

# Echoes #10 - Borders in Motion

2023, a year marked by a large increase in sea arrivals in comparison to the year before, and not only on the Central Mediterranean route. 2023, a year of intensified attempts by the EU to expand border control in collaboration with its autocratic partners in North Africa. 2023, another year of even tougher racist agitation and deprivation of rights all throughout Europe and beyond.

Borders have been challenged and have shifted on various levels and directions this past year. It is not difficult to predict that this conflict will continue and possibly escalate in 2024. As Civil MRCC, we promise to stay at the side of refugees and migrants and in solidarity with their daily struggles to practice freedom of movement and find a safer and better life.

In 2023:

- 157.314 people arrived to Italy and Malta by sea, a significant number of whom arrived autonomously (UNHCR figures until 30 November)
- 12.523 people were rescued by the civil fleet from more than 230 boats in distress (CMRCC figures until December 31)
- 17.025 people were pushed back to Libya after they were intercepted by the EU-supported so-called Libyan Coast Guard (IOM figures) and 48.074 people were intercepted by the Tunisian authorities (FTDES figures until 30 November)
- 1.902 people have been reported dead or missing on the Central Mediterranean Route (UNHCR figures until 30 November) including 1.300 people who fled Tunisia (FTDES figures).

## Latest political developments

### Statistics and more: the year of 2023 and the assertiveness of flight and migration movements

*By Hagen Kopp*

157.314 sea arrivals to Italy in 2023! An increase of about 50.000 people compared to 2022. According to UNHCR statistics, only in 2014 and 2016 were more landings registered on this central Mediterranean route. And that in a period when an extreme right-wing government promised its voters to “stop the boats” entirely.

The year of 2023 was remarkable not only in this respect. With more than 48.000 sea arrivals in Greece, the numbers quadrupled along the Aegean route compared to 2022. In Spain, on the western Mediterranean and Atlantic routes, more than 57.000 people reached European shores, close to the record numbers of 2018.

In total, in 2023 more than 270.000 people on the move were able to overcome the Mediterranean borders, a huge increase in comparison to arrival figures from the last six years. The strength of the flight and migration movements clearly defy the aggravations of the European border regime. This assertiveness, the autonomies of migration, require first of all acknowledgement and respect.

On the other hand, thousands of humans lost their lives during this daily struggle against EU borders. According to the UNHCR, 3.760 people died or went missing along the Mediterranean routes in 2023. In light of this horrendous figure, several institutions and organizations have referred to the last year as one of the deadliest. Nevertheless, it is also important to consider the mortality rate in reference to arrival numbers.

With regard to the 270.000 arrivals, every 72nd person died at sea in 2023, while in 2022, every 53rd person died, and in 2021, every 38th person perished. In the central Mediterranean Sea, the figures are even starker: every 82nd person died in 2023, while all the eight years before, the death rate was much higher. One main aspect in this development might be the breakthrough on the Tunisian route in the summer months of 2023 and what we called a “small summer of migration.” We experienced the same during the “long summer of migration” in 2015, when the mass arrivals in Greece led to the lowest mortality rate in recent history of border crossings, with every 273rd person

dying at sea. Let's be clear: a single death is already too much and is unbearable. As we wrote in our last issue of Echoes, for each loss: "We won't forget, we won't forgive!"

It might appear cold to calculate and compare death rates, but we all know that as long as the Schengen visa regime exists, people on the move will die. Many of our organizations demand freedom of movement and safe passages and, in practice, we try our utmost to mitigate the death rate. Of course, this declining death rate is only a small comfort and is nothing to celebrate, but the existence and intensified cooperation within the civil fleet in the central Mediterranean seems to have made a concrete difference. The importance of the civil fleet is not only represented in overall rescue figures and rescue activities by the NGOs: the "watchdog effects" from land (by phone) and from the air (by planes) are also key, as they pressure the various coastguards through extensive documentation and scandalization practices, often forcing them to rescue and thereby lead to a decrease in the number of non-assistance- and pushback cases.

Of course, the estimated number of unreported cases of death at sea remains unclear. On the Tunisian route to Lampedusa, on which tens of thousands of people moved last summer, the boats usually have no satellite phones. Dark figures of death might be higher than registered in official UNHCR figures. And this concerns even more the Atlantic routes to the Canary Islands, the longest and most dangerous sea crossing from Africa to Europe. Caminando Fronteras recently reported an incredible number of 6.008 victims in 2023.

Previous years	Arrivals *	Dead and missing
2023	270,180	3,760
2022	160,070	3,017
2021	123,540	3,231
2020	95,666	1,881
2019	123,663	1,510
2018	141,472	2,277
2017	185,139	3,139
2016	373,652	5,096
2015	1,032,408	3,771

\* Includes sea arrivals to Italy, Cyprus, and Malta, and both sea and land arrivals to Greece and Spain (including the Canary Islands). Data are as of 31 December 2023 for all countries.

There remain many reasons to continue fighting against state border crimes and against the violence and death on sea and on land, as well as the racist agitation all over Europe in 2024. We will not give up struggling in solidarity with refugees and migrants and – in order to support people on the move to overcome or to undermine the European border regime – we will continue to build and extend infrastructures for freedom of movement.

## CEAS reform: dismantling human rights of refugees in Europe

**The CEAS reform will foreseeably lead to more suffering, violence and pushbacks at the external borders. The EU does not stop at the imprisonment of children or refugee deals with autocratic states. PRO ASYL analyzes the fatal decisions.**

*by PRO ASYL*

Shortly before the end of the year, on 20 December 2023, the EU agreed on a reform of the Common European Asylum System (CEAS). The political agreement means that a status quo in which violence, neglect, torture, and leaving people to die are commonplace will now be cemented in law.

The last few years have shown a multitude of cruel practices towards people arriving in Europe: They are crammed into camps like Moria, children are separated from their parents, boats are prevented from reaching land safely in the Aegean Sea, people are beaten unconscious at the Croatian border or left to freeze to death at the Polish border. The political agreement that has now been reached continues and even legalizes all of this.

Below we comment on the most important points of the reform that have become public so far.

### Fast-track procedures under detention conditions

The EU member states at the external borders are obliged to carry out so-called border procedures for asylum seekers. This means that in the future, a large number of refugees will have to undergo their asylum procedure isolated from the outside world behind barbed wire at the external borders. Initially, 30.000 detention places are to be created across Europe for this purpose.

The asylum fast-track procedures, which take place after an initial "screening" (max. seven days) following arrival, are to be completed within twelve weeks. This can then be followed by a new deportation border procedure, which can also take up to twelve weeks. During this time, the asylum seekers are to be considered as "not having entered

the country" ("fiction of non-entry") and are to be detained in asylum centers at the external borders, presumably similar to detention centers – even though they are de facto on EU territory.

The application of these border procedures is mandatory for three groups of people seeking protection: for people from countries of origin with a Europe-wide protection rate of less than 20 per cent; for people – even unaccompanied minors – who are considered to be a threat to public safety and order; and for people seeking protection who are accused of deceiving the authorities, e.g. because documents have allegedly been destroyed. There are no exceptions for children and their families. The member states can also apply the border procedures to people who have fled via supposedly "safe third countries."

### **"Safe third countries": More deals with autocratic governments**

With the European agreement, it was also decided to lower the standards for so-called "safe third countries." This means that in the future, significantly more non-European third countries can be categorized as "safe" in order to deport refugees to these countries. The Geneva Refugee Convention does not have to apply in the third country, nor does the entire country have to be safe.

People can then be deported to these countries without their actual reasons for fleeing being examined, as their application is rejected as "inadmissible." This enables EU member states to massively restrict access to asylum procedures and largely withdraw from refugee protection. The EU-Turkey deal served as a blueprint here.

### **Crisis regulation: legitimizing human rights violations**

For years, member states have repeatedly tried to legitimize the human rights violations committed at the EU's external borders, such as systematic pushbacks, by declaring supposed "states of emergency" (e.g. at the Polish-Belarusian border). With the agreement on a so-called crisis regulation, they are now getting backing from the EU.

In future, it should be possible to lower human rights standards in the event of "crises" (increased numbers of arrivals), "force majeure" ("superior force") or the "instrumentalisation of migrants." Border procedures can then be massively expanded – both in terms of their duration and the group of people who must be included in these procedures for their asylum proceedings. There are no exceptions for children or other vulnerable groups.

### **No effective solidarity mechanism with host countries**

As the countries that asylum seekers usually enter first, the external border states are still primarily responsible for carrying out asylum (border) procedures - even though the Dublin system has been considered a failure for years, it is now being tightened up even further.

There is no provision for an effective solidarity mechanism between the EU states: this is because taking in people seeking protection is equated as a solidarity measure with monetary payments, for example for the construction of border fences at the EU's external borders or projects in third countries that serve to prevent refugees from fleeing. This means that member states that do not want to take in refugees can simply "buy their way out."

### **The fight for human rights continues**

The CEAS reform means a further dismantling of human rights of refugees in Europe. Instead of using the treatment of Ukrainian refugees as a blueprint for a humane reception system for people seeking protection in Europe, the CEAS reform is a huge step backwards: it will multiply the suffering of those affected while at the same time massively damage democracy and the rule of law in the EU. But despite all the tightening and the deaths in the Mediterranean, refugees will not be deterred from setting off in the coming years in search of a life in safety.

PRO ASYL will continue to stand by their side in the future. We will document the human rights situation at Europe's borders and organize legal representation for those seeking protection. Together with those affected, we take legal action against human rights violations up to the highest courts. At the same time, we continue to support organizations in different European countries, such as Refugee Support Aegean (RSA) in Greece, Maldusa in Italy and the Helsinki Foundation for Human Rights in Poland. Their persistent work embodies a different Europe, one of solidarity and humanity.

# France's Migration Law: in the face of the unacceptable, the fight goes on!

*By Alarm Phone*

The day after the International Day for the Rights of Exiled People, the French executive adopted one of its most racist and violent texts against foreigners. This text, despite the ongoing strong mobilization of civil society, is an unprecedented attack on the rights of foreigners. Adopted thanks to the votes of the extreme right, it is a whole ideology of rejection and stigmatization of racialized people that has emerged victorious.

Following a Kafkaesque process of political negotiation, the Senate and Assembly have now formally backed one of the harshest and most repressive texts in 70 years. While part of the law may well be subject to partial censure by the Constitutional Council, the measures call into question a number of principles, such as the right to legal status, introduce national preference into the welfare system, and re-establish the offense of illegal residence.

## **Context**

This text was written against a backdrop of unabashed racism at the very highest levels of government, in the media, and through the increasing actions of fascist groups throughout France. As ever, the migration issue has also been instrumentalized by a government which, for several years now, has been facing a real crisis of legitimacy linked to the injustices and inequalities that its reforms continue to accentuate. Yet this law is part of the same social violence that Emmanuel Macron and his supporters are waging against the working classes.

To get this text adopted, the relative majority of the presidential party chose to ally itself with the right and extreme right. To achieve this, the initial text, which already offered little protection, was stripped by the Senate Law Commission of all the utilitarian measures presented as tools to "facilitate integration" (for example, the issuing of new residence permits for jobs in short supply, or compliance with European law by allowing asylum seekers of certain nationalities to work after six months from the date of their asylum application).

By exploiting current events, such as the murder in October 2023 of a teacher in Arras by a person of "foreign origin," the French authorities have consistently justified the continued tightening of this text and the acceleration of the legislative timetable, leading to its adoption in a matter of weeks and by expeditious procedures on December 19, 2023.

## **Main provisions of the new law**

Generally speaking, the new Migration Act reinforces the criminalization of illegal residence, restricts access to the right to asylum and to the various residence permits, and authorizes serious infringements of the most fundamental rights of foreign nationals. To cite just a few examples:

- Making access to social benefits conditional for foreign nationals from non-EU countries, in the name of the principle of "national preference".
- Introduction of quotas set by Parliament to cap (for the next three years) the number of foreign nationals admitted to the country.
- Weakening of the right to asylum, with the introduction of the possibility of placing asylum seekers in detention while their application is being examined, tightening of conditions of access to the right to family reunification, and restriction of access to material reception conditions.
- Restriction of conditions for obtaining residence permits for health reasons and student residence permits.
- Tougher access to nationality and end of automatic right of citizenship for people born in France
- Expansion of the categories of people who can be deported (parents of French children, spouses of French nationals, seriously ill people, etc.) and systematization of deportations.

## **The fight goes on!**

While we were stunned by the violence of the bill's adoption, the mobilization of civil society never wavered! Since the bill was announced in autumn 2022, the undocumented migrants movement has mobilized around the Solidarity March. Demonstrations, rallies in front of the National Assembly and other public institutions, strikes, information and mobilization actions in front of homes and in neighborhoods, as well as festive events, have all brought people together to denounce the violence and racism of this law.

As soon as it was announced that the text had been adopted by the Assembly on December 19, spontaneous demonstrations took place all over France. This was followed by emergency meetings between movements, associations, and trade unions to write and circulate communiqués, forums, and petitions urging the government not to promulgate the law. A unified text calling for a national mobilization on January 14 was drafted at the initiative of the seven “sans papiers” collectives in the region of Paris and signed by several hundreds of organizations. Unions like the CGT are calling for civil disobedience, and some towns and 32 départements have already announced that they will not apply the measures in this despicable text. Movements by high school and university students have blocked several teaching and learning sites. Last but not least, there has been a mobilization within the public services (notably in the health, culture, national and higher education sectors) calling for the law not to be applied, as demonstrated by the call from the "Our Public Services" collective.

The movement to reject this law broadened in the wake of its adoption, with new alliances being explored and strengthened between anti-racist, social, feminist, and anti-colonial struggles (for example, with the Palestine solidarity movement).

## Reports

### MSF report on abuse in Abu Salim and Ain Zara detention centers in Libya

6 December 2023

Over the course of 2023 up until Médecins Sans Frontières (MSF) ended medical activities in Tripoli in August, MSF witnessed and documented living conditions and abuses inside Abu Salim and Ain Zara detention centers, where thousands of people, including women and children, continue to be arbitrarily detained. The findings are contained in the report *“You’re going to die here” – Abuse in Abu Salim and Ain Zara detention centers*, published by MSF last December.

[MSF calls for an end to arbitrary detention in Libya](#), and calls for all refugees, asylum seekers and migrants to be released from detention centers and to be provided with meaningful protection, safe shelter, and safe and legal pathways out of Libya.

Read the report: <https://www.msf.org/msf-report-abuse-abu-salim-and-ain-zara-detention-centres-libya>

### OMCT - Routes of Torture: Mapping violations suffered by people on the move in Tunisia

18 December 2023

The report, *Routes of Torture: Mapping violations suffered by people on the move in Tunisia*, published by OMCT (World Organisation Against Torture) highlights the scale and nature of human rights violations committed in Tunisia between July and October 2023 against migrants, refugees, and asylum seekers.

Since October 2022, Tunisia has seen a gradual intensification of violations against people on the move, mainly of sub-Saharan origin, against a backdrop of racial discrimination. The presidential speech of February 21, 2023 made them even more vulnerable, and July 2023 represented a turning point in the scale and type of human rights violations committed, with an upsurge in arbitrary arrests and detentions, arbitrary and forced displacements, resulting in ill-treatment, torture, disappearances and, in several cases, deaths. This cycle of abuse begins with a situation of irregularity, which increases their vulnerability and exposes them to the risk of further violations.

However, despite the scale of the violations inflicted, these have been largely hushed up, further raising the profile of an already marginalized population. Through the voices of direct victims of violations who wanted to share their suffering with OMCT, this report aims to contribute to countering this dynamic of invisibilization of migrants, refugees, and asylum seekers.

The report is based on more than 30 interviews with representatives of partner organizations and activists working throughout Tunisia, and some 20 direct testimonies of victims of violence documented by OMCT and its partners. It

maps out the violations inflicted on migrants, including forced evictions from their homes, physical and psychological violence by both citizens and security agents, denial of access to healthcare, arbitrary arrests and detentions, arbitrary and forced displacement within Tunisia, particularly to border areas, and deportations to Algeria and Libya. Interactions with law enforcement agencies are generally accompanied by torture and ill-treatment, while victims are effectively deprived of the right to appeal against what they are subjected to.

This institutional violence indiscriminately affects people on the move, irrespective of their status, whether legal or illegal, including refugees and asylum seekers. Today, the victims - men, women and children - number in the thousands. At the time of publication of this report, violations are continuing with increasing intensity and gravity, under the guise of combating illegal immigration and criminal human trafficking networks. As a result, Tunisia cannot be considered a safe country for people on the move.

This report aims to inform the migration policies of Tunisian, European and African decision-makers towards a decisive consideration of the dramatic and counter-productive human impact of current policies.

Report (in French): <https://omct-tunisie.org/wp-content/uploads/2023/12/Migration-et-torture-Finale-Planches-.pdf>

## Diary of cooperation

November

3 November	Ocean Viking assists a boat in distress in the Ionian Sea. During the night, 75 men, women & children are rescued from a sailing boat that departed from Izmir, Turkey.
4 November	Yesterday evening, the MSF team rescued 29 men and one unaccompanied minor from a fiberglass boat in distress in the Libyan SAR zone. Bari is the place of safety assigned by the Italian authorities. <a href="https://twitter.com/MSF_Sea/status/1720754889414922378?t=jNgPzkXvS9W1eadILQvSaw&amp;s=09">https://twitter.com/MSF_Sea/status/1720754889414922378?t=jNgPzkXvS9W1eadILQvSaw&amp;s=09</a>
6 November	In the early hours, Aurora rescues 56 people in distress & brings them safely on board after alert by Alarm Phone. One person receives medical care for severe dehydration. Despite tough weather conditions, the port of Pozzallo, ~330km from our location, is assigned.
9 November	LifeSupport rescues 118 people in 2 operations in the Central Mediterranean in very rough seas and 2 meter high waves after alert by Alarm Phone. POS Brindisi is assigned. <a href="https://x.com/AngiKappa/status/1722594007425991104?t=UgNHnZlvou80OfQ2P1L8iQ&amp;s=09">https://x.com/AngiKappa/status/1722594007425991104?t=UgNHnZlvou80OfQ2P1L8iQ&amp;s=09</a>
11 November	In the morning the MSF team rescues 81 persons, including 25 children, from a rubber boat in distress following an Alarm Phone alert and with the support of Colibri2.  GeoBarents performs a second rescue in coordination with the Italian MRCC of 81 people from an unseaworthy wooden boat spotted by Colibri2 in international waters off the Libyan coasts.  <a href="https://x.com/MSF_Sea/status/1723415872755183960?t=wg76TRKMrwzAz5ggObYmAA&amp;s=09">https://x.com/MSF_Sea/status/1723415872755183960?t=wg76TRKMrwzAz5ggObYmAA&amp;s=09</a>
	During the night, OceanViking performs 2 rescues following Alarm Phone alerts in the Libyan SAR. The following day, another 61 are rescued from an unseaworthy wooden boat from international waters off Libya following mayday relay from a fishing vessel and with support of Colibri 2.
14 November	Nadir finds an overcrowded boat with around 50 people. Due to rough seas, one person fell into the water, another jumped in after him. Both were able to get back into the boat.
15 November	Nadir supports a boat with 50 people. Later they take another 39 people aboard from an iron boat that was in immediate risk of sinking & brings them to Lampedusa. All ~140 people rescued over the last day days arrive safely. <a href="https://x.com/resqship_int/status/1724774748146520574?t=hKPZtN1co-9Yr64tsWey1A&amp;s=09">https://x.com/resqship_int/status/1724774748146520574?t=hKPZtN1co-9Yr64tsWey1A&amp;s=09</a>
16 November	Yesterday, Italian authorities detained Ocean Viking for 20 days and impose a 3,300€ fine after rescuing people in distress in Libyan SRR.

17 November	This afternoon, Geo Barents rescues 57 people, including 11 unaccompanied minors, from a wooden boat in distress at sea in the Maltese SAR.
18 November	Yesterday, after an alert by Pilotes Volontaires, Nadir finds an iron boat, that was critically overcrowded. 2 people end up in the water and others have to be evacuated to prevent the boat from sinking and to distribute life jackets. All are rescued after stabilization.
20 November	Life Support rescues 21 shipwrecked people in international waters in the Libyan SAR. They were traveling on a small black dinghy, an unaccompanied minor amongst them.  <a href="https://twitter.com/emergency_ong/status/1726634231437426895?t=gHsj-JG3BUW1hlqAoJoUXA&amp;s=09">https://twitter.com/emergency_ong/status/1726634231437426895?t=gHsj-JG3BUW1hlqAoJoUXA&amp;s=09</a>
22 November	Sea Watch together with Geo Barrents rescue a boat in distress with 57 people. They are all later safely disembarked in Ravenna.
30 November	In the morning, the crew of Humanity 1 rescue 90 people from an overcrowded, unseaworthy rubber boat in international waters off the coast of Libya. Among them are around 30 unaccompanied minors, several women, and a baby. The distress case was reported by Alarm Phone. <a href="https://x.com/soshumanity_en/status/1730154308761469019?t=S5v0lr_TckMKsZHd1971w&amp;s=09">https://x.com/soshumanity_en/status/1730154308761469019?t=S5v0lr_TckMKsZHd1971w&amp;s=09</a>  Aurora finds a wooden boat in distress with around 45 people on board. While the weather steadily worsened, the crew takes all guests safely aboard and reaches Lampedusa before midnight for disembarkation. <a href="https://twitter.com/seawatch_intl/status/1730616937707680183">https://twitter.com/seawatch_intl/status/1730616937707680183</a>  In the late afternoon, Humanity 1 rescues another 40 people from an overcrowded, unstable wooden boat. The people had set off from Libya the night before and report massive violence by masked Libyan militias who attacked them with weapons before their escape. Crotona in southern Italy is assigned as POS.

## December

1 December	In the afternoon, the Geo Barrents rescues 44 people from 2 fiberglass boats in distress. Among the survivors there are 4 children less than 3 years old, 4 women and several unaccompanied minors. <a href="https://twitter.com/MSF_Sea/status/1730302451746484572?s=09">https://twitter.com/MSF_Sea/status/1730302451746484572?s=09</a>
3 December	Administrative detention for the rescue ship Humanity 1 after disembarkation in Crotona of 200 shipwrecked people rescued in international waters.
18 December	Sea Eye 4 rescues 26 people from two unseaworthy boats. The initial alert was made by AlarmPhone.



25 December	<p>Yesterday, 119 people are rescued in two rescue operations with the help of the Alarm Phone. Everyone is brought safely on board the Sea-Watch 5. Seabird supported from the air.</p> <p><a href="https://twitter.com/seawatch_intl/status/1739285436873207874?t=bEAW5ydmshfu1zk9ZUot4g&amp;s=19">https://twitter.com/seawatch_intl/status/1739285436873207874?t=bEAW5ydmshfu1zk9ZUot4g&amp;s=19</a></p>
27 December	<p>Ocean Viking performs three rescues. During the night, SOS Mediteranee first rescued 122 people, including 8 unaccompanied minors, from an overcrowded wooden boat. Around midday, an overcrowded double deck wooden boat was spotted in the international waters off Libya from the bridge lookout. 106 people are brought on board. While the fast rescue boats were still on the water, Colibri2 spotted an unseaworthy fiberglass boat, 14NM away. 16 survivors were rescued, under Italian coordination. The Italian authorities assigned Bari as a Place of Safety.</p> <p>55 people in distress call Alarm Phone. Seabird spots them and the crew of Sea-Watch 5 carries out a successful rescue operation.</p>
29 December	<p>Geo Barrents rescues 336 people in distress at sea from three overcrowded wooden boats. Ravenna, +/- 4 days of navigation away, is assigned as POS.</p> <p><a href="https://x.com/MSF_Sea/status/1740707699019718879?t=E7K27Q-tbOdarFwU-e-6IA&amp;s=09">https://x.com/MSF_Sea/status/1740707699019718879?t=E7K27Q-tbOdarFwU-e-6IA&amp;s=09</a></p> <p>OA rescues around 55 people then carried out the first evacuation in Lampedusa of a 9-month pregnant woman. Genova is assigned as POS, requiring a few days of navigation.</p>
31 December	<p>Ocean Viking is detained for a minimal deviation from its course to respond to a distress alert on the way to Bari. The prior 3 rescues of 244 persons were carried out under coordination by maritime authorities.</p> <p><a href="https://twitter.com/SOSMedIntl/status/1741486545188659304?t=udInIxROam1fyYQLryxRlw&amp;s=09">https://twitter.com/SOSMedIntl/status/1741486545188659304?t=udInIxROam1fyYQLryxRlw&amp;s=09</a></p>

## Analysis

### From Libya to Tunisia: how the EU is extending the push-back regime by proxy in the Central Mediterranean

*by the Civil MRCC legal team*

On August 21, 2023 the rescue ship Aurora from Sea Watch was detained by the Italian authorities after refusing to disembark survivors in Tunisia as ordered by the Rome MRCC (Maritime Rescue Coordination Center), a country which by no means can be considered a place of safety.

This episode is just one example of the efforts of European states to avoid arrivals on their shores at all costs, and to evade their responsibility for reception and Search and Rescue (SAR). Already in 2018, the European Commission, with its disembarkation platform project, attempted to force sea rescue NGOs to disembark survivors in North Africa. While this project was ultimately unsuccessful as it stood, European states have endeavored to increase the number of measures aimed at reducing crossings in the central Mediterranean.

One of the strategies employed was to set up a “[push-back by proxy regime](#)”, outsourcing interceptions at sea to the Libyan Coast guards, enabling the sending back of people on the move to a territory in which their lives are at risk, undertaken by Libyan border forces under the control of the EU authorities, in contravention of principle of non-refoulement, one of the cornerstones of international refugee law. Since 2016, the EU and its member states have

[equipped, financed, and trained](#) the Libyan coastguard and supported the creation of a MRCC in Tripoli and the declaration of a Libyan SRR (search and rescue region).

This analysis details how the European Union and its member states are attempting to replicate in Tunisia the regime of refoulement by proxy set up in Libya just a few years earlier. Four elements are considered: strengthening the capacities of the Tunisian coastguard (equipment and training), setting up a coastal surveillance system, creating a functional MRCC and declaring a Tunisian SRR.

## **A. Building capacity of the Garde Nationale Maritime**

### **1. Providing equipment**

For several decades now, Tunisia has been receiving equipment to strengthen its coast guard capabilities. After the Jasmine Revolution in 2011, Italy-Tunisia cooperation deepened. Under the informal agreement of April 5, 2011, 12 boats were [delivered](#) to the Tunisian authorities. In 2017, in a joint statement by the Italian Ministry of Foreign Affairs and its Tunisian counterpart, the two parties committed to “closer cooperation in the fight against irregular migration and border management,” with a particular focus on the maritime border. In this context, the Italian Minister declared Italy's support for the modernization and maintenance of the patrol vessels supplied to Tunisia (worth around 12 million euros) and the [supply](#) of new equipment for maritime border control. On March 13, 2019, Italy also [supplied](#) Tunisia with vehicles for maritime border surveillance, sending 50 4-wheelers designed to monitor the coasts.

Recently, Germany also started to support the coast guard more actively in Tunisia, [providing](#) it with equipment for a boat workshop designed to repair coast guard vessels in 2019. As revealed in an [answer](#) to a parliamentary question, in the last two years, the Federal Police also donated 12 inflatable boats and 27 boat motors. On the French side, after a visit in Tunis in June 2023, the Interior Minister Gérard Darmanin announced 25 million euros in aid enabling Tunisia to buy border policing equipment and train border guards. In August 2023, the Italian authorities also [promised](#) hastening the provision of patrol boats and other vehicles aimed at preventing sea departures.

Apart from EU member states, Tunisia has also received equipment from the USA. Between 2012 and 2019, the Tunisian Navy was equipped with 26 US-made patrol boats. In 2019, the Tunisian national guard was also reinforced with 3 [American helicopters](#). Primarily designed to fight against terrorism, the [US equipment](#) is also used to monitor the Tunisian coast and to track “smugglers.”

Above all, the supply of equipment to the Tunisian coastguard is gaining more and more support by the European Union. Following the EU-Tunisia memorandum signed on July 16, 2023, for which €150 million was pledged towards the “fight against illegal migration,” in September 2023, Tunisia received a first [transfer](#) under the agreement of €67 million “to finance a coast guard vessel, spare parts and marine fuel for other vessels as well as vehicles for the Tunisian coast guard and navy, and training to operate the equipment.” In a letter to the European Council, leaked by Statewatch in October 2023, the European Commission president Ursula von der Leyen [highlighted](#) the provision of vessels and support to the Tunisian coast guards: “Under the Memorandum of Understanding with Tunisia, we have delivered spare parts for Tunisian coast guards that are keeping 6 boats operation and others will be repaired by the end of the year.”

### **2. Trainings the authorities**

In addition to supplying equipment, the European countries are also organizing training courses to enhance the skills of the Tunisian coastguard. In 2019, Italy's Interior Ministry [released](#) €11 million to Tunisia's government for use in efforts to stem the crossing of people on the move from Tunisia, and to provide training to local security forces involved in maritime border control.

Under the framework of Phase III of the EU-supported [IBM project](#) (Integrated Border Management), Germany is also organizing training for the Tunisian coast guards. As revealed in the answer to a parliamentary question mentioned before, the German Ministry of Interior admitted that 3.395 members of the Tunisian National Guard and border police had been trained, including within [Germany](#). In addition, 14 training and advanced training measures were carried out for the National Guard, the border police, and the coast guard. These training sessions were also aimed at learning how to use “control boats.”

In a [document](#) presenting the “EU Support to Border Management Institutions in Libya and Tunisia” for the year 2021, the European Commission announced the creation of a “coast guard training academy.” In Tunisia, the project consists of implementing a training plan, rehabilitating the physical training environment of the Garde Nationale Maritime, and enhancing the cooperation between Tunisian authorities and all stakeholders, including EU agencies and neighboring countries. Implemented by the German Federal Police and the International Centre for Migration Policy Development (ICMPD), the [project](#) started in January 2023 and is supposed to run until June 2026, to the sum of 13,5 million EUR.

Although the European Commission underlines the objective that “the Training Academy Staff is fully aware and acting on the basis of human rights standards,” the increase in [dangerous maneuvers and attacks](#) perpetrated by the Tunisian coast guard since the increase in European support leaves little doubt that respect for human rights is far from top priority.

On November 17, 2023, the ICMPD announced on its [Linkedin account](#) the inauguration of the Nefta inter-agency border management training center, as a benefit to the three agencies responsible for border management in Tunisia (Directorate General Directorate of Borders and Foreigners of the Ministry of the Interior, the General Directorate of Border Guard of the National Guard and the General Directorate of Customs).

## **B. Setting up a coastal surveillance system**

In addition to supplying equipment, European countries also organize training courses to enhance the skills of European coastguards in the pursuit of an “early detection” strategy, which involves spotting boats as soon as they leave the Tunisian coast in order to outsource their interception to the Tunisian coastguard. As early as 2019, Italy expressed its willingness to install radar equipment in Tunisia and to [establish](#) “a shared information system that will promptly alert the Tunisian gendarmerie and Italian coast guard when migrant boats are at sea, in order to block them while they still are in Tunisian waters.” This ambition seems to have been achieved through the implementation of the system ISMaris in Tunisia.

### **1. An Integrated System for Maritime Surveillance (ISMaris)**

The system ISMaris, or “Integrated System for Maritime Surveillance”, was first mentioned in the “Support Programme to Integrated Border Management in Tunisia” (IBM Tunisia, launched in 2015. Funded by the EU and Switzerland and implemented by the International Centre for Migration Policy Development (ICMPD), the first phase of the program (2015-2018) supported the equipment of the Garde Nationale Maritime with this system, [defined](#) as “a maritime surveillance system that centralizes information coming from naval assets at sea and from coastal radars [...] [aiming] to connect the sensors (radar, VHF, GPS position, surveillance cameras) on board of selected Tunisian Coast Guard vessels, control posts, and command centers within the Gulf of Tunis zone in order for them to better communicate between each other.”

The implementation of this data centralization system was then taken over by the “Border Management Programme for the Maghreb Region” ([BMP-Maghreb](#)), launched in 2018 and funded by the EU Emergency Trust Fund for Africa. The Tunisia component, funded with €24,5 million is implemented by ICMPD together with the Italian Ministry of Interior and [designed](#) to “strengthen the capacity of competent Tunisian authorities in the areas of maritime surveillance and migration management, including tackling migrant smuggling, search and rescue at sea, as well as in the coast guard sphere of competence.” With the BMP programme, the Tunisian Garde Maritime Nationale was [equipped](#) with navigational radars, thermal cameras, AIS and other IT equipment related to maritime surveillance.

### **2. Data exchange with the EU**

The action document of the BMP program clearly states that one of the purposes of ISMaris is the reinforcement of “operational cooperation in the maritime domain between Tunisia and Italy (and other EU Member States, and possibly through EUROSUR and FRONTEX).” Established in 2013, the European Border Surveillance system (EUROSUR) is a **framework for information exchange and cooperation** between Member States and Frontex, to prevent the so-called irregular migration at external borders. Thanks to this system, Frontex already [monitors](#) the coast regions off Tunisia using aerial service and satellites.

What remains dubious is the connection between IS-Marisi and the EU surveillance-database. In 2020, the European Commission [claimed](#) that ISMaris was still in development and not connected to any non-Tunisian entity such as

Frontex, the European Border Surveillance System (EUROSUR) or the Italian border control authorities. But it is likely that in the meantime information exchange between the different entities was systematized.

In the absence of an official agreement, the cooperation between Frontex and Tunisia is unclear. As already mentioned in [Echoes#3](#), “so far, it has not been possible to verify if Frontex has direct contact with the Tunisian Coast Guard as it is the case with the Libyan Coast Guard. Even if most of the interceptions happen close to Tunisian shores, some are carried out by the Tunisian Navy outside of territorial waters. [...] Since May 2021 Frontex has been flying a drone, in addition to its different assets, monitoring the corridor between Tunisia and Lampedusa on a daily basis. While it is clear that Frontex is sharing data with the Italian authorities and that Italian authorities are sharing info on boats which are on the way from Tunisia to Italy with the Tunisian side, the communication and data exchanges between Frontex and Tunisian authorities remain uncertain.”

While in 2021, Frontex [reported](#) that “no direct border related activities have been carried out in Tunisia due to Tunisian authorities’ reluctance to cooperate with Frontex,” formalizing the cooperation between Tunisia and Frontex seems to remain one of the EU’s priorities. In September 2023, a delegation from Tunisia [visited](#) Frontex headquarters in Poland, with the participation of the Ministries of Interior, Foreign Affairs and Defence. During this visit, briefings were held on the cross-border surveillance system EUROSUR and where all threads from surveillance from ships, aircraft, drones and satellites come together.

However, as [emphasized](#) by Mathias Monroy, an independent researcher working on border externalization and the expansion of surveillance systems, “Tunisia still does not want to negotiate such a deployment of Frontex personnel to its territory, so a status agreement necessary for this is a long way off. The government in Tunis is also not currently seeking a working agreement to facilitate the exchange of information with Frontex.”

This does not prevent the EU from continuing its efforts. In September 2023, in the wake of the thousands of arrivals on the island of Lampedusa, the head of the European Commission, Ursula von der Leyen, reaffirmed, in a [10-point action plan](#), the need to have a “working arrangement between Tunisia and Frontex” and to “step up border surveillance at sea and aerial surveillance including through Frontex.” In a [letter](#) written by the European Commission in reply to the LIBE letter about the Tunisia deal sent on the Greens Party initiative in July 2023, the EU also openly admits that IT equipment for operations rooms, mobile radar systems and thermal imaging cameras, navigation radars and sonars have been given to Tunisia so far and that more surveillance equipment is to come.

To be noted as well is that the EU4BorderSecurity program, which [includes](#) support to “inter-regional information sharing, utilizing tools provided by Frontex” has been extended for Tunisia until April 2025.

### **C. Supporting the creation of a Tunisian MRCC and the declaration of a Search and rescue region (SRR)**

#### **1. Building a MRCC in Tunisia, a top priority for the EU**

In 2021, the European Commission [stated](#) the creation of a functioning MRCC in Tunisia as a priority: “Currently there is no MRCC in Tunisia but the coordination of SAR events is conducted by Tunisian Navy Maritime Operations Centre. The official establishment of a MRCC is a necessary next step, together with the completion of the radar installations along the coast, and will contribute to implementing a Search and rescue region in Tunisia. The establishment of an MRCC would bring Tunisia’s institutional set-up in line with the requirements set in the International Convention on Maritime Search and Rescue (SAR) of 1979 (as required by the Maritime Safety Committee of the International Maritime Organisation IMO).”

The objective of creating a functioning Tunisian MRCC is also mentioned in a European Commission [document](#) presenting the “strategy for the regional, multi-country cooperation on migration with partner countries in North Africa” for the period 2021-2027. The related project is detailed in the “Action Document for EU Support to Border Management Institutions in Libya and Tunisia (2021),” whose overall objective is to “contribute to the improvement of respective state services through the institutional development of the Maritime Rescue Coordination Centres” in the North Africa region. The EU also promotes a “regional approach to a Maritime Rescue Coordination Center,” that “would improve the coordination in the Central Mediterranean in conducting SAR operations and support the fight against migrant smuggling and trafficking in human beings networks in Libya and Tunisia.”

The Tunisia component of the programs announces the objective to “support the establishment of a Maritime Rescue Coordination Centre, [...] operational 24/7 in a physical structure with functional equipment and trained

staff," establishing "cooperation of the Tunisian authorities with all national stakeholders, EU agencies and neighbouring countries on SAR."

This project seems to be gradually taking shape. On the website of Civipol, the French Ministry of the Interior's service and consultancy company, a new project entitled "Support for Search and Rescue Operations at Sea in Tunisia" is mentioned in a [job advertisement](#). It states that this project, funded by the European Union, implemented together with the GIZ and starting in September 2023, aims to "support the Tunisian authorities in strengthening their operational capacities (fleet and other)" and "provide support to the Tunisian authorities in strengthening the Marine Nationale and the MRCC via functional equipment and staff training."

In October 2023, the German development agency GIZ also published a job offer for a project manager in Tunisia, to implement the EU-funded project "Support to border management institution (MRCC)" in Tunisia (the job offer was deleted from the website in the meantime but screenshots can be shared on demand). The objective of the project is described as such: "improvement of the Tunisia's Search and Rescue (SAR) capacity through reinforced border management institutions to conduct SAR operations at sea and the fight against migrant smuggling and human being trafficking by supporting increased collaboration between Tunisian actors via a Maritime Rescue Coordination Centre (MRCC)."

According to Mathias Monroy, [other steps](#) have been taken in this direction: "[the Tunisian MRCC] has already received an EU-funded vessel tracking system and is to be connected to the "Seahorse Mediterranean" network. Through this, the EU states exchange information about incidents off their coasts. This year Tunisia has also sent members of its coast guards to Italy as liaison officers – apparently a first step towards the EU's goal of "linking" MRCC's in Libya and Tunisia with their "counterparts" in Italy and Malta."

The establishment of a functional MRCC represents a major challenge for the EU, with the aim to allow Tunisia to engage actively in coordination of interceptions. Another step in the recognition of the Tunisian part as a valid SAR actor by the IMO is the declaration of a search and rescue region (SRR).

## **2. The unclear status of the current Tunisian area of responsibility**

Adopted in 1979 in Hamburg, the International Convention on Maritime Search and Rescue (SAR - Search & Rescue Convention) aimed to establish an international search and rescue plan to encourage cooperation and coordination between neighboring states in order to ensure better assistance to persons in distress at sea. The main idea of the convention is to divide seas and oceans into search and rescue zones in which states are responsible for providing adequate SAR services, by establishing rescue coordination centers and setting operating procedures to be followed in case of SAR operations.

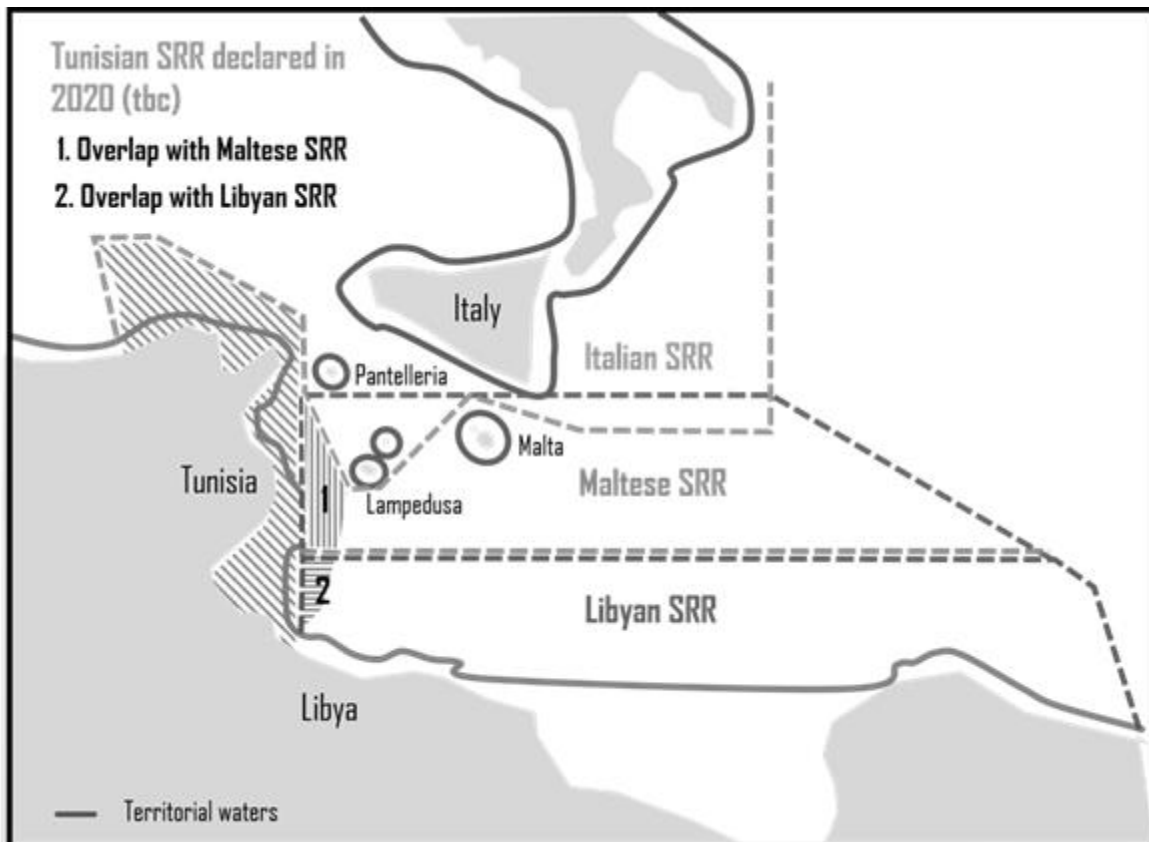
Whereas Tunisia acceded to the treaty in 1998, this was not followed by the delimitation of the Tunisian SAR zone of responsibilities nor by regional agreements with neighboring states. It is only in 2013 that Tunisia declared the limits of its SRR, following the approval of the Maghreb Convention in the Field of Search and Rescue in 2013 and by virtue of Decree No. 2009-3333 of November 2, 2009, setting out the intervention plans and means to assist aircraft in distress. In application of this norm, Tunisian authorities are required to intervene immediately, following the first signal of help or emergency, in the limits of the Tunisia sovereign borders (12 nautical miles). This means that under national legislation, Tunisian authorities are obliged to intervene only in territorial waters. Outside this domain, the limits of SAR interventions are not clearly defined.

A point to underline is that the Tunisian territorial waters overlap with the Maltese SRR. The Tunisian Exclusive Economic Zone - which does not entail any specific duty connected to SAR - also overlaps with the Maltese SRR and this circumstance led in the past to attempts by the Maltese authorities to drop their SAR responsibilities claiming that distress cases were happening in this vast area. Another complex topic regards the presence, in international waters which is part of the Maltese SRR, of Tunisian oil platforms. Also, in these cases the coordination of SAR operations have been contested and were often subject to a "ping-pong" responsibility from the involved state authorities.

## **3. Towards the declaration of a huge Tunisian SRR?**

In a research [document](#) published by the IMO Institute (International Maritime Organization), Akram Boubakri (Lieutenant Commander, Head, Maritime Affairs, Tunisian Coast Guard according to IMO Institute website) wrote that

at the beginning of 2020, Tunisia officially submitted the coordinates of the Tunisian SRR to the IMO. According to this document, these new coordinates, still pending the notification of consideration by the IMO, would cover a large area, creating two overlapping areas with neighboring SAR zones – the first one with Libya, the second one with Malta\*:



*\*This delimitation has to be confirmed (tbc). Nothing proves that the coordinates mentioned in the article were actually submitted to the IMO*

As several [media outlets](#) have reported, the declaration of an official Tunisian SRR is a project supported by the European Union, which was notably put back on the table on the occasion of the signing of the Memorandum of Understanding signed in July 2023 between the EU and Tunisia.

During the summer 2023, the Civil MRCC legal team initiated a freedom of information access request to the Tunisian authorities to clarify the current status of the Tunisian SRR. The Tunisian Ministry of Transport/the Office of the Merchant Navy and Ports replied that "[n]o legal text has yet been published defining the geographical marine limits of the search and rescue zone stipulated in the 1979 International Convention for Search and Rescue [...]. We would like to inform you that the National Committee for the Law of the Sea, chaired by the Ministry of National Defence, has submitted a draft on this subject, which has been sent in 2019 to the International Maritime Organisation through the Ministry of Transport." A recourse to the Ministry of Foreign Affairs and the Interior was sent but no reply was received yet.

Replying in December 2023 to a freedom of information access request initiated by the Civil MRCC, the IMO stated that "Tunisia has not communicated their established search and rescue region to the IMO Secretariat." However, on November 3, 2023, the Tunisian Ministerial Council adopted a "draft law on the regulation of search and rescue at sea in Tunisia's area of responsibility." A text which, according to FTDES, provides for the creation of a Tunisian SAR zone, although it has not yet been published. While the text still has to be ratified by the parliament, it is quite clear that the Tunisian authorities are currently making concrete steps to align on the IMO standards and, by doing so, on the EU agenda.

## **Conclusion: A EU strategy to escape from its SAR responsibilities**

The EU's maritime border externalization policies in Tunisia are therefore based on four complementary elements: strengthening the capacities of the Tunisian coastguard (equipment and training), setting up a coastal surveillance

system, creating a functional MRCC, and declaring a Tunisian SAR zone. The aim of these various elements is to establish a regime of "refoulement by proxy" along the Tunisian route, along the lines of what has been in place in Libya in recent years. Used as a means for European states to evade their SAR obligations and avoid arrivals on their shores at all costs, these policies only serve to make the situation even more precarious for people trying to flee Tunisia at all costs. Whereas the European Union presents these measures as a means of "saving lives at sea," it is actually clear that this humanitarian rhetoric only clumsily conceals security ambitions, aimed at further restricting freedom of movement in the central Mediterranean.

While some analysts have seen the drop in arrivals in Italy from Tunisia in recent months as a sign of the "success" of the European Union's strategy to close its borders (in November, a [drop](#) of over 80% compared to the summer months), in reality, the evolution of these policies proves that reinforcing a border only shifts migratory routes. From autumn onwards, the Libyan route has seen an increase in traffic, with many departing from the east of the country. These analyses fail to consider the agency of people on the move, and the constant reinvention of strategies for transgressing borders.

While condemning the generalization of a regime of refoulement by proxy in the central Mediterranean and the continued brutalization of the border regime, the Civil MRCC aims to give visibility to the autonomy of migration and non-stop solidarity struggles for freedom of movement!

## Forced to disappear

On February 6, 2024, in memory of the tenth anniversary of the Tarajal massacre, an international mobilization against murderous border management and migration control policies is being prepared.

By joining this mobilization and actively participating in the activities of CommemorActions(s), we want to amplify and make visible the demands for truth and justice made by the families of people who have disappeared or died in migration, addressed to national and international authorities.

In the same way, we work alongside families in the practical search for missing relatives, and in the painful but necessary process of identifying victims. What's more, we participate directly or indirectly in these processes, to the extent of our technical capabilities, activities and roles.

The "we" referred to here is a non-homogeneous group, with variable geometry and identities, of individual or collective subjects who, over time, have decided to become active in defending and asserting the rights and dignity of people who have disappeared or died on their migration path, and of their families and loved ones; it's a transnational, open "we" made up of activists, researchers, associations and civil society players, women and men, parents and children, people who refuse to accept the operation of a deadly border regime and its indirect or direct consequences on the lives of thousands of people; it's a "we" at the center of which are the families and communities who have suffered the loss or death of a loved one.

Some of us are publicly active in actions and CommemorActions around the world, others work alongside families on a daily basis to support them in their search; some families choose to share their suffering and hopes in the public arena on the occasion of public gatherings, others engage directly to support other families over time.

In recent years, the constellation of CommemorActions has expanded, the connections between the different realities have been strengthened, and a common language of demand and presence in the public arena has been and is being built collectively. But this shared journey has not only strengthened solidarity and mutual support: this common experience has also enabled a direct encounter and exchange between families, who have found interlocutors with whom to share their needs and demands, and the civil society players who over time have organized and trained to support them.

This convergence, which is a process in the making, has facilitated exchanges of practice and experience between players from different countries, as well as the possibility of sharing information on concrete cases and directly supporting families' research. In the same way, those who intervene at sea to minimize the risk of shipwreck have begun to put in place practices both to recover the bodies of victims in a dignified manner, and to collect information from witnesses/survivors to help identify victims and names of missing persons.

In the last ten years, the technical skills and specific knowledge of those already present in the field have been strengthened, and many other players have become involved in the public arena and in the regions most affected by cases of disappearance or death. Each tried to adapt its activity to the specific context, to define its margins of action and interaction with the authorities (particularly with regard to identification processes) and at the same time to forge links with actors in other countries or regions, trying to link the trajectories between countries of departure, transit and arrival, also drawing, where possible, on the work of international humanitarian organizations. At the same time, we have tried to gain a better understanding of how the border system works, and of the legal and administrative frameworks in the various countries, so as to be able to support families in the necessary steps. Researchers and experts have also begun to develop tools and instruments to shed light on the fate of missing persons and to facilitate identification.

All of this is gradually building up a constellation of different players at transnational level, converging in a common desire to support families in their quest for truth and justice: a mapping (to be published on the occasion of the CommemoraAction) of the actors operating mainly in North Africa and the Mediterranean region is taking shape through the coordination of the EuromedRights network. Other projects are being developed elsewhere, on the EU's internal borders, on the Balkan route or in Lebanon or the Sahel, and wherever people on the move are threatened with death or disappearance.

This cooperation and interconnection, which can also partly provide "a posteriori" answers to families engaged in searches over long periods, will above all strengthen civil society's capacity for direct action and intervention in real time, and support families more effectively and rapidly in their search, in the face of the progressive resignation of national authorities. In addition, this technical and practical convergence will further strengthen the CommemoraAction process, by combining the legitimate demands for truth and justice addressed to the authorities with a greater capacity for research and intervention on the part of the families concerned.

## Interview

### Airborne

#### **1) What does Sea-Watch Airborne do?**

What is the history of creating an air reconnaissance department in Sea Watch?

The background to founding Airborne was the need for documentation of human rights violations at Europe's borders in the central Mediterranean and to bring them to the attention of a wider public. As a result, a group of people came together in 2016 and luckily we found our cooperation partner HPI (Humanitarian Pilot Initiative) soon and ever since cooperated with them in this operation. Apart from being much faster than the civil rescue ships, our elevated position at around 1.500 feet gives us a way better chance of spotting a boat in distress than from surface level. Ever since 2016, we can monitor how the circumstances in the central Mediterranean become more and more violent. Since 2018, the Libyan Search and Rescue Region is serving as a construct for European actors to avoid their duty to rescue: according to international law, a rescue ends with the disembarkation of people in a place of safety, which is Malta or Italy in this case. Since then, European state actors and Frontex especially have trained the so-called Libyan Coast Guard, removed their surface assets from the area, and supported the Libyan Coast Guard vessels from the air and within reach of their ultimate goal: to prevent people seeking safety from reaching European soil. Our small airplanes, Seabird 1 and Seabird 2, take off from the airport of Lampedusa and fly patterns in front of the Libyan shores. We fly throughout most of the year, with or without NGO ships in the area out, try to document and monitor with the ultimate goal – fight fortress Europe.

#### **2) How does Sea-Watch Airborne think strategically about its operations at a time when civilian rescue in the Mediterranean is highly criminalized?**

Since we have been part of the whole criminalization wave for years it does not feel so different to previous waves and years. The room for maneuvering for people on the move as well as those who want to change this very painful situation for the better gets smaller. The whole civil fleet gets criminalized on political grounds and it feels like our operation gets more and more in the spotlight of authorities. However, the numbers from 2023 show that we manage to react more strongly to every attempt at criminalization with some 160+ operational flights, and that they will hopefully not succeed in intimidating solidarity structures or even get rid of us.



### **3) What kind of information is Sea-Watch Airborne able to shed light on about what is happening in the Central Mediterranean?**

Operating two aircraft gives us a much wider possibility for the documentation of human rights violations at Europe's borders. It's not only from the air that we gather evidence via photo and film, but also from our crew operating on the ground collecting the whole year's intelligence on the illegal behavior of state authorities. After many years of witnessing the systematic withholding of information by Frontex at sea, the delay of rescue by the Rescue Coordination Center Malta, and the active coordination of pushbacks by the so-called Libyan coast guard, we and other actors were finally able to file a case against Frontex in front of the General Court of the European Union in Luxembourg and shed light on authorities avoiding their duty to rescue people in distress at sea.

The case specifically refers to a pullback on 30 July 2021 in violation of international law, which was witnessed by Airborne and the NGO ship Sea-Watch 3. Within the Maltese search and rescue zone, a boat in distress at sea with around 20 people on board was intercepted by the so-called Libyan Coast Guard and towed back to Libya. As pointed out by the organizations Human Rights Watch and Border Forensics, it must be assumed that Frontex facilitated this illegal interception, as it was their drone that was the first aircraft on the scene of the boat in distress. Frontex's daily movement form a pattern of aerial patrol and coordinated pushbacks under European law - as well on that specific day.

This is only one of several hundred cases where RCC Malta knowingly withholds information. Our ground crew relays information in case of distress both by phone and email in addition to the radio. Furthermore, we have also observed several times via open-source tracking platforms, such as ADSB, that aircraft operated by Armed Forces Malta or Frontex already detect maritime emergencies several hours in advance before one of the so-called Libyan Coast Guard appears in the horizon. By withholding information on boats in distress from the civil fleet - although those are the only properly equipped vessels conducting sea rescue in that area - people face detention, torture, rape, and death, after being forcibly intercepted and pushed back to Libya.

### **4) Is there any change in behavior by MRCCs or Frontex due to Sea-Watch Airborne's presence and documenting of pushbacks and cases of non-assistance?**

Unfortunately, we observe that the RCCs (both Malta and Italy) became less cooperative and even more hostile. The impact of our operations is rather that they are more and more annoyed by us - for the obvious reason that we do document them being unresponsive. They rarely share any relevant information and mostly they tell us that they don't work with NGOs even in very critical situations. Mostly we succeeded if we pressured merchant or private vessels in the area and when they took over responsibility - you could call it pressure by proxy. Italy remains rather professional and distant. Malta remains a total disaster. They hang up on us on the phone, tell Merchant vessels to not engage in a rescue, and just provide people on the distress case with fuel and then continue their journey. We barely ever see the Armed Forces of Malta's vessels anymore in their SAR area. Frontex handles it a bit differently nowadays. Our pressure has increased and they are aware that we are constantly watching them and that we gathered a lot of operational information on them already. They adapted their operations by sending out more MAYDAY Relay for distress cases - but rather in areas where there is no so-called Libyan Coastguard around. We assume it is for the statistics and the next request for information on them to show something to the public. How they communicate and pass on information to the so-called Libyan Coastguard nowadays remains mysterious - but they surely do.

### **5) Can you talk about Sea-Watch Airborne's role specifically in the civil fleet? How do you work together with other civil actors to coordinate civil SAR operations?**

Sea-Watch Airborne operations are just one piece of the puzzle in this very complex environment. Within the civil fleet we can provide a different perspective. From the above, with our aircraft, we can cover wider areas and document what happens at sea. This means that we can support other assets at sea, including NGOs. Furthermore, from our perspective and daily work we can monitor how trends change. To do so, we have established a very strong documentation team in our department - which by now can provide good insights on past trends and developments in the central Mediterranean, not only for operational use but also for media and advocacy work. Collaborations with various actors like "Frag den Staat", investigative journalists or researchers increased over the past years and we could happily provide them with a lot of data, which we gathered from our daily flights. Another huge achievement in which our data was of help, the reconstruction of cases in media work and even for lawsuits - like recently against Frontex.

## 6) What political developments in the EU have most impacted Sea-Watch Airborne operations over the last few months?

Mainly the same as for every other actor in the central Med. Italy's fascist government and the EU and their attempt to do deals with countries like Tunisia and Libya. In this line especially the Italian NGO decree for sure has a big impact. Not only on ships but they try to also throw it at our operations. Also, the deal that Italy/the EU made with Tunisia, for sure has an impact on our operations, now that there are deadly effects visible from it. We are also really worried about the CEAS reform and new deals with Haftar and other militias. Generally speaking, it is super scary what measures have been taken to ascertain the racist border regime of Europe but for sure it is equally empowering to see the resistance against it - although not always so visible.

## 7) What are some of the biggest challenges Sea-Watch Airborne faces?

One of the biggest challenges recently is that it became clear that the Italian government really is again and again looking for ways to stop our operations. We face some criminalization attempts by the civil aviation authority (ENAC), which is under the control of the Ministry of Transportation - so Salvini. But also last year when we really had to fight our way back into the Libyan Flight Information region (which is almost similar to the Libyan Search and Rescue area) operationally it probably remains the stalemate situation of spotting something but not being able to intervene. Since we don't operate a ship but fly with 120 knots above the sea it sometimes is a bit draining to document the cruel and violent behavior. On a rather general note, but that is for sure the same for all actors active around the central Mediterranean or working on the topic of migration worldwide, we are very sad and angry about any developments targeting people on the move and those who are in solidarity with them.

## Legal fragment

### The Vos Triton case: Seeking accountability and justice for privatized pushbacks

*By the Civil MRCC legal team*

On 29 December 2023, a group of civil society organizations – Associazione Studi Giuridici per l'Immigrazione (Asgi), Comitato Nuovi Desaparecidos, Open Arms, Progetto Diritti, Sea Watch, Mediterranea Saving Humans, JI Project e WatchTheMed Alarm Phone - submitted a [criminal report to Rome Prosecutor about the so-called “Vos Triton case”](#).

The case dates back to 2021, when on 14 June a group of about 170 people in distress were rescued by the *Vos Triton* – a merchant vessel belonging to Vroon shipping company – and then handed over to the so-called Libyan coastguard and returned to Libya. Since Libya [could not be considered a Place of Safety](#), the fact that people were returned there, did not allow the completion of the rescue operation.

In fact, according to international maritime law, “a rescue operation is considered completed once shipwreck survivors are disembarked in a place of safety” (SOLAS Convention, chapter 5, regulation 33), which should be a place where “a place where the survivors’ safety of life is no longer threatened and where their basic human needs (such as food, shelter and medical needs) can be met. (...)” [Annex to the 1979 SAR Convention, 1.3.2.].

On the contrary, the 14 July case could be considered a pushback by proxy, or a capture – leading people to be forcefully brought back to a place where they would have faced unlawful detention and exposed to torture, indiscriminate violence, rape and other forms of inhuman and degrading treatments. Their right to leave any country – including their own – was violated, as well as their right to seek asylum and the non-refoulement principle.

The 170 people intercepted by *Vos Triton* were fleeing from Sudan, South Sudan, Eritrea, Ethiopia and many other countries – where many of them had been forcibly returned by Libyan authorities as victims of chain deportations – and had started their courageous and dangerous journey by boat in Zuwarah, Libya most probably a few days before the event.

During the night of 13-14 July, they called Alarm Phone for the first time while drifting in international waters with a broken engine. Despite repeated emails and calls by the Alarm Phone to all SAR authorities – with the UNHCR copied into emails – even ten hours after the first alert, no state rescue asset had intervened yet. Around 12 AM, the Italian Ministry of Defense had communicated that a cargo ship was on its way to rescue the people but unfortunately, after the *Vos Triton* reached the scene, no rescue was carried out.

The arrival on scene of the merchant vessel *Vos Triton* – as well as the subsequent operations which led the people to be pushed back to Libya – [were accurately documented by Sea-Watch’s civilian reconnaissance aircraft Seabird](#): 8 people from the overcrowded boat jumped into the water to try and reach the *Vos Triton* by swimming, after which the others were taken onboard. The *Vos Triton* then stopped next to the so-called Libyan coastguard’s vessel *Zawayah* with the intention to deliver shipwreck survivors to Libyan authorities.

Despite several attempts both by Alarm Phone and Sea Watch to reach the *Vos Triton* via radio and despite the many emails and phone calls to the company, the handover took place, as also [confirmed and condemned by IOM and UNHCR](#).

Over the past months, the investigative journalist Matthias Monroy has demonstrated the [involvement of the Frontex Agency’s aerial assets in the Vos Triton pushback](#). The obtained Whatsapp communication between the EU Agency and the so-called Libyan coastguard shows how the first alerted the second by writing, “[Good morning sir. We have a boat adrift](#),” and sharing visual materials of the boat in distress.

Based on the joint reconstruction of the event by Alarm Phone, Sea Watch, and Mediterranea – and in light of the applicable legal framework on international maritime law, human right law and asylum – the group of civilian search organizations asked the Rome Prosecutor to request further investigation into the event, in order to assess possible crimes and those who committed them.

Over the past two years, civil society organizations who critically observe and intervene in the central Mediterranean Sea have widely documented the different governmental strategies aimed at carrying out interceptions at sea and forced returns to Libya and Tunisia. Despite the Naples Court’s decision in the case of the Italian flagged merchant vessel *Asso 28* – then [confirmed in appeal](#) – which accused the captain of the merchant vessel of “arbitrary abandonment,” a crime punished by the Italian naval code, private and commercial actors in the Central Mediterranean continue to “obey to unjust orders” and refuse to carry out rescue activities; to stand by boats in distress without rescuing while waiting for the so-called Libyan coastguard to arrive on scene; or to directly perform pushback by proxy, as happened the on December 15.

The increased involvement of private actors to carry out EU’s “dirty job” – as in the well documented cases of pushbacks performed by the Tareq Ben Zayad vessels – has the same goal of externalization policies, namely that of blurring states’ responsibilities and avoiding direct accountability for sea crimes.

We will not stop documenting these forms of border violence and seeking accountability and justice for these violations.

## **Criminalisation**

### **A Grave Injustice: Attorney General Files Bill of Indictment against the El Hiblu 3**

***By the Coalition for the El Hiblu 3***

The Attorney General of Malta has issued a Bill of Indictment against Abdalla, Amara, and Kader, also known as the El Hiblu 3. They have been wrongly charged with a long list of serious crimes which could carry life imprisonment. We are aggrieved and angry that the Attorney General has ignored the testimonies heard during the compilation of evidence over the last four and a half years, which demonstrate the indisputable innocence of the El Hiblu 3. Instead, the Attorney General holds the three young men responsible for the general tension on board during and after rescue by the vessel El HIBLU 1. The Attorney General retained all the initial, unfounded charges, including the unsubstantiated charge of terrorism.

Let us not forget that Abdalla, Amara, and Kader helped calm a highly charged situation on board the ship. Let us not forget that, thanks to them, lives were saved. Thanks to them, people did not jump overboard. Thanks to them, no one was hurt. Thanks to them, any misunderstandings with the crew were addressed.

We are convinced that the El Hiblu 3 did the right thing: they helped diffuse a tense situation at sea and helped prevent an illegal pushback to Libya. Abdalla, Amara, and Kader are heroes, not criminals!

In charging the three young men, the Maltese authorities have missed an opportunity to rectify a grave injustice that has unfolded over nearly five years. Their actions should be celebrated, instead of being criminalized. With

widespread support nationally and internationally, we will continue to stand in solidarity with Abdalla, Amara, and Kader until they are acquitted. Free the El Hiblu 3!

### **Weaponizing the law against the vulnerable: the case of the El Hiblu 3**

*By Daniela DeBono and Ċetta Mainwaring*

In March 2019, three teenagers were rescued from a sinking rubber boat in the Mediterranean Sea. Amara was 15 years old and had already traveled from Guinea to Libya before attempting the crossing to Europe. Unknown to him at the time were two other teenagers: Kader was 16, a football enthusiast from the Ivory Coast; and 19 year old Abdalla, also from Guinea and traveling with his wife, Souwa. The three teenagers were traveling with 100 other people when they were rescued by an oil tanker, the *El Hiblu 1*, after their boat began to deflate.

That night, the *El Hiblu 1* crew tried to return the travelers to Libya, despite assurances of helping them to reach Europe. In the early hours of the morning, people spotted Tripoli's coastline and began to protest, terrified at the prospect of being returned to the violence they had known in Libya. Desperation was so high that people were ready to jump overboard. In this tense situation, the first mate called on Amara to translate, having identified him the day before as someone who spoke English. Eventually, the crew also called on the young Kader and Abdalla. The three acted as mediators and translators between frightened travelers and scared crew members.

The wider group's protests convinced the captain to change course; he turned the ship north and motored towards Malta. Speaking to the Maltese authorities en route, he claimed his ship was no longer under his control - although testimonies in the subsequent compilation of evidence cast doubt on this claim. Nevertheless, upon arrival in Malta's Valletta harbor, the three were arrested and immediately charged with nine crimes, including terrorism and confining someone against their will. These charges carry multiple life sentences, and echo the media narrative that took hold before the three even arrived in Malta, a narrative that painted them as pirates and hijackers.

Abdalla, Amara, and Kader – now also known as the El Hiblu 3 – have never known Malta as free men. Imprisoned for 8 months, initially in the maximum-security wing of the adult prison despite their young age, they were released on bail in November 2019 but required to register with the police every day and restricted in their daily movements. Legal experts and international organizations describe the charges that condition their lives as “grossly unjust,” “baseless,” and a “farce.”

For almost five years, the three young men have attended court hearings every month. As a whole, the testimonies corroborate what the El Hiblu 3 have always maintained that they are innocent. Moreover, the compilation of evidence, only the initial stage in the judicial process, has been painfully slow and riddled with failures, silences, and erasures. Despite calling numerous people to testify, including crew members and officials from the Armed Forces of Malta, the prosecution failed to call any of the 100 people who traveled with the El Hiblu 3 for two years. They only did so in March 2021 after the defense submitted an application to the court reminding the prosecution of its legal obligation to impartiality and its duty to bring forward all evidence at its disposal. Predictably, many of these key eyewitnesses had already left the island after two years, as secondary movements to other European countries are common.

Even when a handful were eventually given the opportunity to testify, silencing continued. Requests by some to testify in Bambara, a language widely spoken in West Africa, were denied. Witnesses also questioned the accuracy of the translation occurring in court, with the defense requesting a new translator. Yet, those who did testify confirmed Amara, Abdalla and Kader's role as translators, and not as ring leaders.

Over these last years, a vast, transnational solidarity network has developed between local, international and intergovernmental organizations, convinced of the El Hiblu 3's innocence and motivated by the injustice of pressing such charges against three teenagers. As the compilation of evidence unfolded, anger grew as information emerged that no weapons were found on board and no violence took place, and as people got to know the three. Despite their young age, despite the trial having already stolen much of their youth, they have displayed incredible strength and courage in the face of injustice. They have withstood imprisonment, adhered to strict bail conditions, appeared in court every month, all while building lives in Malta: studying, working, raising children, making friends and building a community.

As we have explored elsewhere, the solidarity network that has emerged to support and stand with Amara, Abdalla, and Kader reflects a transgressive form of solidarity that resists dominant state narratives and categories, and also creates counter-narratives through direct action. Alongside many protests, concerts, and conferences, the campaign to free the El Hiblu 3 published a book in 2021 which reflects the diverse voices of this network, with central contributions from Abdalla, Amara, and Kader. The El Hiblu case allows us to explore the ways in which transgressive acts—from autonomous migration to solidarity practices that occur at sea and within European territory—connect and challenge our conceptualization of borders, nation-states, and citizenship.

This case highlights the persistent criminalisation of people on the move in Europe today. The EU and its southern member states have attempted to contain people in Libya: they have turned militias into “EU partners,” funded detention centers, and coordinated pushbacks, with complete disregard for severe human rights violations carried out by these actors. In the name of deterrence, people in distress at sea are abandoned and those carrying out search and rescue activities are criminalized. Those who arrive face further punishment. Among other countries, Italy and Greece have used the law to target those they consider “boat drivers.” Malta, similarly, has weaponized the law against the El Hiblu 3, using them as political pawns in a spectacle of deterrence. The use of the law, by liberal democratic states, to undermine human rights raises questions of democracy, rule of law, and justice.

A few weeks ago, in November 2023, the Attorney General issued a bill of indictment formally charging Abdalla, Amara, and Kader with all the original accusations, despite the testimonies heard in the intervening period that point to their innocence and despite condemnation of the judicial process from legal scholars, international organizations and activists. According to Amnesty International, Malta’s Attorney General made the “worst possible decision” when she issued a bill of indictment that could lead to life sentences for the El Hiblu 3. Indeed, many have hailed the three young men as heroes whose mediation helped prevent an illegal pushback to Libya. With countless supporters, in Malta and beyond, we continue to stand with them in their fight for justice.

This text was published first in the blog of border criminologies

<https://blogs.law.ox.ac.uk/border-criminologies-blog/122>

## Amplifying voices

### Interview with M., cultural mediator on board a sea rescue NGO

*"I'm black, I can't swim, but my presence on this boat is fundamental."*

#### 1. What motivated you to join a sea rescue NGO?

I myself have been on the road as a migrant. I arrived here in Italy in 2011 after a long journey from my home country. I had the experience of arriving in this country as a foreigner, and at the time I was lucky enough to be welcomed well. Once I was able to integrate into Italian society, I felt I had a responsibility to bear witness: to tell the story of why I had to leave home, what the journey was like, what it was like to find yourself in a country that wasn't your own. That's what I do in Italy: I go into schools to tell people about my journey, talk to young people and try to deconstruct prejudices. In Italy, a lot of people don't understand anything about migration, what drives people to leave their country and what they go through. When I arrived here, I had to inform people and tell them about what I had seen and experienced.

So long before I embarked on a lifeboat, I was already in the role of activist, trying to change people's views. In the summer of 2023, I had the opportunity to go on board with an NGO as a cultural mediator. I immediately accepted, because I felt I owed a debt to the people who supported me: to those who rescued me in 2011 when I was in my boat in distress [before the arrival of the NGO boats in 2014] and to those who helped me integrate when I arrived in Italy. I remember when we landed in Lampedusa, there were lots of people and organisations there to welcome us. I'll never forget that moment. And I said to myself last summer that I wanted to return the favour. To show my solidarity with my brothers and sisters suffering in the Mediterranean.

And then, as someone who had been through the same journey as them, I thought I'd be the best person to answer their questions and give them useful information about what to expect in Italy. That's how I ended up on an NGO boat.

## **2. What exactly was your role on the boat?**

As a cultural mediator, I was in charge of communication with the migrants. During the rescue, I was the one who spoke to the people during the first approach so that everyone understood what was going to happen, to reassure them so that the operation went smoothly. We find that in many situations, what makes a rescue chaotic is poor communication with the people in distress. I spoke a lot of different languages and dialects, so it was very important for me to be the one doing the communicating.

Once the rescue was over, I was the mediator between the people rescued and the crew, passing on information and reporting needs. But it was actually quite difficult to communicate with the crew, because English was the only language...

## **3. How did the language spoken on board cause difficulties?**

I speak a lot of languages, but I'm not very fluent in English. Often I didn't understand everything that was said. There were a lot of people on board who spoke languages I knew well, like Italian, but nobody made the effort to translate the things I couldn't understand. Why didn't they? Because there was this rule that English had to be the working language. I really felt discriminated against because speaking only one language excludes people! It excludes people like me who speak lots of languages but not the right ones.

When rescue organisations say that they are inclusive and that they respect differences, I don't think they are being consistent. Why impose a single language that is de facto exclusionary? As part of my integration, I've already made the effort to learn Italian in addition to all the languages I speak, and I'm being asked to learn yet another? It's always the same people who have to adapt. I have the impression that Westerners, for their part, make very little effort to learn other languages. This injunction to always fit in, to adapt... the result among the crew is that I was never really able to express my opinion or to be really listened to.

Besides, I find that English as a working language in the Mediterranean doesn't really make sense. There are many African countries where people speak French. And around the Mediterranean, not many people speak English. I'm not saying that we should choose another language at all costs, but at least we should be more open and aware of the discrimination that choosing English can produce. I also asked myself the question: why didn't the captain communicate with the Italian authorities in Italian when he spoke Italian? I think that relations and understanding would be easier with the Italian authorities.

## **4. What was your experience on board as a racialised person in a white crew?**

It was already very difficult because of the English language to be on board as a communicator/mediator, but not really to be able to communicate with the crew. But at the same time, as a black person, I had a very important role to play on board. I noticed that I was systematically photographed, no matter what I was doing, as if I was simply there as an advertisement, to show that yes, black people could take part in this rescue work. In reality, I'm happy to be photographed, but I would have liked to be able to share my story and have my voice heard. Without that, I'm just an image to be used for publicity.

I was also shocked when we disembarked. After the rescue, when we arrived on board, the medical authorities were waiting to check on the health of the survivors we had on board. The doctor came to check me, saying he had to see if I had scabies. He checked me because I was black like the others, even though I had my radio, my organisation T-shirt and it was really clear that I was part of the crew! The other crew members said nothing. They weren't checked...

## **5. In addition to the survivors you were able to take on board following the two rescue operations, unfortunately you also found the body of a woman who was dead. How did you deal with this situation?**

During our week of training before the start, we had a long discussion about what we would do if we found a body at sea. I said it was important to take the body, so that the person could rest in peace and the family could recover the body to mourn. But not everyone agreed, and there were many arguments to the contrary. First of all, as we didn't have a fridge on board, it was difficult to envisage taking a body; secondly, we would immediately have to request a port of disembarkation; and thirdly, this situation could be traumatic for the people on board, having to make the journey to disembarkation with a decomposing body.

During this discussion, one of the crew asked the question: but if one of us dies during the rotation, for one reason or another, what are we going to do with the body? Throw it overboard? Thinking about this situation made us think a lot. I wonder if there isn't sometimes something discriminating in the way we look at bodies... I understand all the reasons why NGOs are reluctant to take bodies on board, but I think it's really important to take things into account...

Unfortunately, we had the experience of finding the body of a lifeless woman after a rescue. As we had survivors on board, we had to ask the authorities for a safe port of disembarkation and the crew decided to take the body on board. Talking to some of the survivors, I realised that this woman was a hero: that all night she had been scooping up the water entering the boat before we arrived on the scene to rescue those still alive. We decided to thank her and honour her memory. I contacted a former Red Cross colleague to bring flowers at the time of disembarkation. The authorities weren't too happy about this and asked us to hurry up, but it was very important for me and the other people on board to pay tribute to her.

#### **6. Why do you think it's important to have people on the crew who have experienced migration themselves?**

I think that's very important and makes all the difference. When I'm in charge of communications during the rescue, I know what people are feeling because I've experienced it myself. Also, when my brothers and sisters see me from their boat, they can be sure that we're not Libyans, even if I speak to them in Arabic.

Once the survivors are on board, the mediator is also responsible for sharing information with people about Europe, about their rights, the asylum procedure, the Dublin system... As I've also been through this, I know how to communicate this information. My brothers and sisters know this, and they trust me. I can tell them how for me learning the language was crucial in my integration, in my search for a job... it's a sharing of experience that only someone who has been through it themselves and has integrated can do. Otherwise, the cultural mediator is just an interpreter, and that's not the same thing, it doesn't have the same value.

Yet the world of rescue at sea remains a world of white Europeans, reflecting an issue which is existing in the whole society. Even though there are plenty of black people with very useful skills, they are kept on the sidelines. We often don't take the time to train them. I would find it very important, for example, to have more black captains doing sea rescue work. There's still this deep-rooted image that black people can't swim, or that they're not capable... that has to change! I want to say to the NGO I sailed with: I'm black, I can't swim, but my presence on this boat is fundamental.

#### **7. There is growing criticism of the 'white saviourism' that exists within the SAR bubble, which tends to perpetrate disguised forms of racism and colonialism. Have you come across this kind of attitude?**

Yes, you can call it what you like. Taking part in rescue operations at sea, whether you're white or black, completes your humanity, and it's very important to do so. We can be proud of what we do, that's not the problem. What I find more problematic is when you refuse to do everything in your power to ensure that the rescue goes well. And as I said, the presence of an experienced cultural mediator is very important, and too bad if it offends the pride of some white people. This concerns NGOs, but even more so the Italian coastguard, who have already caused accidents because of the absence of a cultural mediator on board during the rescue.

Another thing that struck me was the way in which survivors are sometimes treated by the rest of the crew. Just to give an example: just after the rescue, there were some people who were very wet and cold, while others didn't even have any trousers left on, leaving their private parts uncovered. I asked a team-mate if we could give some trousers to these few people. I knew we had a large stock in the boat. But my team-mate told me that it wasn't possible, because if she gave to these people, then she would have to give to everyone else, otherwise people would fight and the situation could get out of hand. However, the people on board understood perfectly well why such and such people needed clothes! Because of this rule, one gentleman spent several days on board with just a towel around his waist, barely concealing his nakedness.... I don't think that's humane... and it's based on the assumption that black people are bound to behave like animals. As a mediator, I had spoken to the people and I knew that things would go well... but no, the people were never given any clothes, on the pretext that they might kill each other.

After this experience with a rescue NGO, I want to move things forward, because deep down I know that we all have the same goal. We're here to stop people losing their lives at sea. I'm alive, but I owe a debt to my brothers and sisters. And my duty is to make their voice heard. To continue to be the voice of the voiceless.

# Mobilisations

## Repeal of the "anti-migration" law 2015-036 in Niger!

On 25 November 2023, General Abdourahamane Tiani, the President of the "Conseil National pour la Sauvegarde de la Patrie (CNSP)", the body that has been running the government in Niger since the coup d'état on 26 July 2023, signed an order repealing the law 2015-036 on the "smuggling of migrants." All judgements handed down since the implementation of this law have been annulled with retroactive effect and all persons imprisoned based on this law have been released according to local sources from Niger. Alarme Phone Sahara (APS) and other civil society organisations from Niger welcome the abolition of this law criminalising migration.

### Statement by Alarme Phone Sahara (APS)

Alarme Phone Sahara and its large network Africa-Europe-Interact are pleased to learn of the repeal of the "anti-migration" law 2015-036, the so-called law against the smuggling of migrants by the Republic of Niger.

This law, which was introduced at the behest of the European Union, criminalised the transport of people supposed to be candidates for migration to Europe, as well as all other services and assistance to these people to facilitate their journeys.

The repeal of this law is an important decision: in recent years, the criminalisation of migration had forced many people to take new routes through the desert as far away as possible to avoid controls and therefore generally dangerous for their lives. The law was an offence against freedom of movement, not only for people on their way to Europe, but also within the Sahel-Saharan region, which is their own space. In Niger, for example, many people working to ensure their human dignity were imprisoned and deprived of their means of subsistence by a partisan reading of the content of this law.

It is therefore important to know that all judgements handed down since the implementation of law 2015-036 have been annulled with retroactive effect. As a concrete result, all persons who had been imprisoned based on this law have been released from prison due to statements by local authorities in Niger as well as by people involved in transport work.

Alarme Phone Sahara and its network Afrique-Europe-Interact hope that the repeal of law 2015-036 will restore freedom of movement in the Sahel-Saharan region and create safe travel and evacuation routes for all people on the move and for those seeking protection. We therefore call on the authorities of Niger and other countries to punish all acts of fraud, blackmail, violence, sexual exploitation and abuse against people on migration routes.

No to the externalisation of the European border regime!

For the right to leave and the right to stay!

<https://alarmephonesahara.info/en/blog/posts/repeal-of-the-anti-migration-law-2015-036-in-niger>

## The new Pact on Migration ends the individual right to asylum in the EU and will cost more lives at sea

### Joint statement – 20th of December 2023

The outcome of the final trilogue negotiations on the New Pact on Migration is a turning point and one of the most blatant displays of disrespect to human rights and the suffering along European borders. With the agreement on the Common European Asylum System (CEAS), the EU has decided to formalize a status quo where violence, neglect, torture, and leaving people to die are every day practice. Recent years have shown a wide range of cruel practices towards people arriving in Europe: cramming them into camps like Moria, separating children from their parents, preventing boats from arriving to a safe shore in the Aegean Sea, beating people unconscious along the Croatian border or letting them freeze to death at the Polish border. With the agreement that has now been reached, all of this will continue and, indeed, become formalized.

We are shocked to see how the lives lost at sea are used to justify these politics of violence.

Today, the EU had the chance to live up to a promise made by the European Commission 10 years ago, after 368 people drowned in a single shipwreck off Lampedusa. Back then, the European Commission stated that their deaths should be a wake-up call to increase solidarity and mutual support and prevent similar tragedies in the future. The



deaths of 600 people in the shipwreck off Pylos this year was not even worth any more empty promises. In fact, 2023 was one of the deadliest years ever in the central Mediterranean. At least 2,210 people lost their lives.

With today's agreement, the EU missed the chance to agree on core mechanisms to put an end to the dying at sea. There would have been alternatives that actually could have saved lives: safe and legal routes to Europe, a European search and rescue program, and the fair distribution of people on the move across EU Member States.

Instead, the EU institutions have decided to actively gut the rights of those seeking protection, legalising the violations of EU asylum law by the member states. The New Pact will restrict access to protection in Europe by introducing fast-track asylum procedures at the border to speed up returns. The failed Dublin system will be retained, and no genuine solidarity mechanism will be introduced to support EU Member States at external borders. There is not a single solution presented to sustainably organise secondary migration within the EU. Instead, the proposal will isolate refugees from the rest of society, detain them in remote camps and prevent any form of integration. There are no safe and legal routes established to seek protection in the EU. Instead, the aim is to declare various third countries as safe, even if these countries persecute their own nationals or do not even grant legal status to refugees.

All of this will force more people to try to flee by sea, and choose ever more dangerous routes. Again and again, more lives will be lost. Not one single life will be saved by today's decision. Europe has decided to learn from its worst examples. This agreement is a historic failure and a bow to the right-wing parties of Europe.

List of signatories: <https://civilmrcc.eu/the-new-pact-on-migration-ends-the-individual-right-to-asylum-in-the-eu-and-will-cost-more-lives-at-sea/>

## Call to Bologna!

**Save the date! 26th and 27th of January 2024 in Bologna- Kick off event for the evacuation campaign for Human Rights Defenders from Libya!**

Refugees in Libya together with its supporting alliance invites to a two days event with press conference, practical work shops and political debates.

More than two years ago, on 1st of October 2021, a huge sit-in protest started in Tripoli in front of the UNHCR building. In this struggle the self-organized movement of Refugees in Libya (RiL) was born with the main demands for refugees' rights and evacuation to safe countries. For this reason, hundreds of refugee activists were arbitrarily detained in the Ain Zara detention center as a punishment for their defense of human rights. After 18 months of torture and forced work, 221 activists were released from prison and now they are in Tripoli facing destitution, lack of medical care and the constant risk of arbitrary detention and physical violence. The Alliance with Refugees in Libya (ARiL) was created in order to amplify their voices. Together, we are launching a campaign to recognize their role as human rights defenders and to demand their immediate evacuation to safe countries to ensure their physical and psychological wellbeing. The campaign will rely on a trans-local network of European cities, key allies supporting the work of human rights defenders.

We will start on Friday 26 January 2024 with a Press Conference, 10.30-11.30 AM (CET) at the Bologna municipality, afterwards a manifold program is in preparation with workshops and political debates, with an exhibition and films. The list of speakers and participants will include - beside the crucial voices of testimonies of Refugees in Libya - institutional actors from the municipality, the catholic church and the university, but also lawyers and investigative journalists as well as members of social movement networks from welcoming cities in Europe and from sea rescue organizations. The detailed program will be published in the beginning of January 2024.

Contact: [refugeesinlibya@gmail.com](mailto:refugeesinlibya@gmail.com)

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

**Call for a decentralised commemoration  
February 6, 2024 - Tenth anniversary**

Their life, our light. Their destiny, our anger. Open the borders!

Global day of struggle against the deadly border regime and to demand truth, justice and reparation for victims of migration and their families.

On February 6, 2014 more than 200 people left from the Moroccan coast and tried to reach Tarajal beach, in the Spanish enclave of Ceuta, by swimming. The Guardia Civil deployed anti-riot equipment to stop them from arriving on "Spanish land," and the Moroccan military present did not help the people who were drowning in front of them. Fifteen bodies were found on the Spanish side, dozens of others disappeared, the survivors were pushed back, and some died on the Moroccan side.

Ten years have passed since the Tarajal massacre. Ten years during which the number of dead and missing has continued to increase, in the Mediterranean and on the Canary Islands route, within the internal borders of the EU, on the English Channel, on the eastern borders, along the Balkan route, in the Sahara Desert and along any other mobility trajectory. The border regime in 2023 has been as cynical and unhinged as ever; for example during the sinking off Cutro, when on the night of February 25, 94 people died and at least 11 others disappeared a few meters from the Italian coast, under the motionless gaze of Frontex and the Italian authorities. And again on June 14 when more than 600 people disappeared forever off the coast of Pylos, Greece or on April 23, 2022, when a boat with 90 people on it sank off the Lebanese coast.

Ten years during which associations, families, and all those who fight for the right to freedom of movement for all have continued to demand truth and justice for these victims. They highlight the direct and indirect responsibilities of the border regime and work tirelessly to support families and loved ones in their painful journey of searching for the missing and identifying the victims.

On the occasion of the tenth anniversary of the Tarajal massacre, we reiterate here the appeal launched last year, with the hope that even more organizations, associations, families and activists join in this decentralized CommemorAction process carried out each year on February 6.

We hope this transnational mobilization becomes more widespread, i.e. more and more visible in public space and bringing together more and more people. We ask all social and political organizations, secular and religious groups and collectives of families of victims of migration as well as citizens worldwide to organize actions of protest and raise awareness of this situation on February 6, 2024. We invite you to use the logo above, as well as your own logos, as an element to highlight the connection between all the different initiatives.

All events that will have a location can be published on the group and on the "Commemor-Action" Facebook page, as well as [commemorAction.net](http://commemorAction.net).

## Support the Civil Maritime Rescue Coordination Centre (CMRCC): A Call for Solidarity and Action

With more than 22.700 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.

Founded in this context, the Civil MRCC, a growing network of solidarity gathering different non-governmental actors and individuals with SAR experience in the Mediterranean, aims 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. In light of the necessity to fill the guilty void left by authorities in the Central Mediterranean, 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 Civil MRCC is also coordinating the publication of Echoes, a critical review between 20 and 30 pages long, published every two months, addressing actors of solidarity at sea as well as any person interested in border struggles. In Echoes, significant aspects of SAR in the Central Mediterranean are reflected upon, actual topics discussed, analysis and research presented, and the self-organized struggles of refugees and migrants highlighted. The idea is also to circulate the existing knowledge among SAR actors but also to bring up new topics.

Echoes is a cooperative project. If you would like to participate in the writing or translation of articles, please do not hesitate to contact us!

### **Call for donation**

Against a backdrop of brutalization of the border regime in the Mediterranean Sea and criminalization of solidarity, the role of the Civil MRCC is crucial in further strengthening operational coordination between civil actors in rescue at sea, and in continuing the work of documentation, denunciation and joint advocacy.

To keep solidarity at sea alive, the Civil MRCC needs your support! To make a donation, go to:  
<https://civilmrcc.eu/supporting-us/>

### **Subscribe to the newsletter**

In January 2024, the Civil MRCC launches its newsletter! Published every two months to coincide with the release of Echoes, the newsletter presents the various "pieces" of the issue, highlighting the latest political developments and ongoing mobilization in the context of the Central Mediterranean.

To subscribe to the Civil MRCC newsletter, go to: <https://civilmrcc.eu/newsletter/>

Do not hesitate to share it widely!