



Civil MRCC

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

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N°1

July-August
2022



ECHOES

From the Central Mediterranean

Joe Rabe/Sea-eye.org, Picture of a boat in distress and life raft deployed (taken by the crew of the merchant vessel Berlin Express), May 2022

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"IT MAKES A DIFFERENCE!"

Civil Maritime Rescue Coordination Center (CMRCC): this is not a future idea or a long-term vision. No, it is already a daily practice!

Since the end of Mare Nostrum, the Maltese and Italian MRCCs and Coast Guards became more and more dysfunctional for persons in distress, who had departed from Libya or Tunisia. The people on the move regularly experience non-assistance or even pushbacks as consequences of European racist migration policies.

Civil fleet actors had to fulfill the gap left by authorities in the international areas of Libyan and Maltese search and rescue zones. The Alarm Phone hotline, which is working 24/7, found itself more and more often in a role as communication center for rescue coordination.

From the 1st of January until the 30th of June 2022:

- Over 20.000 people arrived in Italy, a large part of which **autonomously**
- **5.378** people were **rescued by the civil fleet** from **84 boats** in distress (*CMRCC figures*)
- 9.973 people were **pushed back** to Libya, and 777 people **died** or are reported **missing** (*IOM figures*)

ABOUT THE CIVIL MRCC

The Civil Maritime Rescue Coordination Centre (CMRCC) is a coordination and documentation platform for people in distress in the Central Mediterranean Sea.

WHY A CMRCC?

With about 20.000 missing migrants since 2014, the Central Mediterranean Sea is among the world's deadliest borders. Deaths in this area are not accidental. They are the result of policies, actions and omissions supported and carried out by the European Union and European Member States.

The aim of the "border externalization" is clear: no one should cross the Mediterranean. And to that end, the EU and its Member States cooperate and outsource their duties to third countries, despite these being not safe.

Over the past few years, the entire responsibility for rescuing/intercepting people in the Central Mediterranean has been delegated to Libya and Tunisia. However, the two countries do not only lack the capacity to carry out this responsibility, but also, above all, cannot offer a safe place for disembarkation, as required by law. In Libya, people face imprisonment, torture, exploitation and violence.

Even though many decide or are forced to risk their lives crossing the Central Mediterranean Sea to seek safety in Europe, rather than ensuring safe passage, the EU has set up a large-scale system of forcible returns to Libya and Tunisia (cf. "Analysis" on p.10).

Consequently, EU maritime authorities and Coast Guards have become increasingly dysfunctional in the region, adopting a practice of systematic omissions, delayed intervention and facilitation of forcible returns, in violation of the laws of the sea and international human rights conventions. In this context, the CMRCC was founded to ensure the rescue of people in distress at sea and their disembarkation in a Place of Safety, in full compliance with the rules of international law.

WHAT DOES THE CMRCC DO?

In light of the necessity to fill the guilty void left by authorities in international waters between Libya and Europe, the CMRCC:

- Endeavors to hold coastal states accountable for their duty to coordinate search and rescue activities in compliance with human rights principles, and to support ship-masters engaged in sea rescue operations,

- Facilitates and improves an effective cooperation and communication between the different non-state actors engaged in Search and Rescue (SAR) operations at sea,
- Gathers data and information on cases of distress in the Central Mediterranean area, in order to raise public awareness and support advocacy efforts and research.

The presence of civil society at sea is necessary to monitor and document human rights violations and to avoid the continuous loss of life which is the result of restrictive European migration policies and the failure to uphold SAR principles. The CMRCC provides the necessary infrastructure empowering civil actors to deliver assistance at sea, upholding the rule of law against irresponsible and cynical State practices.

WHO IS THE CMRCC?

The CMRCC is a network of different non-governmental actors and individuals with SAR experience in the Mediterranean. It is, therefore, not an actor itself, but a fluid, constantly growing network of solidarity. The project is self-organized and the infrastructure is provided by all actors involved.

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 4.000 boats in danger since 2014.

The CMRCC aims to contribute to create a solidarity network in support of people on the move and commits to ensure assistance at sea while protecting international law.



Website: <https://civilmrcc.eu>

IT MAKES A DIFFERENCE!

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

The following part 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.



MAY 2022

May was a very busy month for Alarm Phone (AP) and the Civil Fleet. The CMRCC learned about 118 boats in total that left from Libya in May. 12 of the boats AP was in contact with were illegally intercepted by the EU-funded so-called Libyan Coast Guard (LCG).

AP knew of 26 more pushbacks to Libya, two of them by the SSA, a Libyan militia, and of one to Tunisia. One boat that had informed AP before from Benghazi was rescued by the Italian Coast Guard, another one was monitored by a merchant vessel and finally brought to Malta. A boat that had left from Tobruk was rescued to Greece. 8 boats that alerted AP arrived in Lampedusa on their own. In total, the CMRCC heard

about 32 boats from Libya and 35 boats from Tunisia that reached this island autonomously in May.

NGO vessels (Sea Eye 4, Geo Barents, Ocean Viking, Astral and Nadir) rescued 16 boats in distress. 14 of them had called the AP before, which informed the relevant NGOs and authorities. One case involving AP was transshipped from a merchant vessel to the Sea-Eye 4, since the NGO asset was in particular better equipped than the merchant vessel.

One boat which was in contact with AP shipwrecked and one person died, where 75 went missing.

6 May Alarm Phone is contacted by 34 people in distress and alerts the competent authorities (1).

8 May Two days after Alarm Phone alerted for 34 people in distress off Libya, the people are rescued by a merchant Vessel and are later on the 9th of May transshipped onto the NGO vessel Sea-Eye 4 (Sea Eye) (2).

9 May Geo Barents (MSF) finds and rescues 2 overcrowded rubber boats (204 people) of which one called Alarm Phone.

10 May After 3 more alerts from Alarm Phone and with aerial support of Pilotes Volontaires, Geo Barents rescues 171 people from 3 different boats.

11 May The aircraft operated by Pilotes Volontaires, Colibri 2 finds a boat with 67 people in distress and informs the authorities and Geo Barents, which rescued them (3).

12 May Alarm Phone forwards a distress call from 29 people in an unseaworthy wooden boat and Geo Barents rescues the group.

13 May In a cooperation with a Merchant Vessel, Sea Eye 4 rescues 24 people fleeing Libya after an Alarm Phone alert. The people were at sea for several days already.

19 May The crew of Ocean Viking (SOS Méditerranée) rescues 158 survivors from 2 unseaworthy & overloaded rubber boats in the Libyan Search & Rescue Region.

22 May Nadir (RESQSHIP) finds 75 people on a rubber boat. They stabilize the boat and take care of the people until Ocean Viking arrives and takes the people on board.

24 May The sailing vessel Astral (Open Arms) follows an alert from Alarm Phone and provides assistance to 64 persons in distress.

25 May The two sailing vessels Nadir and Astral rescue 110 people in a joint operation. Alarm Phone informed them about the distress case (4) – case detailed on p.9.

30 May Nadir assists a boat in distress, alerted by Alarm Phone, until the new fast asset Aurora (Sea Watch) arrives and performs its first rescue of 86 people.

1

Alarm Phone
@alarm_phone

SOS ~34 ppl in distress off #Benghazi!
Alarmphone is in contact with a boat in distress off #Libya. People are asking for help due to strong wind & waves. We alerted authorities & ask for immediate rescue as the boat is in danger of capsizing due to difficult weather conditions!

8:53 PM · May 6, 2022 · Twitter for Android

4

RESQSHIP
@resqship

SOS im zentralen Mittelmeer! Die Besatzungen von #Nadir und #Astral brauchen dringend Hilfe.

Kurz vor Mitternacht fand die #Nadir ein völlig überfülltes Holzboot mit 110 Menschen an Bord. (1/3)

Open Arms and 9 others

8:27 AM · May 25, 2022 · Twitter Web App

2

sea-eye
@seeeyeorg

Am Freitagabend meldete @alarm_phone einen Seenotfall in internationalen Gewässern, nördlich von Benghazi. Das Containerschiff BERLIN EXPRESS war als erstes am Unglücksort und fand ein Schlauchboot mit 34 Menschen. 1/

2-4: @joe_rabe_

9:17 AM · May 9, 2022 · Twitter for iPhone

3

Pilotes Volontaires
@PVolontaires

Hier, 11/05, sauvetage de 67 personnes. Hier, nous avons repéré une embarcation à la dérive à près de 100kms des côtes italiennes, avec à son bord 67 personnes. L'embarcation penchait dangereusement d'un côté et aurait pu chavirer à n'importe quel instant. 1/4

9:41 PM · May 12, 2022 · Twitter Web App



JUNE 2022

The CMRCC heard of 167 boats which have left Libya in June. 22 boats which alerted Alarm Phone were rescued by NGO vessels (Sea Watch 3, Sea Watch 4, Mare Jonio, Imara, Sea Eye 4, Aita Mari, Nadir, Louise Michel, Ocean Viking, Geo Barents) while 13 boats were intercepted by the so-called Libyan Coast Guard.

In total the CMRCC knows of 34 boats from Libya and 77 boats from Tunisia which arrived autonomously to Lampedusa. One boat was rescued by a merchant vessel.

- 2 June** Following an alert shared to authorities and the NGO by **Alarm Phone**, the **Sea Watch 3** rescues 49 persons in distress and later, a boat with 25 persons in distress
- 3 June** **Sea Watch 3** rescues 99 people which called **Alarm Phone** and spots another distress case of 49 people.
- 5 June** The NGO vessels **Sea Watch 3** and **Mare Jonio (Mediterranea - Saving Humans)** follow an **Alarm Phone** alert and manage to rescue 85 people together. Mare Jonio, directly after, rescues another boat in distress. The so-called LCG tries unsuccessfully to hinder the rescue operation (*case detailed on p.9*).
- 6 June** The sailing Vessel **Imara (r42)** finds 63 people in distress (5), informs the authorities and NGOs, stabilizes the situation and assists the persons until the **Mare Jonio** arrives on scene and rescues the persons. The survivors a few days later publish a mourning message for the young Mohammed who died in the Libyan detention center of Ain Zara (6).
- 9 June** After several days waiting in front of the Italian coast, the **Sea-Watch 3** and **Mare Jonio** are allowed ashore in Pozzallo.
- 13 June** **Sea Eye 4** rescues 63 people who called **Alarm Phone** for help after having departed Abu Kammash, Western Libya.
- 14 June** **Aita Mari (Salvamento Maritimo Humanitario)** rescues 11 persons in distress who reached out to **Alarm Phone**, which informed the authorities and the NGO vessel.
- 15 June** **Seabird 1** from **Sea Watch 's Airborne Operations** spots 70 people in distress and informs the vessel **Nadir** to intervene and stabilize the boat. As it was close to Lampedusa, they then alerted the Italian Coast Guard which took over the people (7). At the same time further south the **Sea Eye 4** and **Aita Mari** rescue another 347 people from 3 boats in distress.
- 16 June** **Aita Mari** rescues 40 people which called the **Alarm Phone** (8). **Sea Eye 4** rescues 76 people which called the **Alarm Phone**.
- 17 June** The fast boat **Louise Michel** finds and rescues 17 people which are about to be illegally intercepted back to Libya. A FRONTEX drone was on sight and probably involved in organizing the pushback. The same day, the Louise Michel rescues another 96 people which called the **Alarm Phone**. In the meantime, **Aita Mari** rescues another 45 people which called the Alarm Phone.
- 18 June** **Nadir** finds 29 people in distress, while **Louise Michel** rescues a 52 people rubber boat which have called the **Alarm Phone**. The Sea Watch aircraft **Seabird 1** spots another boat in distress and is able to alert a nearby Merchant Vessel which rescues the 96 people. All the persons from the different rescues were transferred onboard the Sea-Watch 4, as it was the only sufficiently equipped vessel in the vicinity and was able to provide better assistance to the persons in distress (*case detailed on p.9*).
- 20 June** Following information shared to authorities and the vessel by **Seabird 1**, **Sea Watch 4** conducts the rescue of 23 persons in distress (9).
- 23 June** **Nadir** rescues 19 people in distress, who called **Alarm Phone**.
- 24 June** **Louise Michel** rescues 59 persons in distress, which were found by a passing fishing vessel which sent out a mayday relay – an emergency procedure which provides information about a boat in distress via maritime or aerial radio, requesting any asset in the vicinity to assist (10). **Ocean Viking** sights and conducts the rescue of a boat in distress with 15 persons.
- 26 June** **Ocean Viking** rescues a boat in distress with 75 persons in the Libyan Search and Rescue zone.
- 27 June** **Geo Barents** follows a distress alert of **Alarm Phone**. Once the vessel arrives on scene, the boat in distress collapses. Around 30 persons of the 100 persons originally on the boat went missing (11). Another boat in the area is rescued by the **Ocean Viking**.
- 30 June** The **Ocean Viking** conducts 3 rescue operations: the first boat with 49 persons in distress then 14 other persons, that were sighted by **Seabird 1** (12). Both boats called the **Alarm Phone** before, which informed the NGOs and the authorities. Later, the Ocean Viking rescues the third boat in distress with 8 persons onboard.

5



r42_sailandrescue
@r42sailrescue

Breaking News:

Last Night #imara found a overcrowded wooden boat with 86 people. In collaboration with #marejonio @mediterraneanrescue all people could be saved after MRCC Malta ignored all of our mayday calls. Thank you for this great teamwork!

#sar #leavenoonetodie

1:39 PM · Jun 6, 2022 · Twitter for iPad

6



Mediterranea Saving Humans
@RescueMed

ستظل في قلوبنا يا محمد. أنت ، من ناحية أخرى ، سلبت حياتك منك في #ليبيا ، في حجم معسكر الاعتقال ب#عين-زارا. سنأخذك معنا أيها الشاب من دارفور ، ستمشي بأرجلكم ، ستتنفس بأنفاسنا. ستكون موجودا دائما في كفاحنا من أجل الحياة ضد مصير الموت الذي قرره الأفياء من أجلك.

Translate Tweet

1/2



Refugees In Libya

3:05 PM · Jun 10, 2022 · Twitter Web App

9



Sea-Watch International @seawatch_intl · Jun 20

Our crew just rescued 23 people from a small boat in distress that our #Seabird 1 had informed us about. Right after, 29 people from the #Nadir were taken on board the #SeaWatch4 as our ship is better equipped to care for them. We now have a total of 313 guests on board.



9 28 118

7



Sea-Watch International @seawatch_intl · Jun 15

Here our #Seabird crew found 6 boats yesterday. We know only from one that it arrived in Lampedusa because Maltese and Italian authorities withhold information about the other cases.



10



LouiseMichel
@MVLouiseMichel

#LouiseMichel rescued another 59 people from an overcrowded rubber boat. Some were already in the water due to dangerous manoeuvres of the so called Libyan Coast Guard, who were guided to the case by a Maltese helicopter. All 59 people are being taken care of by our crew now.



9:06 PM · Jun 24, 2022 · Twitter for iPhone

8



maydayterraneo
@maydayterraneo

"En el último rescate había muchos chavales de 14-16 años que llevaban muchísimas horas sin comida ni bebida y a pleno sol. Todas las personas rescatadas cuentan historias de auténtico terror de su paso por Libia". Izaskún Arriarán.

@IB3televisio @Asiersangar
Translate Tweet



6:02 PM · Jun 27, 2022 · Twitter Web App



SOS MEDITERRANEE
@SOSMedIntl

12

Francine*, 32, was rescued 2 days ago at night by the #OceanViking, after spending almost 4 days drifting at sea with 13 other people. She shared to our team that she feels deeply traumatised by this dreadful journey. She is now onboard with 227 survivors waiting to disembark.



“ We were navigating at sea without knowing where we were during almost 4 days. The waves were huge, our boat was taking water. The third day we had no more water, nothing to eat. I drank the water from the sea. I started to be very sick. I saw myself dying.”

Francine, rescued by the Ocean Viking, now waiting for a Port of safety

2:39 PM · Jul 2, 2022 · Twitter for Android

MSF Sea
@MSF_Sea

11

#GeoBarents team witnesses #tragedy in Central Med
Dozens of people struggled to survive in the water. Currently several people are still very weak and looked after by the medical team. All of them are severely traumatized and shocked.

Picture: MSF, Geo Barents, June 2022

FOCUS

24.05.2022 – Alert by Alarm Phone, Joint Rescue Operation by Nadir and Astral

Alarm Phone was called by the people on board a blue wooden boat which had departed from Abu Kammash, Libya on the evening of 24.05. The boat was overcrowded and unseaworthy, and was carrying 110 people including 5 unaccompanied minors. A position was given by the people on board to the Alarm Phone at around 19:00 CEST, which indicated that they were in the Maltese search and rescue region. The boat in distress then began to drift, its engine not working, while the Alarm Phone continued to update authorities into the night with relayed positions of the boat, without response.

The NGO sailing vessel **Nadir** (RESQSHIP) was the first to react to these communications, locating the boat in distress at around midnight and distributing life jackets to the people on board, but without the capacity to embark the people. Another NGO sailing vessel, **Astral** (Proactiva Open Arms), then also arrived to assist the situation, deploying life rafts for the people amid poor weather conditions. Even so, the boat in distress capsized shortly afterwards due to the weight of the

water it had already taken in, with several people ending up in the water.

The shipwrecked people then stayed in the deployed life rafts while all parties urged responsible authorities to act and waited further for them to send an adequate rescue ship. The supposed competent authorities had at this point taken no steps to assist this critical situation since the first alert by Alarm Phone, while the European border monitoring agency Frontex also had two of their aircraft orbiting the scene at different times during the morning of 25.05.

A Tunisian Navy vessel arrived at around 10:15 CEST, even though the position was still in the Maltese area of competency, attempting to take the people from the life rafts. The people at this began to jump into the water to escape what they knew would be a pushback to Tunisia. The Tunisian vessel then cancelled their operation and ordered the Astral to embark all the survivors, though Astral (like the Nadir) is a smaller sailing vessel and also lacked capacity to safely hold all rescued people on its deck.

The people were ultimately disembarked safely in Lampedusa after being rescued by Astral, in an illustration of excellent cooperation by the land and ship teams of 3 different NGOs which saved lives in this

critical scenario, in spite of the prolonged unresponsiveness and deliberate dereliction of duty by authorities.

04.06.2022 – Alert by Fishing Vessel and Alarm Phone, Joint Rescue Operation by Sea-Watch 3 and Mare Jonio

Alarm Phone was called by the people on board a black wooden boat during the evening and alerted authorities with a position of this boat in the Maltese area of competency. Soon afterwards, the NGO vessel **Sea-Watch 3** (Sea-Watch) also acknowledged information about a potential distress case from a fishing vessel in the vicinity via radio. NGO vessel **Mare Jonio** (Mediterranea) also responded to the call, offering to assist Sea-Watch 3 in the search for and subsequent rescue of the people.

An Armed Forces of Malta aircraft was orbiting at the scene of the distress case at this time, and we can assume that its crews in the air and on the ground knew about the people in distress, though neither the aircraft nor the responsible authorities coordinated a response,

communicated with the available rescue vessels or indeed engaged in any apparent effort to assist the people on board the overcrowded and unseaworthy vessel.

At around 00:50 CEST on 05.06, Sea-Watch 3 and Mare Jonio finally made visual contact with the boat in distress and proceeded to undertake a joint rescue operation together by shuttling the people to safety aboard their RHIBs. 84 people in total were rescued by the vessels and were embarked on Sea-Watch 3, including 11 women and 3 children. The people were disembarked in Pozzallo after this well-executed joint venture by the land and ship teams of 3 different NGOs, which resulted in vulnerable people being rescued from a potentially deadly situation at night on the Central Mediterranean.

18.06.2022 – People in Distress Located by Sea-Watch's Airborne Operations and Alarm Phone, NGOs Coordinate Rescue by Merchant Vessel and Subsequent Transshipment to NGO Vessel

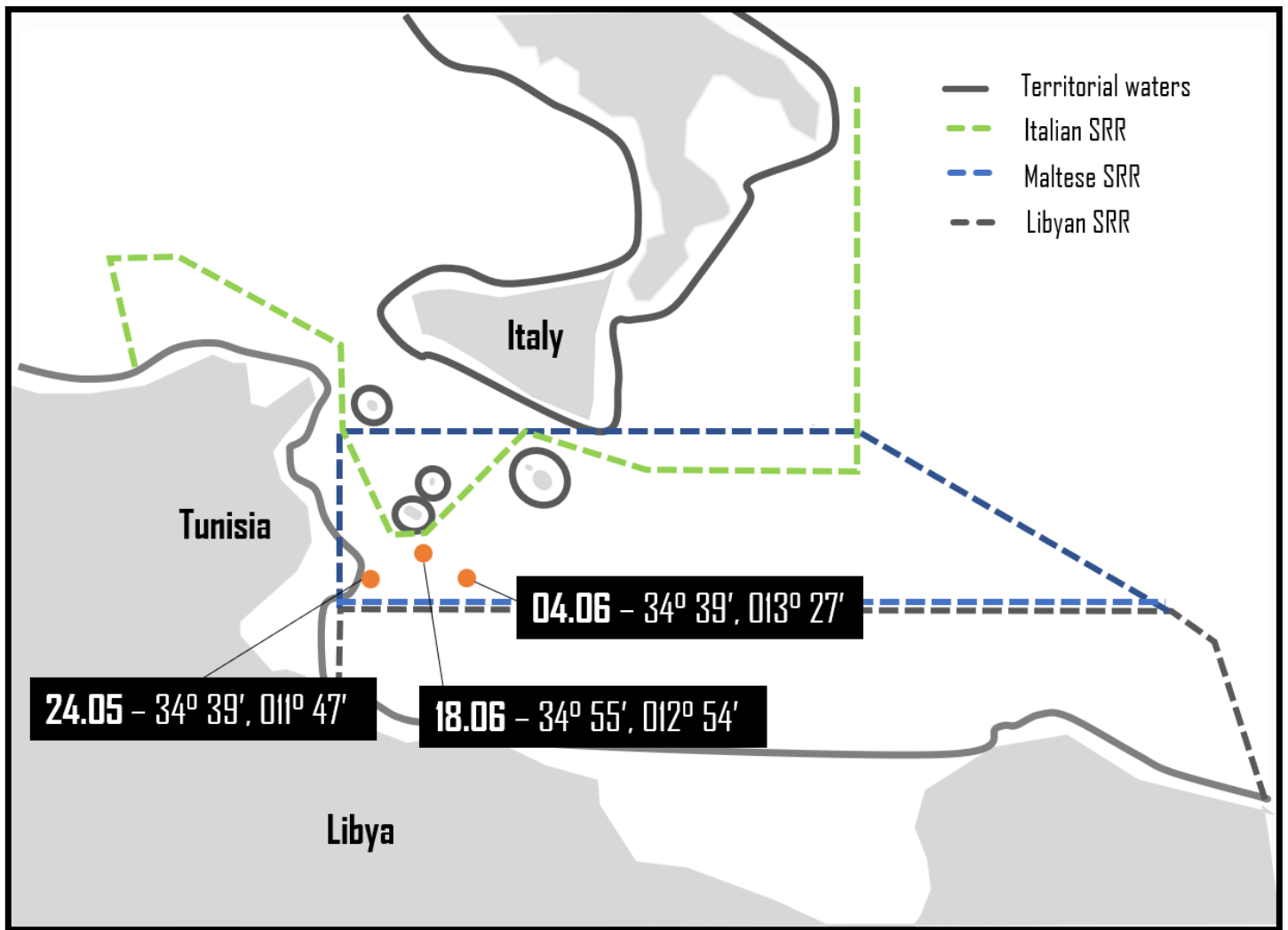
At around 14:20 CEST, NGO aircraft **Seabird 1** (Sea-Watch's Airborne Operations) spotted 95 people aboard an overcrowded boat in distress within the Maltese area of competency. In parallel to alerting authorities, Seabird 1's air crew reached out to the nearby merchant vessel (M/V) **Aslihan**, urging its crew to change course and assist the people in distress. In accordance with their obligations to rescue people in distress at sea under international maritime law, the crew of Aslihan investigated the position indicated by Seabird 1, subsequently embarking the people in distress onto their vessel.

Food, water, medical supplies and crew expertise aboard M/V Ashilan were however insufficient to meet the needs of the rescuees, some of whom were in very poor

health. After not coordinating the rescue in the first place, authorities then also failed in assisting the merchant vessel after its dangerous operation - neither assigning a place of safety for disembarking the shipwrecked people, nor offering to take the people onto one of their properly equipped vessels.

Therefore, upon a later rendezvous and assessment by the NGO vessel **Sea-Watch 4** (Sea-Watch), the people were transhipped from the merchant vessel to the NGO vessel, where they could be properly cared for. The merchant vessel was then free to continue its normal operation, while the Sea-Watch 4 crew concerned themselves with the rescued people and their proper disembarkation in a safe port.

The event again highlights the significance of joint efforts by different elements of civil society to band together and uphold international law upon the high seas, in the face of willful negligence of these same laws by those responsible for saving lives in the region.



ANALYSIS

EU BORDER EXTERNALIZATION IN THE CENTRAL MEDITERRANEAN: THE IMPLEMENTATION OF A SYSTEM OF FORCED RETURN TO LIBYA

Border externalization has in the last few years become the main instrument through which the EU seeks to stop people on the move heading to Europe. The principle is as simple as it is cynical: outsource border control and the rights violations that these controls necessarily imply to third countries. To stem migration across the central Mediterranean, the EU member States have been cooperating with the North African countries since the 2000s, providing logistical, operational and financial support to control their coasts in order to prevent that European shores are reached.

As of 2016 onwards, faced with persistently high numbers of migrant arrivals, Italy and the EU have accelerated the practices of externalized border control, especially in Libya, seen as a major place of departure. Following a "pushback by proxy" strategy, European migration policies have established a system of forced return to Libya. Combining capacity building of the so-called Libyan Coast Guard and the criminalization of civil

sea-rescue, these policies are violating international law and aggravating the situation of the people on the move trying to escape from Libya.

STRENGTHENING THE CAPACITY OF THE SO-CALLED LCG

In Autumn 2016, while Libya was still considered a failed state by the international community and torn by the civil war, EU started training LCG personal through its EUNAVFOR MED operation (EU naval operation set up in 2015 to fight against migrant smuggling and human trafficking in the Central Mediterranean).

In February 2017, the Italian interior minister Minniti from the Democratic Party, with the political and financial support of EU institutions, signed a Memorandum of Understanding with Al Serraj's government in Libya, establishing a strong cooperation between the two countries in combating illegal migration from Libya. As part of the implementation of the Memorandum, the Italian authorities provided

financial and logistic support to the so-called Libyan Coast Guard, heavily increasing their presence at sea through the provision of ships and training of personnel, allowing them to perform a very high number of interceptions of people fleeing from Libya.

In July 2017, the EU programme “Support to integrated border and migration management in Libya” was adopted to further enhance the capacity of the Libyan authorities through a €46 million envelope. A significant part of these funds was earmarked for increasing the presence of the so-called Libyan Coast Guards at sea, and granting them all the attributes of a functioning Coast Guard body - including a SAR zone and a functioning Maritime Rescue and Coordination Centre (MRCC), the objective being to allow Libya to take over from Italy regarding the organization and coordination of “rescue” in this area, and for Italy and Malta to shirk their responsibility and always officially refer to Libya as the competent authority.

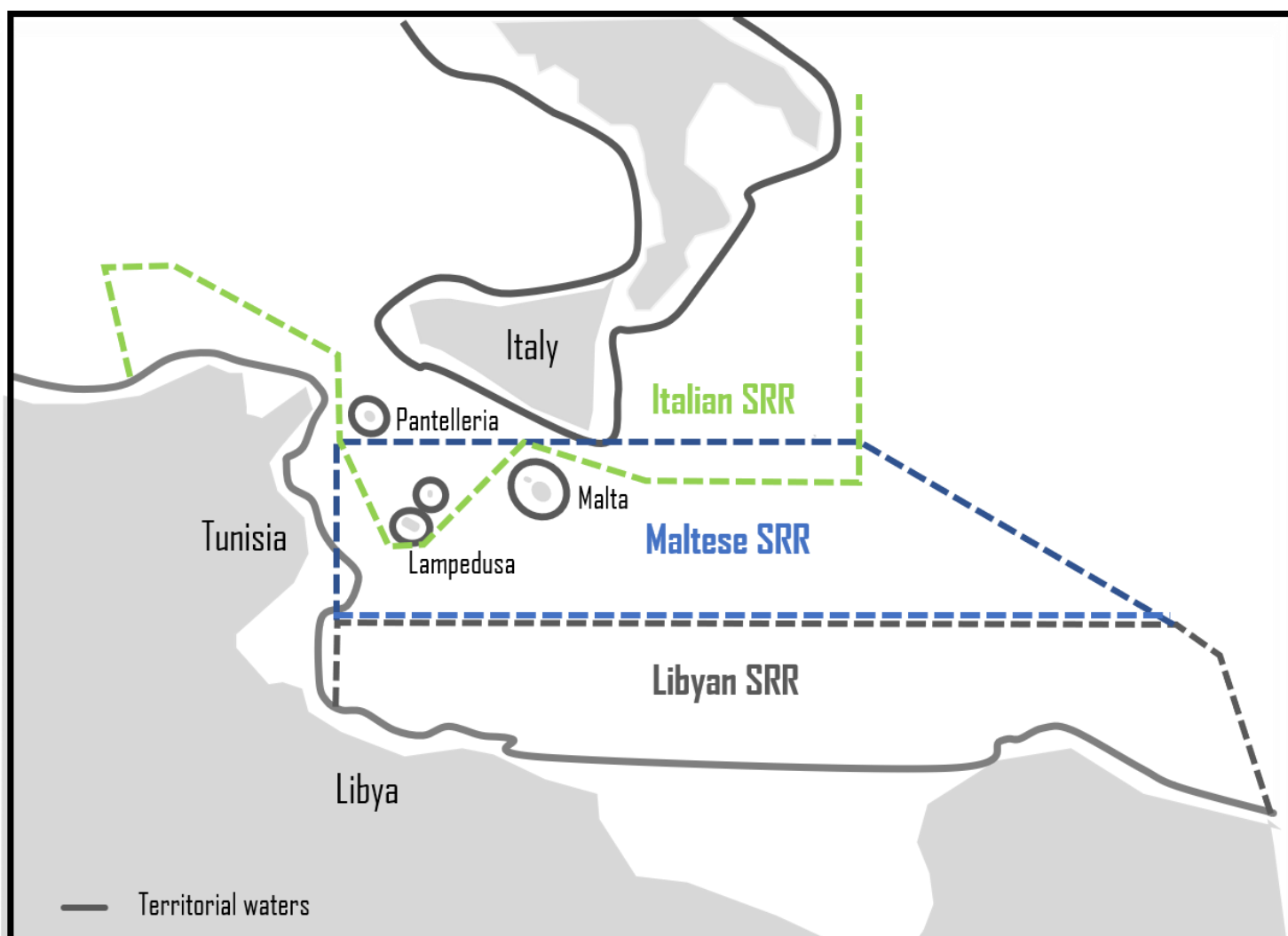
This objective was officially reached in June 2018 through the registration of a SAR zone 200 kilometers north of the capital Tripoli with the International Maritime Organization, and the creation of a Libyan MRCC. In 2020, two other “coordination centers” were also created and financed by Malta in Libya.

It is however important to underline that up to now Libya has clearly shown no capacity for managing the vast area declared as its search and rescue region (SRR) either in terms of technical knowledge or equipment, or regularly delaying or refusing “rescue”. In addition, Libya is under no circumstances a safe place to disembark rescued people, rescued people being systematically brought back to detention centres where their lives are threatened and their human rights are seriously violated. This circumstance is not new nor is it unknown by European authorities. On the contrary, it has been extensively documented by both non-governmental and governmental organizations, journalists, researchers and through the widespread testimony of those who suffered violations of their fundamental rights in Libya and subsequently managed to reach the European Union.

EU MEMBER STATES ESCAPING SAR RESPONSIBILITIES

With the objective of avoiding at all costs the disembarkation of migrants rescued or intercepted in Europe, the EU member States have gradually withdrawn from their search and rescue responsibilities.

This trend started as early as November 2014, when the Italian-led rescue operation, Mare Nostrum, came to an end. Launched in the aftermath of the Lampedusa shipwreck of October 2013 (during which 368 people



died), the operation, which had saved thousands of people, was cited as a “pull factor” responsible for the uptick in migrant crossings in 2014 and the increased number of disembarkations in Italy. A year after it started, Mare Nostrum was superseded by Frontex’s Operation Triton, which operated with smaller capacity and a much smaller search and rescue zone.

The withdrawal of the EU States from search and rescue operations has accelerated with the strengthening of the so-called LCG capacity. While in the Libyan “SRR” zone, the European MRCCs categorically refuse to intervene, referring to the responsibility of the so-called LCG, non-assistance tends to become the rule also in the European SAR zones. MRCC Rome has progressively reduced their direct responsibility for rescues to a small belt around Lampedusa. In the Maltese Search and Rescue zone, RCC Malta and the Armed Forces of Malta delay rescues or refuse to rescue while they coordinate pushbacks by proxy.

COORDINATING PUSHBACKS FROM THE AIR

At the same time, the EU has gradually replaced its maritime surveillance assets with airborne assets, to avoid the need to disembark rescued or intercepted people in European ports. This is the case of the Frontex mission, which now has only surveillance aircraft and drones (Multipurpose Aerial Surveillance), but also for the EUNAVFOR MED Sophia mission after March 2019, when, following the lack of agreement at EU level to relocate the migrants rescued under the mission and who were disembarked in Italy, the maritime operations were suspended and replaced by air patrols. In April 2020, EUNAVFOR MED Sophia was substituted with Irini, which reintroduced maritime operations to enforce the arms embargo, but only in areas further east, where there is little chance of encountering migrant boats departing from Libya.

The aircraft directly stream video and other data to Libyan authorities, allowing for real-time monitoring at and beyond the borders of the EU, including for the early detection of migrant boats departing from Libya. This sharing of intelligence between EU and Libyan SAR authorities works to guide the so-called LCG towards boats that will then be captured and forced back to Libya. This strategy is used to effectively pushback migrants to Libya from international waters, including “pushbacks” from the Maltese SAR zone. Numerous illegal pushbacks, operated directly by so-called LCG or by private merchant vessels commissioned by the Maltese authorities, have indeed been observed in recent years.

ILLEGAL PRACTICES

The current behavior of European MRCCs and the ever-closer cooperation with Libyan authorities by the European Union and European member States, with the implicit purpose of allowing the people to be pushed back to Libya, are illegal. Indeed, the mere existence of a

Libyan SRR shouldn’t impact the obligations of European Member states. Libya remains an unsafe place for disembarkation and thus European member states should coordinate the rescue of any boat in distress they are informed about and, in accordance with the law, ensure disembarkation in a safe country.

Through the coordination of SAR operations, the financial and logistical support to the so-called Libyan Coast Guard, and the political legitimization of the Libyan authorities, EU States’ activities facilitate the illegal interceptions carried out by the so-called LCG. They remain responsible for the violations suffered by the people pushed back to Libya, who are caught in an endless cycle of abuse and exploitation. When coordinating rescue operations, European member States knowingly ignore international maritime law and human rights law, in particular the non-refoulement principle, whereby countries receiving asylum seekers are forbidden from returning them against their will to a territory where their life or freedom could be at risk.

In 2012, the European court of human rights made it clear in the decision *Hirsi-Jama* that Libya was under no circumstances a safe place to disembark rescued or intercepted people fleeing the country. In this case, Italy was found guilty of violating the non-refoulement principle, after three boats carrying approximately 200 migrants were intercepted by the Italian police and Coast Guard in the Maltese SRR on their way from Libya to Italy, transferred onto Italian military vessels and handed over to Libyan authorities in the port of Tripoli. The difference now is that the EU and Italy act indirectly through the so-called LCG, operating the pushback by proxy and outsourcing the violation of the non-refoulement principle.

CRIMINALIZATION OF THE CIVIL FLEET

The situation in the central Mediterranean has been aggravated by the increasing criminalization of NGOs providing assistance at sea. The civil fleet began operating in the region after the termination in 2015 of Mare Nostrum. As states put an end to their SAR operations, accused of encouraging crossings and arrivals in Italy, NGOs multiplied in the central Mediterranean to deal with the increasing number of shipwrecks. Various NGOs arrived to ensure a civil presence at sea through rescue vessels, a hotline for migrant people in distress and aerial reconnaissance operations. However, these actors quickly became unwelcome actors and witnesses, especially in 2016, when the EU and its member states intensified their cooperation with the so-called LCG. Whereas these solidarity initiatives have enabled more than 75.000 people to be rescued and disembarked in European ports between 2014 and 2018, the EU States reacted with widespread criminalization and intimidation campaigns to attempt to stop their activities.

This movement to criminalize solidarity at sea intensified particularly during the summer of 2017, when the Italian government imposed a "code of conduct" on NGOs rescuing migrants at sea, prohibiting them from approaching Libyan waters and requiring the presence of a police officer on board the boats. At the same time, following the declaration of its SAR zone, the Libyan authorities threatened any rescue NGOs that dared enter it. Since, several NGOs were attacked by the so-called LCG while in international waters. From their side, EU members began actively prosecuting NGOs involved in rescue activities, seizing and impounding their vessels, and charging crew members with facilitating illegal immigration. Since 2018, Italy and Malta have also limited disembarkations, regularly closing their ports to sea-rescue NGOs and imposing long stand-off periods upon them.

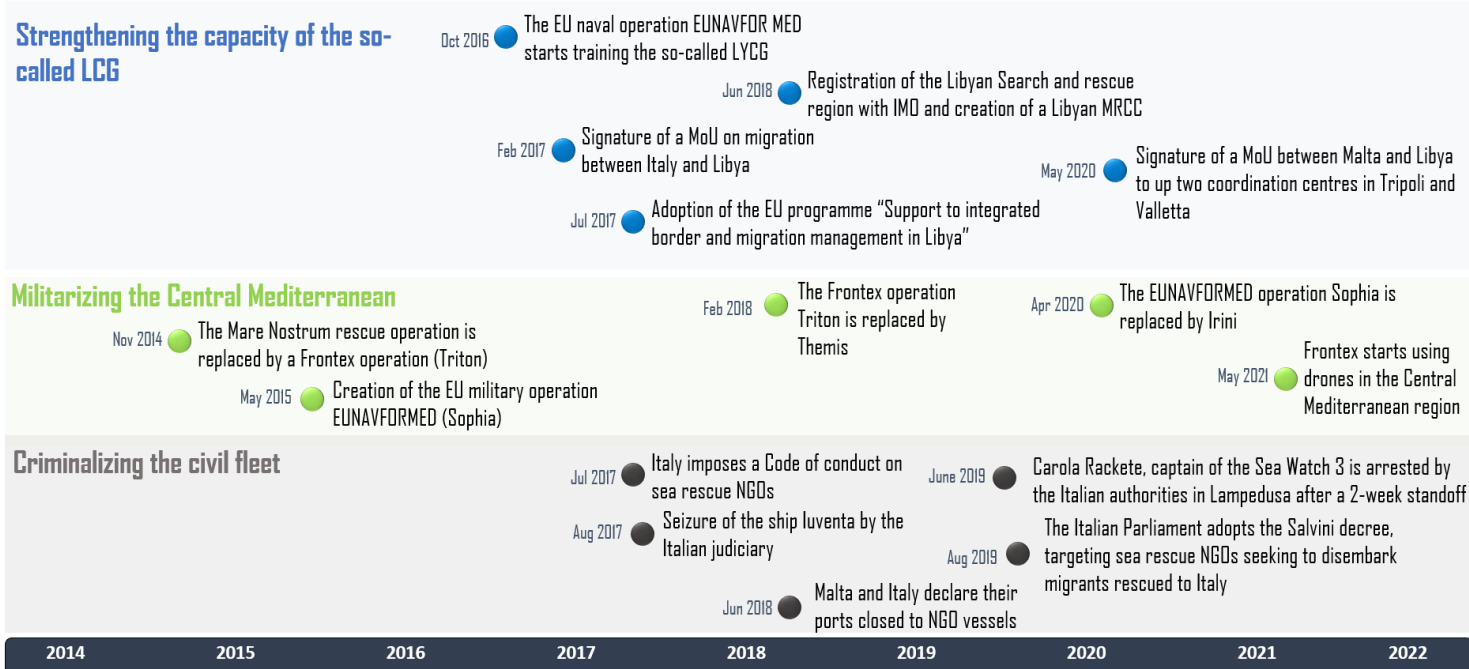
DISASTROUS CONSEQUENCES

These policies of criminalization against sea rescue NGOs, coupled with a strengthening of the forced return regime in Libya, have not prevented people from attempting to escape Libya. The central Mediterranean route has become even more dangerous, causing the disappearance each year of hundreds of people, and pushing thousands of them into an endless cycle of abuse and exploitation.

Whereas many still manage to reach Europe, the proportion of people returned to Libya keeps increasing. In 2021, of over 60 000 people who departed from Libya by sea, half managed to reach Italy, autonomously or after having been rescued by the civil fleet or the European Coast Guards, and the rest were intercepted and returned to the place they were trying to escape. For the first time, the number of interceptions is therefore higher than the one of arrivals. Many people report to have been intercepted twice, and sometimes up to 5 or 6 times. While virtually everyone intercepted at sea by the so-called LCG ends up in a Libyan detention centre, the pushback system orchestrated by the European Union is fueling a cruel system of human trafficking and arbitrary detention in which many migrants find themselves trapped.

The CMRCC strongly condemns this inhumane border regime based on a security approach against migrants. As a network of actors supporting solidarity at sea, we will continue to tirelessly remind EU states of their sea rescue obligations, document their rights violations, and to deepen the cooperation among the civil society in order to ensure prompt rescue of the people in distress and their disembarkation in a safe place. This place cannot be Libya or Tunisia.

THE IMPLEMENTATION OF A SYSTEM OF FORCED RETURN TO LIBYA



"WE ARE GLAD THAT WE DID THIS TO SHOW EVERYBODY THAT THERE ARE NO REASONS TO HESITATE"

SEA EYE ON THEIR EXPERIENCES OF TRANSSHIPMENT

For the first time in March 2022, and a second time in May 2022, the Sea-Eye 4 transshipped survivors that had been rescued by merchant vessels. We asked the chairman of Sea Eye, Gorden Isler, about the background and the process of these transshipments.

Gorden, Sea Eye was engaged in transshipments two times within last few months. What was the frame, the background, of these transshipments?

In both cases, merchant ships had rescued people in SAR Zone 3 (according to the division on which the civil fleet agrees, the SAR 1 zone covers the area west of Tripoli, the SAR2 from Tripoli to Sirte and the SAR3 east of Sirte).

In the first case, we were watching Alarm Phone's distress calls and saw that the MV KARINA was headed for a Libyan port next. We were in SAR 2 at the time, north of Khoms. We contacted the shipping company and had an open conversation about possible solutions. We insisted that the people should not be brought back to Libya. The shipping company and the captain decided to ask Sea-Eye 4 for help and the Ukrainian captain refused to hand over the people to the Libyan authorities, citing legal regulations. They went to meet us and a Sea-Eye team inspected the MV KARINA. It became clear that our ship was better-suited to shelter the people, so the captain of MV KARINA asked the captain of SEA-EYE 4 for a transshipment. Our captain finally agreed.

The second case was a little different. The BERLIN EXPRESS (in SAR3) remained near a wooden boat for many hours and asked its responsible flag state (Germany) for assistance. The MRCC Bremen asked the SEA-EYE 4 (SAR2) for assistance. We followed this call for assistance. The MRCC Bremen succeeded in directing further ships to the scene of the incident. Therefore, the BSG Bahamas was also on scene. We contacted the two shipping companies and made it clear again that the people should not be brought back to Libya. Neither of the two shipping companies disagreed with this legal position. After BSG Bahamas succeeded in the rescue, we agreed on a meeting point for an inspection of the situation. BSG Bahamas was less suitable than SEA-EYE 4. Her captain asked for a transshipment and our captain agreed.

What have been the main challenges for Sea Eye to manage it?

The biggest problem was the distance to the involved ships. However, both the BSG Bahamas and the MV Karina turned around to meet us. A smaller challenge was to get in contact with the shipping companies. When we had the right contacts, they were very open to us and grateful for the assistance.

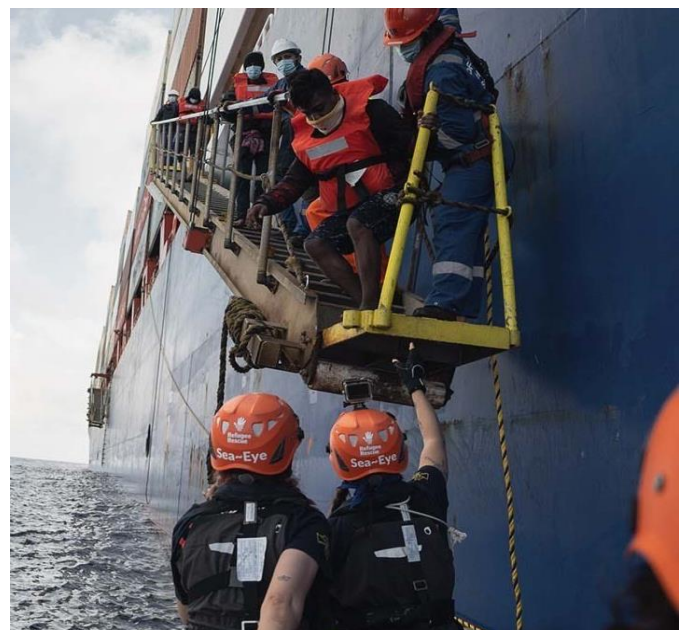
Another thing was weighing the risk. Would we get into legal trouble? Would we get there in time to prevent a pushback? Can we continue to convince the shipping companies not to do it, in some cases for 24 hours? Just preventing several dozen people from being pushed back to Libya seemed reasonable enough to us. That's why we decided to do it that way.

How did you approach the merchant vessels? Can you describe the communication?

The contact was initially over land with the shipping companies. The shipping companies coordinated the cooperation with their ships. When we were within VHF range, the captains sorted out the rest among themselves.

How did the interlocution work with the various authorities?

We adopted the email distribution lists that were already involved by Alarm Phone distress calls and added the flag state authorities that were relevant for us.



Picture: Transshipment from merchant vessel BSG BAHAMAS, May 2022 (Joe Rabe/sea-eye.org)

Did you hesitate to be involved in these transshipments because of danger of consequences by European authorities? That perhaps Italian authorities will not accept the disembarkation? Or even will try to criminalize you with the standard accusation of „facilitation of illegal migration“ because the people were already rescued?

These concerns have been with us for many years. In every rescue. No matter what the circumstances. We had a lot of time on the way to the rendezvous to discuss this in the legal team, but also with the legal team of Sea-Watch and among ourselves. All this did not happen suddenly, but step by step. We are glad that we did this to show everybody that there are no reasons to hesitate. Our flag state has not reprimanded us for this at any point. On the contrary. One was glad, so to speak, that it had been tried.

Do you think, your quick offering for transshipment might contribute to a situation, that more Merchant Vessels will rescue with less fear, that afterwards they cannot disembark the people?

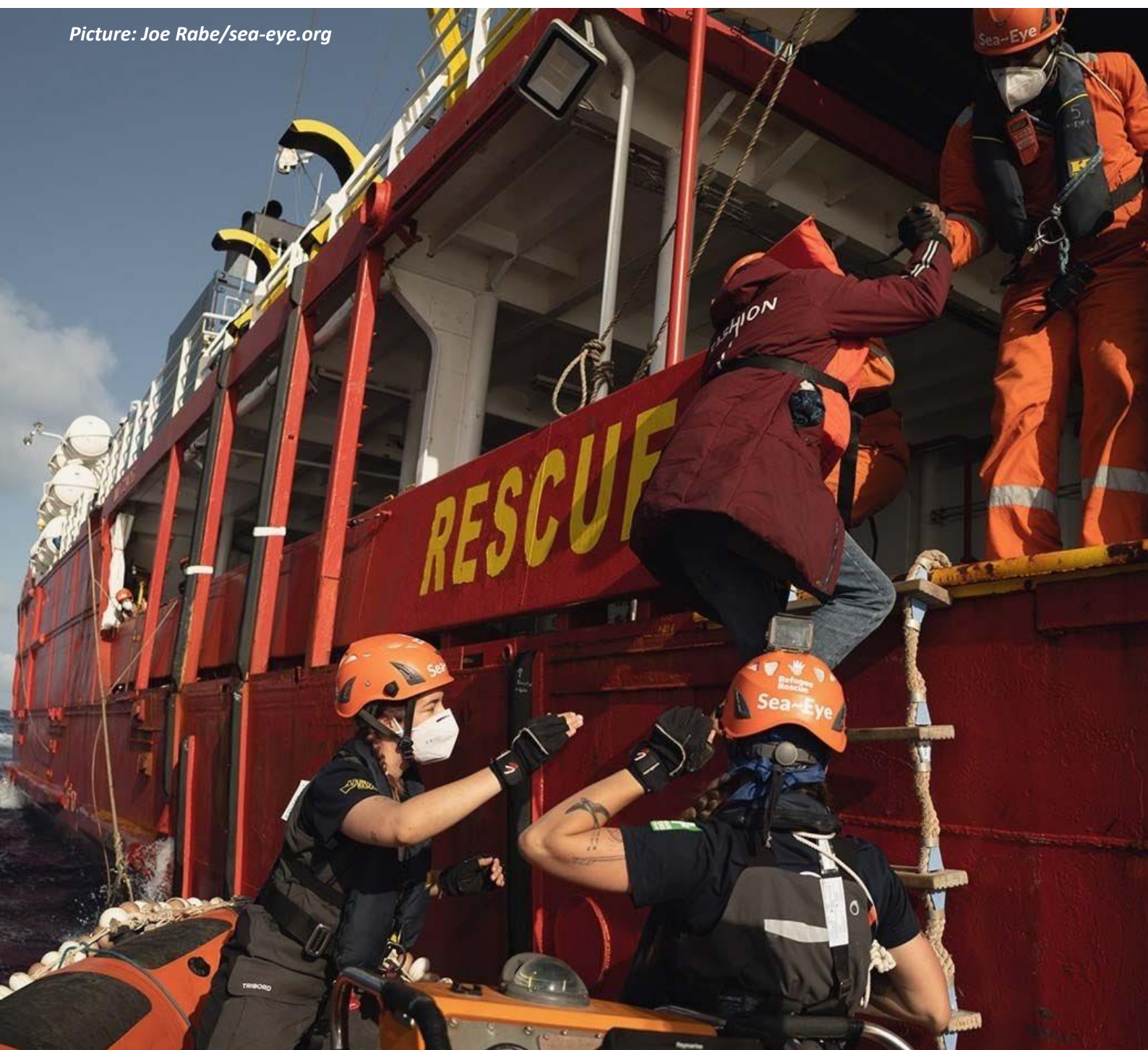
Yes, I think it is important to approach the shipping companies and signal this basic willingness. Open communication and close cooperation could save many lives and prevent refolements.

So, you would do it again another time?

If the situation demands it, it is within our capabilities, and we can achieve the two goals listed above, we will do so.

Thank you very much for this interview!

Picture: Joe Rabe/sea-eye.org





VOS THALASSA

In December 2021, the Court of Cassation - the highest court in Italy - acquitted for 'non consistency of the facts', two people on the move who had previously been sentenced by the Palermo Court of Appeal to more than three years' imprisonment and a 50,000 euro fine, for the crimes of aiding and abetting irregular immigration and violence/threatening a public official.

In 2018, the two young men, together with other migrants, had been rescued by the merchant ship Vos Thalassa of the Vroon shipping company. The captain, on the instructions of the so-called Libyan Coast Guard (LCG), had set a course south with the intention of transferring the shipwrecked people aboard one of the Libyan patrol boats, which would certainly take them back to the North African country. Taking people fleeing from that country back to Libya or handing them over to the Libyan authorities constitutes a violation of international conventions on the law of the sea and human rights, as international and courts of EU countries have constantly recognized, and can also constitute a crime, as the Court of Naples recently ruled in the 'Asso 28' case.

The group of shipwrecked people had strongly resisted the illegitimate transfer with words but also with hand gestures, given the language difficulties. Therefore, the captain who intended to carry it out had requested the urgent intervention of Italian authorities. The Italian authorities ordered the transfer of the shipwrecked people aboard the Italian ship 'Diciotti', allowing them to disembark in Italy. Once they arrived, the two were subjected to a lengthy trial and were unjustly forced to spend many months in pre-trial detention.

The Court of Cassation made it clear that their gestures of resistance in the face of the danger of being sent back to Libya must be considered as a form of self-defense, a cause of justification that not only does not allow for the punishment of behavior that would otherwise be considered a crime but, on the contrary, sanctions its full legitimacy. The previous conviction was also harshly criticized for being silent as to why 'the migrants did not have the right to oppose that situation, to assert their fundamental rights, to react by defending themselves against a refoulement that exposed them to the real risk of inhuman treatment; what was neither dealt with nor explained by the Court [of Appeal of Palermo] was why the people, who had not colluded with the smugglers and criminal organizations and who had not shown any oppositional behavior up to that moment, could not claim their fundamental rights, but had to remain 'still', inert, and accept to return to Libya with the risk of suffering torture or inhuman behavior".

The Court of Cassation also made it clear that it was the determination of the extremely dangerous situation in which the defendants found themselves that was 'against the law', defined as the result of 'unlawful conduct'. This is a very important decision that reaffirms how the right to be rescued at sea, to disembark in a safe place and also to fight for the respect of one's rights belongs to everyone, regardless of nationality or legal status, and how it must be respected and protected without exception by anyone at sea, State and private vessels alike.

AMPLIFYING VOICES

SOLIDARITY WITH SELF-ORGANIZED REFUGEES IN LIBYA!

In October 2021 - after brutal raids in a quarter of Tripoli - refugees and migrants started an amazing period of self-organized resistance in Libya. Against their permanent deprivation of rights and with the central demand for „evacuation now“ they organized a sit-in in front of the local headquarters of UNHCR (UN Refugee Agency). The protesters published a manifesto with seven main demands (see box on the right).

On their website, they report about the daily struggle. The protest continued for more than three months, but was evicted in the beginning of January 2022. Most of the participants were detained afterwards. But the protest is ongoing and to this day, the demands are brought to the public eye again and again with online press conferences and on Twitter for example.

Similar protests - also directed to the UNHCR with the demand of evacuations - developed within the last months in Tunisia. Solidarity groups for refugees in Libya and Tunisia have been built in order to amplify their voices and to organize concrete material support. It is an ongoing challenge to interconnect the various struggles and to intensify supportive activities in order to increase pressure to the EU and to UNHCR so that they accept the refugees' demands.

Website: <https://www.refugeesinlibya.org>

1. **Evacuations** to lands of safety where our rights will be protected and respected.
2. **Justice and equality** among refugees and asylum seekers who are registered with the UNHCR in Libya.
3. The **abolishment of funding of the so-called Libyan Coast Guards** who "are" constantly intercepting refugees fleeing the Libyan hell and bringing them back to Libya where all atrocities befall them.
4. The **closure of all detention centers** across Libya, which are fully funded by the Italian and EU authorities.
5. The authorities to bring the perpetrators to **justice** for the shooting and killing of our brothers and sisters both in and out of the detention centers.
6. The Libyan authorities to **stop arbitrarily detaining persons of concern to the office of UNHCR**.
7. To call on Libya to sign and ratify the constitution of the 1951 **Geneva Refugee Convention**.



Picture: Refugees In Libya

CRIMINALIZATION OF MIGRATION

FREE ELHIBLU 3 CAMPAIGN

The “ElHiblu 3” were among 108 people rescued by the merchant vessel ElHiblu 1 in March 2019. When facing the prospect of being illegally returned to Libya, the group of migrants protested and convinced the crew to steer north instead. Upon arrival in Malta, three of the rescued were imprisoned. In 2022 they still continue to stand trial before a Maltese court.

The Free ElHiblu3 campaign was launched by various members of sea rescue organizations to highlight the injustice of the trial against the three. On board the merchant vessel, they acted merely as translators between the crew and the rescued. They contributed to stop an illegal pushback by proxy. Nonetheless, they continue to face severe terrorism charges in Malta.

The main goal of the campaign is the withdrawal of preliminary charges against the three and the dismissal of the trial. The ElHiblu3’s lives have been on hold. They have already been imprisoned in Malta for seven months and they fear to be imprisoned again. This prospect is numbing them and comes with a constant struggle to structure their lives. It is about time that they can live in freedom.

Contact: free@elhiblu3.info

Website: <https://elhiblu3.info>

In March 2021, on the second anniversary of the ElHiblu3’s arrival, the campaign drew international attention to the trial, and many groups and networks joined the call to dismiss all charges immediately: Religious leaders, humanitarians, lawyers, and scholars spoke out against this unjust trial.

In October 2021, the ElHiblu3 Freedom Commission (see <https://elhiblu3.info/commission>) went public with a first statement (see https://elhiblu3.info/st/FC_EH3_EN.pdf). It is a newly-formed and independent alliance of human rights advocates demanding freedom of the ElHiblu3. Several commission members contributed with articles and texts to a solidarity brochure of the campaign. Eventually, they came together in March 2022 for the „Freedom Conference“ in Valetta. About 100 local and transnational supporters and activists met for the duration of 2 days with the aim to reframe and to scandalize the ongoing injustice against the three youngsters, in the wider picture of criminalization and determent of refugees and migrants in the Mediterranean area.





The criminalization of migration has been an important element in the context of the EU's cruel border policies. A growing awareness of the scale and importance of this punitive political and legal strategy has led to increasingly structured efforts at understanding and finding ways to resist it. In Italy, the report "From Sea to Prison" (<https://fromseatoiprison.info>), published in October 2021 with the support of Alarm Phone, showed that over the past decade, Italy has arrested thousands of people in connection with driving migrant boats across the Mediterranean Sea. These arrests often happen soon after disembarkation, and the trials that follow are often based on insubstantial evidence.

While in prison, boat drivers' (who self-define as Captains) rights are often overlooked: contact with families is often non-existent, there are almost no translators in the Italian prison system, and access to adequate defense is not protected. Finally, even once they are released from prison, Captains have to face a number of consequences even if the charges are dropped, such as a higher risk of deportation and disadvantages in their asylum requests. Captains are criminalized for helping themselves and others cross the border, and saddled with the responsibility for the violence and death that occurs at Europe's borders, which is a direct consequence of the EU's policies.

These and other findings, which are detailed in the report, led the people who conducted the research to form a working group that focuses primarily on supporting criminalized individuals.

Based in Sicily and composed of people from the Arci Porco Rosso collective, and the organizations *borderline-europe* and *Borderline Sicilia*, over the past six months this group has been working on a number of aspects. It has been offering socio-legal support to people being criminalized for boat driving in Italy, during detention and after release, providing spaces that could bring together and amplify the stories and voices of the Captains; raising awareness about the criminalization of migration in local networks around Italy and connecting with other groups transnationally, and finally working to prepare the grounds for stronger advocacy and campaigning efforts in Italy. You can find two quarterly reports for March and June 2022, published on *Borderline Europe's* Website:

<https://www.borderline-europe.de/>

MOBILIZATIONS

CENTRALIZED COMMEMORATION IN TUNISIA

3 TO 6 SEPTEMBER 2022

Commemoration is self-organizing of those that are affected the most by consequences of the border regime. We know from the history of all the struggles for finding the truth that the consequences of death in the Mediterranean Sea, in the Atlantic, in the desert, and along the borders remain invisible. Families and friends are often left alone in their grief and with their rage.

On Thursday, September 6, 2012, a boat carrying about 130 people from the region of Sfax sank in the vicinity of the Lampionne islet, 19km from Lampedusa. Only 56 people were rescued. Ten years later, families are still without any news about their loved ones but are louder than ever demanding truth, about a disappearance made by the European Union.

The city of Zarzis is usually portrayed as a „main departure point“ for Haragas while the solidarity movement existing within the city is usually invisible. A city whose fishermen have been rescuing people at sea for 20 years, have been criminalized by Italian authorities, and whose fishing vessels detained by the so-called LCG yet no border regime could stop them from doing a duty that authorities have always failed to do. A city where individuals have put all their efforts to give a name and a story to the people that are washing ashore its coasts.

We will gather in Zarzis from the 3rd to the 6th of September, 2022. Together, families from different African countries, fishermen and activists will commemorate those who have been forced to disappear due to the murderous regime of the European Union.

Discussions and workshops will take place to create a greater network to fight the border regime, to denounce the racist policies of the EU, and to hold it accountable for the 30-year long violence.

A BORDO! FESTIVAL DI MEDITERRANEA

1 TO 4 SEPTEMBER 2022

Rendez-vous in Naples (Maschio Angioino): debates, music and mobilizations with Mediterranea!

www.mediterraneaescue.org

MARCH TO BRUSSELS "RIGHTS, NO DEATHS!"

30 SEPTEMBER - 1 OCTOBER 2022

Due to the increasing number of deaths and disappearances at the EU borders, we propose a protest action in Brussels between different European organizations that have been defending the rights of people who migrate forcibly.

We want this initiative to consolidate a movement that permanently denounces the responsibility of European governments in these deaths, that proposes alternatives and awakens Europe's conscience.

We will march on September the 30th and October the 1st, 2022 to the political heart of Europe, in Brussels. We propose that people, collectives and organizations from Europe and also from migrants countries of origin join us.

The slogan is 'Rights. No deaths!' because in addition to deaths, we denounce the suffering of people without papers. Living means living with rights!

<https://rights.nodeaths.eu/en/>

CONTACTS

Website - <https://civilmrcc.eu>

Email - political-moderator@civilmrcc.eu

