From Sea to Prison" by ARCI Porco Rosso, Alarm Phone and

borderline-europe, Italian police have arrested more than 2.500 people on charges "facilitating unauthorised entry" since 2013. The report "Incarcerating the marginalized" by Aegean Migrant Solidarity, Deportation Monitoring Aegean and borderline-europe, shows how people on the move charged of "facilitating irregular migration", estimated at 1.900 in 2019, spend months in pre-trial detention; and when their case eventually goes to trial, the conviction is determined in very short procedures (the average duration is 38 minutes). The majority of defendants are convicted and sentenced to life imprisonment (the average sentence 48 years).

They who had to flee or to migrate themselves, they who survived the so often deadly crossing and this time were lucky enough to slip through the push-back-by-proxy machinery. They are the real people behind the "success figures" of the authorities' fight against smugglers. The accusations are just as bogus, the hearings just as absurd as ours. But they have to wait behind bars for a guilty verdict that was actually handed down long before they were arrested. They have to serve as scapegoats for the deadly EU border regime, while the only responsible is instead the EU, unwilling to offer legal and safe pathways. They just disappear behind the official statistics ... just like those who lose their lives in the Mediterranean mass grave.

### PART THREE - #NOTRANSATIONNOJUSTICE!

Today, we are experiencing another facet of class justice, whose impact the most marginalised, but is an attack on all of us: The denial of adequate translation and substantial interpretation. This is a hurdle that foreign language speakers face, as their right to effective participation in their own proceedings is systematically denied by authorities - from the first contact with police up to the prosecutors and judges.

Today, an interrogation of one of our defendants could not even enter into the merits of the case and had to be stopped after a few minutes. The quality of the

interpretation was completely inadequate to clarify essential questions in a criminal case that could potentially end with up to 20 years imprisonment and fines in the millions. The interpreter, although officially registered, lacked even basic legal vocabulary. Our defence criticised the quality of the translation. The answer: "We have looked everywhere but have not found anyone who wants to do this job, the pay is simply too bad".

While we, the iuventa defendants are in a privileged position that guarantees us strong legal support and the necessary socio-economic means to make the violation of our rights public, this is not the case for the majority of foreign defendants. If a qualified interpreter can't be found for an EU language such as German, the situation is even worse in cases where the accused speaks a non-European one. People on the move in particular, have been convicted in their thousands in Italy in recent years for "aiding and abetting unauthorised entry", based on witness statements, signed documents and court hearings where adequate translations and interpreters have systematically not been provided.

This is not only a systematic violation of a basic right granted in the European directive "EU law (dr 2010/64)". This is to be understood as another facet of EU's lawfare against people on the move, and another wall of Fortress Europe against which people are supposed to fail. That is why we must and will continue. Even louder, even more resolute. We have to show that our Solidarity And Resistance will not be intimidated.

We are launching a campaign, calling on others to share their experiences under the hashtag #NoTranslationNoJustice in order to show the extent and manifold effects!

*iuventa-crew*



Website: [www.iuventa-crew.org](http://www.iuventa-crew.org)

Socialmedia: iuventacrew

Picture: 21.05.2022, solidarity in front of the court, @iuventa, 2017



## EL HIBLU 3 – OPEN LETTER

The prosecution against the El Hiblu 3 rests its case. That means that the court has finished hearing testimonies in the pre-trial period and the Attorney General will soon decide which charges to bring against the El Hiblu 3. We are demanding once again that authorities drop all charges against Abdalla, Amara and Kader! Below is the open letter signed by more than 1000 organizations and individuals and published on the 2nd of October 2022.

*Dear Attorney General Dr Victoria Buttigieg,*

*On 28 March 2019, the merchant vessel El Hiblu 1 arrived in Malta. Three teenagers were arrested and accused of having committed multiple crimes, including acts of terrorism, threatening a crew and hijacking a ship. Amara, Kader, and Abdalla – aged 15,16, and 19 at the time – were imprisoned for almost eight months before being released on bail in November 2019.*

*In the days prior to their arrival in Malta, they had helped to defuse a volatile situation at sea. Together with 105 other people, they were rescued by the crew of an oil tanker, the El Hiblu 1, which attempted to return them to Libya. When the migrants recognised the Libyan shore, they protested, some saying they would rather throw themselves overboard than return to the country they had fled. Abdalla, Amara, and Kader intervened and calmed the situation. They acted as translators and mediators between scared passengers and a scared crew.*

*Since they were released on bail, Abdalla, Amara, and Kader, known collectively as the El Hiblu 3, have had to register at the police station every day and attend monthly hearings in the Maltese law courts. At these hearings, police and military officials, as well as the crew members of the merchant vessel were promptly given the*

*opportunity to testify. Yet, it took the Maltese prosecution two years to ask any of the rescued witnesses to testify. These critical testimonies have recently confirmed what we knew: Abdalla, Amara, and Kader did not commit any crimes!*

*As the El Hiblu 3 pre-trial hearings come to a close, the Attorney General must now decide which charges to bring against the three young men. We thus reiterate our demand that all charges be dropped and the trial be dismissed immediately.*

*Instead of being prosecuted, the El Hiblu 3 should be celebrated for their actions in preventing the return of 108 people to Libya.*

*Resisting illegal push-backs to Libya is not a crime! Stop this injustice! Dismiss the trial in Malta immediately! Free the El Hiblu 3!*

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**Website:** <https://elhiblu3.info>





# MOBILIZATIONS

## COMMEMORATION IN ZARZIS, SEPTEMBER 2022

Organised by the families of the disappeared and supporters, a CommemorAction took place in Zarzis, Tunisia, from the 3rd to 6th of September 2022. Ten years earlier, on 6 September 2012, a boat with about 130 people from the Tunisian region of Sfax had capsized near Lampione, close to Lampedusa – only 56 people survived.

On the tenth anniversary of this disaster, over 100 people came together in Zarzis: families of the disappeared from different countries in Africa, local fishermen, members of Tunisian and international associations and activist networks. Over four days, workshops were held where the families reported on their determined struggles to find answers and exchanged with solidarity activists from Senegal, Morocco, Niger, as well as different European countries about possibilities to continue the search for the missing.

One of the mothers of the disappeared, Fatma Kasroui, said: “I hope we can make you listen to our voices. We are tired, we are old, we just need the truth. We hope that there will be no borders anymore and that our Haragas do not need to go to the sea anymore.” One of the fishermen present spoke about their experience of rescuing people in distress for over twenty years: “We don’t care who the people are we rescue. We don’t give passports to people. We see people drowning and we go and rescue.”

After three days of workshops, the families led a powerful demonstration through the city of Zarzis to the seaside and the local harbour. Speeches were held,

flowers were laid into the sea, the missing and the dead were collectively remembered.

When learning about the CommemorAction in Zarzis, Vincent Cochetel, the UNHCR’s special envoy for the Western and Central Mediterranean responded by writing: “Grieving for the loss. But the same mothers had no problem encouraging or funding their children to embark on those dangerous journeys. Like in Senegal, symbolically prosecuting parents for putting at risk their children could trigger serious attitudinal change on death journeys.” This scandalous comment, which blamed mourning mothers and even called for their criminalisation caused outrage among the families of the disappeared and supporters.

In a statement, several mothers and sisters of the disappeared responded and called for Mr Cochetel’s resignation. Jalila Taamallah, for example, noted: “It is the visa and border system that has put migrants in danger, not their mothers. It is the fault of migration policies that cause the deaths of people crossing the Mediterranean. Therefore, we will continue to participate in the demonstrations for freedom of movement. You can’t kill our demand for truth and justice.”

Nourhene Khenissi, the sister of a disappeared person, said: “Before attacking the mothers of the disappeared, it would have been better if you had criticised the Tunisian and Italian states, especially the European Union, because it is the first and last cause of all these tragedies. And know that freedom of movement and traveling is a right for every human being.”

Picture: Sam photography



## ZARZIS WANTS THE TRUTH!

On 21 September 2022, two women, a one-year-old infant, and 15 other people, the oldest of whom was a 25 years old, embarked on a journey from the coast of Zarzis. Having no news of them, two days after their departure, the families alerted the Tunisian, Italian and Maltese authorities and the civil search and rescue fleet.

In response to the passivity of the national authorities, following demands of the inhabitants of Zarzis to begin search and rescue operations, the Association of Fishermen undertook five autonomous search operations.

On 2 October, the shipwreck was confirmed. The body of a woman, Malek, was washed up on the beach of Djerba. The photos of other corpses which had arrived along the Tunisian coast began to be shared. During this time, some of the bodies would be buried in the Zarzis Cemetery without the authorities having first undertaken DNA tests, also the corpse of a young girl was (mis-)identified as an "unknown marine animal". Without DNA testing, many families were unable to give their loved ones a dignified burial.



*Pictures: Felici Rosa*

On 12 October, also the fears of the family of one of the missing, Aymen, were confirmed. The family thought that they had recognised their loved one thanks to the clothes that he was wearing - his identification was confirmed by a DNA test after exhuming his body. On that day, seven bodies were identified.



After several days, the city of Zarzis was shaken by the protests of the families and those in solidarity with them. Under the slogan "Zarzis wants the truth", the people of the city entered a general strike called by civil society associations, led by the Tunisian General Labor Union and the Association of Fishermen. In protest marches and sit-ins, protestors demanded the truth about the disappearance of the bodies of their fellow citizens. They also condemned the unwritten law, according to which bodies found at sea are buried without inviting families to identify them or to carry out any DNA identification.

These protests in Zarzis also highlight the suffering that Europe's externalised borders produce in Tunisia and elsewhere in the 'Global South'.

Without safe routes to migrate, people have to continue to cross the Mediterranean Sea on precarious boats like the one that sank with the 18 individuals from Zarzis.

# UNHCR CAMPAIGN: FROM TRIPOLI TO GENEVA, AMPLIFY THE VOICES OF REFUGEES IN LIBYA!

Call for Protest - Sit In - Demonstration In front of the Headquarter of UNHCR 9th & 10th of December 2022



One year ago, **thousands of refugees** had been protesting for more than **100 days in front of the UNHCR office in Tripoli**: an historical act of self-organization under the harshest conditions.

They demanded:

- evacuations to safe countries;
- fair treatment by UNHCR Libya for all refugees;
- an end of the financing of the so-called Libyan Coast Guard and detention camps by the EU and European countries;
- justice for those who have been murdered, tortured and arbitrarily detained;
- Libya to sign the 1951 Geneva Refugee Convention

The protesters were threatened and attacked and still held up their demands. Even though **the sit-in was brutally dismantled and hundreds of protesters imprisoned on January 10th 2022**, they neither gave up the political fight nor their hope. **The demands still prevail and the struggles continue in various different forms.**

The High Commissioner of Refugees is mandated to ensure the international protection of uprooted people worldwide - in Libya though, refugees are neglected by UNHCR, protection is refused and evacuation denied. **Refugees in Libya and other countries in North Africa experience unfair treatment** instead.

Until today, thousands of people are stranded, exploited, imprisoned and killed in Libya thanks to European money and with UNHCR passively watching. This is why the protests must continue - not only in Libya, but also in front of the UN in Geneva.

Against this background **we call for two days of action in Geneva, directly in front of the UNHCR Headquarter** and in reference to the **International Human Rights Day (December 10)**.

We will start the protests the day before, on the **9th of December, at 10.00 am CET** with a **press conference and a following sit-in**, which will last for at least 24 hours. The main speeches will be held from spokespersons of Refugees in Libya, who partly could reach Europe in the meanwhile. We will organize a 24-hour program of protest and information about the situation and struggles of refugees and migrants in North Africa.

Next day, **10th of December**, we call for a **demonstration**, which will start at **13:00 CET** with another gathering in front of the UNHCR building (Rue de Montbrillant 94).

We invite all organisations, groups and individuals in solidarity with the demands of Refugees in Libya to join this mobilization to Geneva and to amplify the voices of Refugees in Libya.

## HELP US TO SPREAD THIS CALL!

Organize cars and buses from your cities in Switzerland and all over Europe to come for two days to Geneva or at least for the demonstration on Saturday!

In the frame of the mobilization to the headquarter of UNHCR a new website will start in November under the name of <https://unfairagency.org>. It will contain critical research on the role and work of UNHCR in Libya and also in other north-African countries. But it will mainly document the testimonies of refugees with their concrete experiences of UNFAIR treatment by UNHCR in Tripoli. Let's amplify these voices!

## SOLIDARITY WILL WIN!

Organized by the Transnational Network "**Solidarity with Refugees in Libya**"



Contact: [solidaritywithrefugeesinlibya@riseup.net](mailto:solidaritywithrefugeesinlibya@riseup.net)

[www.refugeesinlibya.org](http://www.refugeesinlibya.org)

# STOP THE ITALY - LIBYA MEMORANDUM!

On the 15<sup>th</sup> of October, activists from Mediterranea Saving Humans and other NGOs gathered in front of the Italy-Libya Chamber of Commerce offices to carry out an action and demand a stop to the renewal of the memorandum with Libya. Many demonstrations were organized across Europe.

Another gathering was organized in Rome on the 26<sup>th</sup> of October. Over 40 civil society organisations promoted this initiative characterised by a counter-information campaign on the nature and consequences of the pact with Libya, signed by the "centre-left" Italian government in 2017 and thereafter confirmed by successive parliaments and governments. In November 2022, this agreement was renewed for another 3 years, feeding a system of exploitation, extortion and abuse in which so many migrants find themselves trapped.

The day was divided into two moments: a public press conference near the parliament building, and a presence

in Piazza dell'Esquilino, in the centre of Rome. The denunciation of the truly 'criminal' nature of the memorandum, which over the past five years has caused death and suffering to thousands of people imprisoned in camps in Libya, or left to die at sea, was accompanied by the relaunch of the practices of reception and civil rescue at sea. Many speeches took place in the square, including one by David Yambio, one of the spokesmen of "Refugees in Libya".

The demonstrators asked to revoke the Memorandum of Understanding with Libya; to immediately stop all funding and collaboration with the militias that animate the so-called Libyan Coast Guard; to restore an Italian and European search and rescue mission in the central Mediterranean; to block trade agreements with Libya under conditions of violation of human rights; to facilitate in every way the evacuation of refugees from Libya through legal and safe channels of entry into Europe.



## CONTACTS

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