



Civil MRCC

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

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Kevin Mcelveny - Ellouza port, Boats cemetery in Tunisia

ECHOES

From the Central Mediterranean

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STRUGGLES ALONG THE TUNISIAN ROUTE

Early in January 2023, the Italian Minister of Foreign Affairs and International cooperation, Antonio Tajani, announced that he will go “soon” to visit Tunisia to ask the Tunisian authorities for a stronger commitment to combat the “irregular departures” of migrants and to encourage a greater number of repatriations. Shortly before, the EU Council adopted an action plan proposed by the Commission to further increase controls in the central Mediterranean. Alongside Egypt and Libya, Tunisia is targeted to “develop jointly targeted actions to prevent irregular departures, support more effective border and migration management, and reinforce search and rescue capacities”.

While Tunisia has seen an increase in departures from its coastline in recent months, it is increasingly the target of European countries' border externalization policies and controls are being tightened along the route to Italy. While this route is still not well known by civil SAR actors, the CMRCC proposes to dedicate this 4th issue of Echoes to developments and struggles along the Tunisian route.

During the year 2022:

- 104 484 people arrived in Italy and 450 in Malta, of which a significant number arrived **autonomously** (UNHCR figures)
- 12 467 people were **rescued by the civil fleet** from 199 **boats** in distress (CMRCC figures)
- 24 684 people were **pushed back** to Libya after they were intercepted by the EU supported so-called Libyan Coast Guard (IOM figures)
- 1 377 people **died** or are reported **missing** (IOM figures)

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

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

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



Leon Salner, Nadir preventing a pushback by the Libyan Coast Guard

INTRODUCTION

“DISTANT PORTS” AND PIANTEDOSI DECREE: THE NEW-OLD STRATEGY OF THE ITALIAN GOVERNMENT

The war unleashed by the Italian Government against people on the move and solidarity was heralded as a triumphant “Ride of the Valkyries”. In three months it has now turned into a grueling chess game, with moves and countermoves taking place between the refinement of the border regime's brutalisation strategies, and the solidarity practices of resistance and counter-offensives against the authorities.

The starting point is the abysmal distance between the bombastic words of electoral propaganda and the actual reality in the Central Mediterranean. The slogans of the far-right parties now in government in Italy were, again, "closed ports" and, even harsher, "naval blockade."

The reality is instead, for the year 2022 according to official data from the Ministry of the Interior, 105,461 people landed in Italy. Of these, 11,892 were rescued by civil fleet vessels (about 11 percent of the total), while the remaining 89 percent of these landings were either autonomous arrivals or rescues carried out by the Italian Coast Guard and, to a lesser extent, the patrol boats of the Guardia di Finanza (a financial police force that also carries out border control duties for the Italian state). In the first twelve days of January 2023, about 3,800 people landed - and of these only 110 were rescued by the Civil fleet.

Between the end of October and the beginning of November, the Meloni Government's first move was the attempt to prevent the non-governmental ships Rise Above, Ocean Viking, Geo Barents and Humanity¹ from entering Italian territorial waters. This route proved impracticable, due to the absence of valid reasons for the ban and the obvious violation of international law.

And so, there was a first change of strategy with the invention of the inhuman practice of “selective disembarkation”: ships could enter the port of Catania, but only for the time strictly necessary to disembark the people considered “vulnerable subjects”, while any others would be sent back to the high seas without a precise destination. In this case, the determination of the people on board, the resolve of the ship’s crews and captains and the refusal of the doctors in charge to submit to the cruel political diktats of the authorities, together with a prompt and widespread mobilisation of Italian civil society and European public opinion, dismantled the

government's strategy: after ten days of tug-of-war, all people were allowed to disembark and the line of discriminatory “selective disembarkation” was defeated on its first attempt.

At the same time the Italian government attempted to bully the people on the move, forcing them into long standoffs in order to put pressure on other EU member states, in particular the flag states of the non-governmental ships involved, to increase relocation numbers. With the arrival of the Ocean Viking in Toulon, the only result achieved by the Italian government, beyond the usual rhetorical commitments of the European Commission, was to provoke a serious diplomatic incident with France. A political disaster across the board.

Last December this forced a further change of strategy, based on two pillars. The first in continuity with the Italian and European policies of border externalisation over the last seven years. The second with some novelties.

Let us start with the latter, which has resulted in a new approach by the Italian authorities and in the approval on January 2nd 2023 of the Decree Law “Urgent provisions for the management of migratory flows”, better known as the “Piantedosi Decree” (named after the responsible Minister of the Interior). In essence, this decree provides for new administrative punishment measures against civil rescue vessels which do not meet the following standards:

- be certified from a technical-nautical point of view and authorised by the flag state to carry out search and rescue activities at sea "in a systematic manner";
- "inform" survivors on board about the possibility of requesting international protection and collect personal data useful to the authorities;
- head immediately and "without delay" after a single rescue operation towards the port of disembarkation assigned by the authorities.

In the event of a first violation, an initial fine of between €10,000 and €50,000 for the ship's captain and owner and the administrative detention of the ship for two months shall be applied as a penalty. In the event of subsequent violations, further fines and

above all seizure and indefinite confiscation of the vessel apply. The application of these measures has been removed from the ordinary third-party judge and entrusted to the discretionary powers of the ministry of the interior and its peripheral structures, the prefectures.

The constitutional and international law legitimacy of these rules is currently under scrutiny. But even from a first cursory reading of the decree, it is clear that the government's declared and explicit goal is to hinder the activity of the civil fleet's rescue vessels in every possible way. Indeed, it is not difficult to imagine a new offensive on the issue of "technical certifications". Exactly as the insistence on heading "without delay" to the assigned port is intended to prevent the same ship from carrying out several rescue operations.

In fact, it is not by chance that the approval of the decree was anticipated and followed by an unprecedented practice from the Viminale and Italian Maritime Rescue Coordination Centre (IT MRCC in Rome): after years in which they tried to shirk as much as possible of the coordination responsibility and there were long delays in assigning the port of disembarkation, now the port is indicated immediately and it is always a port very far from the rescue area - 1.500 km and four or five days of navigation - along the coasts of central and northern Italy in the Tyrrhenian or Adriatic Sea, for example Livorno, Ancona or Ravenna.

DOES THIS COMPLY WITH INTERNATIONAL LAW?

According to international maritime law and guidelines, a place of safety should be assigned "with minimum deviation from the ship's voyage" and every effort should be made "to minimise the time rescued people remain aboard the assisting ship", meaning as soon as possible.

**3,5 DAYS OF NAVIGATION
1482 KM AWAY**

**1,5 DAYS OF NAVIGATION
523 KM AWAY**

Geo Barents

Publication MSF Sea (Twitter @MSF_Sea)

The objective is clear: not only to increase the costs of running civil missions at sea, but to keep civil fleet ships as far away from the Central Mediterranean as possible. In particular to keep them away from the SAR region allocated from 2018 to Libya. The risk here is twofold: fewer ships in the area of operation means the danger of more deaths at sea, and above all makes free space for the interception, capture and deportation of people on the move by the militias of the so-called Libyan and Tunisian Coast Guard.

The second pillar of the strategy is in fact a grand re-launch of cooperation for pull- and push-backs at sea and the detention of migrants in camps on shore. On 29th December, a summit meeting took place in Tripoli between the Italian (chief of police and foreign intelligence) and Libyan (including some notorious war criminals) security apparatuses. On 2nd January, the Italian secret services were in Benghazi to meet the militias in Cyrenaica and organise the “prevention of departures” along the route from there. In the

coming days, the minister of foreign affairs, Tajani, and of the interior, Piantedosi, will also be in Turkey, Tunisia, and again in Libya precisely to strengthen cooperation with those regimes on border control.

Instead of opening legal and safe passages of entry into Europe, the Italian government has opened a new/old chapter in the vicious war against the freedom of movement of people and solidarity. But as the conflict at the port of Catania has shown, as with the struggles of irreducible migrants at sea (as well as of refugees in Tripoli and Geneva), the continued growth of solidarity mobilisations, the continued presence of the civil fleet, the development of monitoring and witness work, and of denunciation and litigation work, what all this has shown, is that no government strategy is unassailable. And, despite the ever-high prices being paid in terms of unnecessary suffering and death, that no government strategy is ultimately invincible.

January 12, 2023

IL NUOVO DECRETO OSTACOLA IL SOCCORSO IN MARE

IT MAKES A DIFFERENCE!

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

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

During November and December 2022, the civil fleet rescued 17 boats carrying 1121 people in distress. The last two months of the year, despite the obstacles

created by the new Italian government, as well as the dangerous conditions, were again busy for the civil fleet.

NOVEMBER 2022

3 November

The **Rise Above** (Mission Lifeline) embarks 95 people from 3 different boats which had departed from Tunisia. The smaller vessel directly requests a Port of Safety in Italy and joins ongoing standoffs being engaged in by the vessels **Geo Barents** (Médecins Sans Frontières), **Humanity 1** (SOS Humanity) and **Ocean Viking** (SOS Méditerranée) off the Sicilian coast.

4 November

The new Italian government under Meloni moves to curtail the activity of NGOs in Italy, hindering the completion of ongoing rescue operations which should end with disembarkation at the closest Port of Safety.

8 November

The **Humanity 1**, the **Geo Barents** and the **Rise Above** successfully resist the efforts of the Italian Government to stop and filter the disembarkation of the shipwrecked people they hosted on board.

9 November

The **Nadir** assists 5 boats off Lampedusa and assists with a rescue together with the Italian Coast Guard. The boat capsizes when the Coast Guard arrives but all persons are taken on board safely.

8 November

“The 35 survivors remaining on board the #Humanity1 have announced the majority of them have been on hunger strike for about 2 days.”



Picture SOS Humanity
Twitter @soshumanity_en

DECEMBER 2022

Patrolling off the Libyan coast, the Geo Barents rescues 74 people who were travelling in a rubber boat.

4 December

On the same day, the **Louise Michel** spots a rubber boat carrying 103 people and assists the group until the better equipped vessel **Humanity 1** arrives and takes everybody on board.

5 December

The **Alarm Phone** receives 2 distress calls from people at sea and alerts both authorities and nearby NGO vessels. 90 people in a rubber boat can be rescued by the **Geo Barents**, while later at night 49 people in a wooden boat are rescued through joint efforts of the crews of **Louise Michel** (1) and **Humanity 1** (2).

The aircraft **Colibri 2 (Pilotes Volontaires)** spots an overcrowded rubber boat and helps the **Geo Barents** locate the 90 people so that they can be safely embarked (3).

6 December

The **Alarm Phone** receives 2 distress calls from people at sea. The **Humanity 1** is able to rescue 109 people from one boat while the other boat is violently intercepted by the so-called Libyan Coast Guard. The situation escalates and **Humanity 1** is able to save 6 people from the water.

One survivor of the interception, reaching out to Alarm Phone after escaping from a detention centre the following day, reports that people went missing during this pushback.

During the night, the **Louise Michel** rescues another boat in distress carrying 33 people.

16 December

The **Alarm Phone** forwards a distress call from 62 people on a rubber boat. Aircraft **Colibri 2** spots the boat and helps the **Rise Above** to arrive on scene (4). They rescue the persons and transfer everybody to the better equipped **Sea Eye 4 (Sea Eye)**.

17 December

The **Rise Above** rescues another 27 people. The boat had reached out to **Alarm Phone** the day before when they experienced engine problems and started drifting (5).

18 December

The **Astral (Open Arms)** assists a 160-person boat which had reached out to **Alarm Phone**, until the Italian Coast Guard takes over some hours later.

The **Life Support (Emergency)** conducts her first rescue of 70 people (6). The distress situation was alerted through the **Alarm Phone**.

19 December

After another alert through the **Alarm Phone**, the **Life Support** is able to rescue another 72 people fleeing Libya before heading north to a Place of Safety.

21 December

After having assisted two boats which are later rescued by the Italian Coast Guard, the **Rise Above** rescues 87 people from two iron boats which departed from Tunisia.

Colibri 2 helps in the search for these people after the **Alarm Phone** is alerted by several relatives of people who tried to reach Lampedusa, but didn't have satellite phones to communicate on the high seas.

27 December

The **Ocean Viking** follows an alert via the **Alarm Phone** and rescues 113 people who left Libya on a rubber boat. Two other boats which reach out to **Alarm Phone** are intercepted by the so-called Libyan Coast Guard before the **Ocean Viking** can arrive.



1
LouiseMichel
@MVLouiseMichel
1/2 🚨 Last night the crew of soshumanity_en and #LouiseMichel performed another rescue together. Our crew found the unstable wooden boat after being alerted by @alarm_phone. We had to stabilise the boat, which was very quickly taking in a lot of water.

2
SOS Humanity (International)
@soshumanity_en
1/4 🚨 Breaking: Last night: another rescue together with the crew of the @MVLouiseMichel, who reached the boat in distress reported by @alarm_phone at 23:00 first, distributed life jackets and stabilised the situation. At 00:00, the crew of #Humanity1 took over coordination.

3
MSF Sea
@MSF_Sea
🟢 BREAKING
Since this morning, survivors aboard #GeoBarents are not 254 anymore, but 255. At 11:31 am Fatima* gave birth to little *Ali. She was rescued in the morning of Tuesday 6 Dec from an unstable rubber boat travelling with 90 ppl on board, among whom her other 3 children

4
MISSION LIFELINE
@SEENOTRETTUNG
+++ BREAKING +++
Wir haben ein Boot in Seenot mit 63 Menschen entdeckt. Weitere Infos folgen! Foto: Johannes Räbel
Türkiye Tuzak


5
MISSION LIFELINE INTERNATIONAL
@lifeline_intl
We are happy to be able to get our guests to safety so quickly and would like to thank our friends from #SeaEye4 and #Alarmphone for the great cooperation! #StrongerTogether

6
EMERGENCY NGO
@emergency_ngo
🟢 #LifeSupportSAR completes its first rescue in the #CentralMediterranean: 70 people rescued early this morning from an overcrowded wooden boat in the Libyan SAR area.

FOCUS

05.12.2022 - A joint rescue successfully conducted by ships from the civil fleet, with the so-called Libyan Coastguard behaving aggressively on scene and silence from the responsible authorities

The 49 people on board an overcrowded wooden boat in distress called the **Alarm Phone** during the night, which then informed the authorities about the situation. The NGO vessel **Humanity 1**, at 20 nautical miles away from the boat in distress, as well as the faster NGO ship the **Louise Michel**, both replied that they would change course towards the last position indicated by the people in distress.

At approximately 2200 UTC, the **Louise Michel** arrived on scene, where the boat in distress was listing and taking on a lot of water, in need of stabilisation by the **Louise Michel**'s crew. To make matters worse, an armed vessel and crew from the so-called Libyan Coast Guard was also present on scene circling and

behaving aggressively, thus endangering the highly delicate situation through their ability to spread fear and panic among the people. After the **Humanity 1** also arrived on scene around 1 hour later, the crews of the two civilian vessels were eventually able to conduct a difficult night rescue which resulted in all 49 people being safely embarked aboard the **Humanity 1**.

The Rescue Coordination centres of Malta and Italy were kept up date on all developments related to this incident by the **Alarm Phone** and the two ships, but did not at any point step in to fulfil their legal obligations towards undertaking a rescue in this challenging situation, instead staying silent and leaving it once again to civil society to secure the lives and wellbeing of people in distress at sea.

06.12.2022 - A delayed rescue by the Italian Coast Guard ultimately ends positively, with forty people safe in Lampedusa

At around 1600 UTC, an Italian Coast Guard asset located around 40 people stranded on a cliff at the south-western coast of the island of Lampedusa, who had been there since the previous night. Due to the undertow however, the Italian vessel was unable to approach the rocks. The two responsible Italian crew members on board attempted to swim to land but were also unable. The conditions were too dangerous, and the hull and sponson of the Italian asset were at risk of being damaged. This though was not the first time that migrants had arrived at cliffsides, and this group had been stuck for hours, directly in front of authorities who were this time unable to act.

The Italian crew spent more hours of fruitless attempts to reach the people, mostly women and children, who in the meantime lit a fire using the fuel remaining from the trip. Some of the men at one point even attempted to climb the moonlit cliff with

bare feet. At around 2300, firefighters approached the cliff from above before giving up due to the height, with the plan to attempt another operation the next morning. At 0630 on the following day, the sea had become calmer. At this point two Coast Guard assets began letting people jump onto an inflatable mattress used as a rescue device, finally shuttling the people to a vessel.

After the arduous journey and then a subsequent 24 hours stuck on the rocks, all the people were eventually rescued, ready to be brought to the Lampedusa hotspot where people tend to spend several days before being transferred to the mainland. This story sadly does not represent an isolated incident - such delays and ineffectiveness in assisting people on the move are representative of a structural crisis in the management of rescue and reception in Italy, where we observe a continuous recourse to "emergency" policies in practice. A system of safe passages and safe rescues both at sea and on land should be outlined, in order to cease the endangering of people as this incident illustrates.

16.12.2022 - Malta orders merchant ships to ignore distress at sea, while the civil fleet steps in once again to undertake a rescue

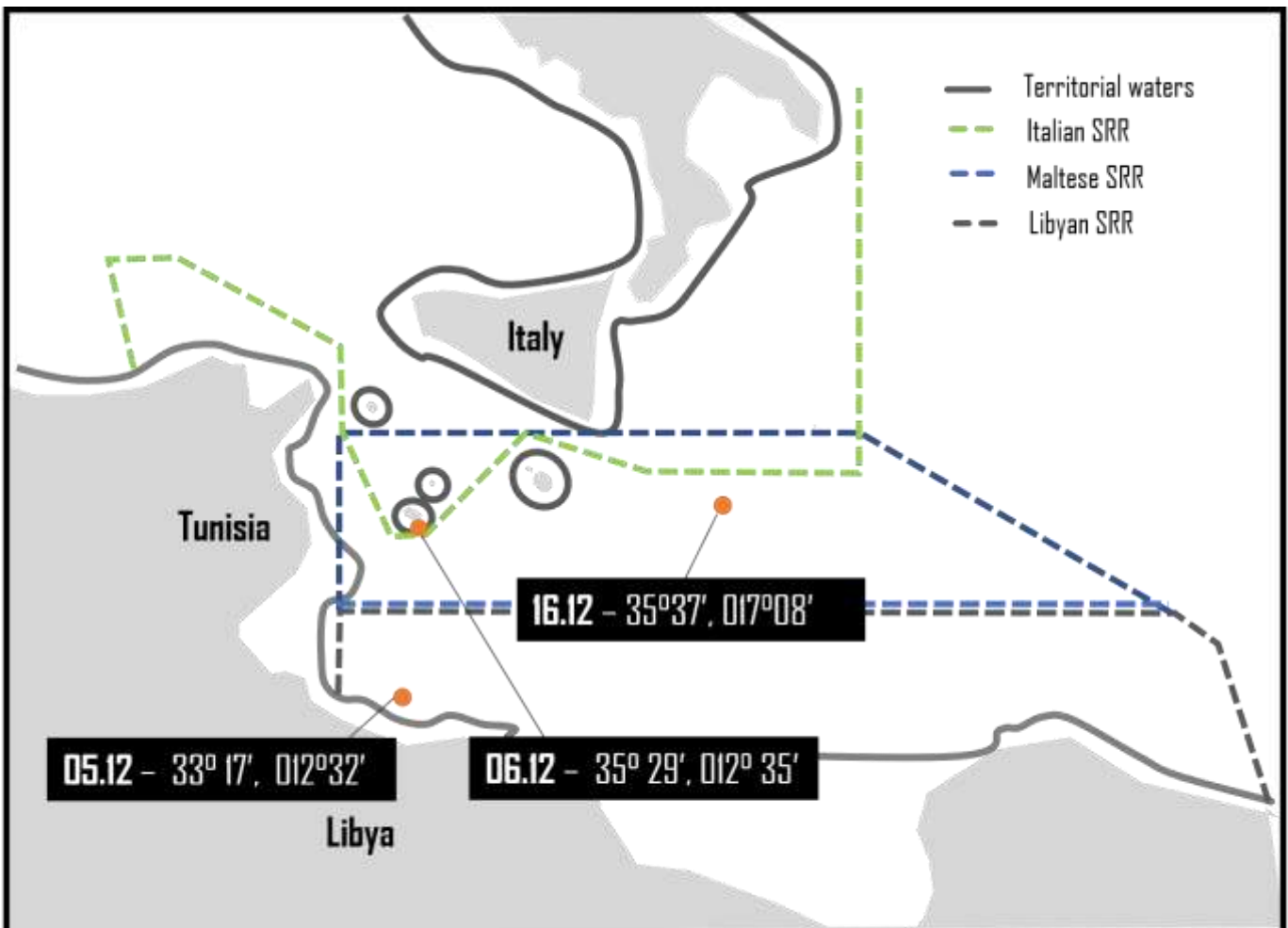
The 45 people on board a fibreglass boat in distress called the **Alarm Phone** for help while in the Maltese search and rescue region, panicking and requesting an immediate rescue. In subsequent calls to the Alarm Phone, the people then reported seeing at least two cargo ships in their vicinity. While the well-equipped civil fleet vessel the **Sea-Eye 4** was also active in the central Mediterranean at the time, the Italian authorities, who had information about the case since the initial alert came from the Alarm Phone on 16.12, instructed the Sea-Eye 4 to sail immediately to Livorno even when it was available with rescue capacity on 17.12.

While the Sea-Eye 4 crew continued attempts to locate the missing persons, the crew was in contact with two merchant ships also in the Maltese search and rescue zone, where it was found that the Maltese Rescue Coordination Centre had instructed both vessels to continue on their regular course rather than attend to the persons in distress. An email from

the Maltese Rescue Coordination Centre to the vessel MTM Southport stated that there was no distress case and that a rescue of the people would be considered by the Maltese authorities as an interception on the high seas. Measures to rescue or at least to review the case were not initiated by Malta at any time, where instead, the Maltese authorities seemed actively to try to prevent the rescue.

This is a systematic approach based on political calculations, which has cost human lives several times before. The case of the young girl Loujin, who died of thirst in the Maltese search and rescue zone in September, is just one well-known example of the consequences of this type of deliberate inaction. With the help of MTM Southport however, the Sea-Eye 4 was finally able to find the 45 people, rescuing and safely embarking them.

Nearly all of the people suffered fuel burns and were traumatised by the events. In total, the people were at sea for six days and had to fear for their lives needlessly while in the rescue competency zone of a European state.



ANALYSIS

NEW DEVELOPMENTS ALONG THE TUNISIAN ROUTE

Over the last two years, the number of people leaving Tunisia by boat to reach Italy has been increasing. This analysis describes the latest developments along this route, while placing them in the broader framework of European border outsourcing policies.

A - A ROUTE WHICH IS MORE AND MORE DANGEROUS

A growing number of shipwrecks

Since 2020, the number of shipwrecks and disappearances close to the Tunisian coast of boats carrying people on the move trying to reach Italy has been increasing. According to figures from the FTDES (Tunisian Forum for Economic and Social Rights), between the beginning of the year and the end of November 2022, more than 575 people died on this crossing. To this figure, one must also add the "invisible" shipwrecks, those countless boats which disappear without leaving any traces.

In Tunisia, morgues are overflowing with the bodies of migrants who wash ashore as well as those recovered by the coast guard or Tunisian fishermen. According to Judge Mourad Turki, spokesman for the courts of Sfax, from January 1 to December 31 2021, the morgue of the regional hospital (Sfax) received 300 bodies recovered at sea. Between January and April 2022, 125 bodies were recorded in the same hospital. It should be noted that most of the bodies, when it is possible to identify them, are the bodies of non-Tunisian migrants, mainly from West and Central Africa^[1].



Picture Ahmed Zaboukri

This morgue is so crowded that bodies are regularly laid on the ground without refrigeration, despite the stifling temperatures and the health risks, not to mention the attacks on the dignity of the deceased.

The body identification system is deficient, with most bodies being buried anonymously. This failure also concerns Tunisian nationals, as evidenced by the recent shipwreck in Zarzis in September 2022 (see dedicated article in *Echoes #3*), during which bodies were buried without DNA identification.

An increasing number of West and Central African migrants

In recent years, the population sailing the Tunisian route has changed, with a clear increase in West and Central African people taking this route since 2020. While in 2020, Tunisians accounted for nearly three quarters of those intercepted by the Tunisian coast guard, 2022 FTDES figures show that they now account for only half, with non-Tunisians gradually becoming the majority^[2], and particularly Central and West Africans. Long considered a country of origin, Tunisia is indeed also a country of destination for many migrants, but also increasingly a transit country.

Since the 1960s, Tunisia has welcomed migration from sub-Saharan countries, mainly made up of French-speaking migrants who came to study or work in North Africa. Most arrive in Tunisia by air, on a regular basis, with several nationalities such as Ivorians, Guineans, Gambians and Malians being exempted from applying for visas for a stay of less than three months.

Especially since 2018 and the strengthening of cooperation between the EU and the Libyan Coast Guard, Tunisia tends to become a country of transit both for a migrant population fleeing Libya, as well as for a population arriving in Tunisia directly from their country of origin. While some migrants come to Tunisia with the ambition of attempting the sea crossing to Italy, ever more people leave Tunisia by boat after having lived there for several years, fleeing a deteriorating economic situation and various forms of insecurity (cf. part C).

This is the case especially in the region of Sfax, where there exists a large migrant population from West

and Central Africa. Since a significant number of these people are living in an irregular administrative situation and are criminalised by authorities, the preparation for the crossing is often more complicated than for Tunisians. Self-organised trips are rare and boats are often more precarious and overcrowded.

A route difficult to monitor, with particularly dangerous boats

The Tunisian route is particularly difficult to monitor for civil actors. The closer to Tunisian shores, the blurrier and more hidden the information is on what happens at sea. Civil air assets especially are hindered from entering the militarised Tunisian airspace, which includes the larger area of standard routes from Tunisia towards Lampedusa. This is one of the main reasons why a huge number of attacks and interceptions of boats leaving Tunisia remain

witnessed only by the ones being threatened. Moreover, the usage of satellite phones is criminalised in Tunisia, which prevents people on the boats from alerting the authorities or the Alarm Phone as they get away from the coast.

Moreover, a type of particularly dangerous boat has appeared since last summer (*see interview with RESQSHIP*). Made of thin iron plates and assembled together, these metal boats respond to recent raids on wooden boat factories. These boats are mostly used by migrants from West and Central Africa, departing from Sfax. Although these boats are promoted as "safe", they are very unstable and can easily fill with water and capsize at any time. Many iron boats reported to the Alarm Phone after leaving from Tunisia have been wrecked or are still missing. These boats are also difficult for NGOs and authorities to rescue due to their instability and their sharp edges, which can damage sponsons.



Iron boat in Lampedusa, Rebecca Giarola, Aurora

Tunisian coast guard attacks and dangerous manoeuvres

As documented by several Tunisian and European civil society organisations, the Tunisian Coast Guard has been accused on numerous occasions of being involved in dangerous manoeuvres which have cost dozens of lives. This phenomenon is not new: already in February 2011, Tunisian survivors who had tried to reach Italy by boat had accused the Tunisian Coast

Guard of having "deliberately rushed" their boat, leaving 5 dead and 30 people missing in international waters^[3].

In recent months these attacks have accelerated, increasingly targeting Tunisian and non-Tunisian migrants. Alongside other Tunisian civil society organisations, the Alarm Phone network has collected numerous testimonies, photos and videos published on social media networks which testify to

the violent behaviour of Tunisian authorities during their interception operations at sea.

On December 19th 2022, a press release, signed by more than fifty associations, was published to denounce this violence: « *Beating people with sticks, firing shots in the air or in the direction of the engine, knife attacks, dangerous manoeuvres to attempt to sink boats, demanding money in exchange for rescue... The practices of the Tunisian coast guard as reported by the migrants who have encountered them are more than alarming. These practices kill, as was the case last month, when a migrant boat was, according to survivors, violently rammed by the Tunisian National Maritime Guard. Following this attack off the Tunisian town of Chebba, reported by various media, three children drowned.*»^[4]

These violent behaviours, which are encouraged by the border externalisation policies of the European Union and its member states, participate in making the Tunisian route more and more dangerous. In spite of these obstacles, however, many migrants still manage to reach the Italian coast, the vast majority of them autonomously (cf. *dedicated article in Echoes #2*).

B - A KEY PARTNER FOR EUROPEAN MEMBER STATES IN MIGRATION CONTROL

Italy-Tunisia readmission agreement

Cooperation between Europe and Tunisia is primarily embodied in bilateral agreements, mainly between Tunisia and Italy, the country on the front line of arrivals from the Tunisian coast. Italy and Tunisia have signed several agreements for the joint management of migration, border control and the repatriation of citizens of the two countries in an irregular format: in 1998, in 2009, in 2011 and again in 2017. Some of these agreements, however, have never been published by the administration^[5].

The repatriation agreement between Italy and Tunisia is among the few which are operational, and the repatriations of Tunisians constitute an important percentage of the total number of removals. Indeed, with approximately 1,922 Tunisians repatriated in 2020 and 1,872 in 2021, repatriations to Tunisia account for 73.5 percent of the total number of repatriations carried out by Italy.

Immigration from Tunisia has been and still is perceived as “economic” immigration: it is generally believed that Tunisian citizens have neither the will nor the need to seek international protection.

This idea, far from the reality as continuously attested to by Tunisian and international civil society organisations, is extremely entrenched and has strongly influenced Tunisia's migration management practices and policies. It has even been enshrined in the decision to place the country on the list of 'safe countries of origin', which makes it very difficult for Tunisian nationals to access international protection in Italy.

Millions to protect EU borders

In 2012, Tunisia signed a "privileged partnership" agreement with the EU, which was translated into an action plan for the period 2013-2017. The plan first mentions the opening of negotiations for the conclusion of a "Partnership for Mobility": in exchange for a policy of visa facilitation (reserved for a small, ultra-qualified elite of Tunisians), Tunisia would undertake to sign a readmission agreement by which it would facilitate the readmission not only of Tunisians expelled from Europe, but also of third-country nationals who would have transited its territory before reaching the EU.

Whereas the Tunisian authorities have so far refused to sign this agreement, they have accepted millions to secure EU borders. Between 2016 and 2020, more than 37 million from the EU Trust Fund for Africa was granted to Tunisia for the “management of migration flows and borders”.

In a document leaked by Statewatch^[6] detailing the 2021-2027 EU-Tunisia strategic priorities, the EU Commission proposed to allocate up to €85 million intended for Tunisia for 2021 and 2022 to cover “border management, migration governance, voluntary returns to and from Tunisia, multi-country actions on legal migration and the fight against migrant smuggling”. Despite some decorative projects concerning legal migration, the objective is clearly to prevent arrivals on European coasts.

Italy has a leading role and responsibility in supporting the migration control apparatus in Tunisia. Since 2017, the country has invested around 75 million euros for migration management projects. The projects are mainly financed through the Migration Fund (formerly known as the Italian Africa Fund), established in 2017, and through the Return Reward Fund established in 2019.

Nine of the projects financed concern support for border control through police training, the provision of equipment for data collection and management, technical support, equipment and maintenance of vessels for coastal patrolling and other tools for

tracking and monitoring movements. For these activities, Italy allocated 58 of the above-mentioned €75 million. The remaining funds are earmarked for addressing the root causes of emigration, the reintegration of returnees and for projects aimed at the protection of refugees and asylum seekers through funding to the UNHCR in Tunisia.

A growing cooperation at sea

In recent years, the European Union and Italy have focused an important part of their support to Tunisia in the field of maritime surveillance. A good example of cooperation between Italy and Tunisia in this field is the “Support for border control and management of migratory flows in Tunisia” project. Implemented by the United Nations Office for Services and Projects (Unops) in Tunisia and the Italian Ministry of Foreign Affairs, this project, which started in May 2021, foresees the maintenance and refurbishment of six Tunisian Coast Guard patrol boats[7].

The Tunisian component of the EU Border Management Programme (BMP) Maghreb, funded by the EU Emergency Trust Fund for Africa (€ 30 million for the period 2018-2023) and implemented by ICMPD, also focuses on strengthening the Tunisian Garde Nationale Maritime (Coast Guard). The project aims at establishing an integrated border surveillance and coastal communication system, providing operational equipment to the Coast Guard (including the installation of radars) and increasing their capacity through training sessions.

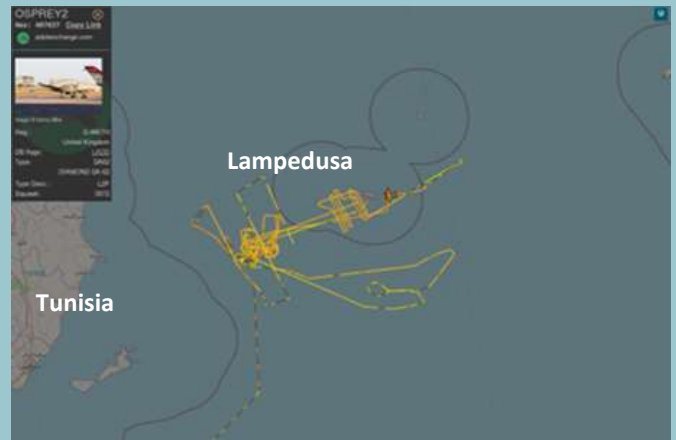
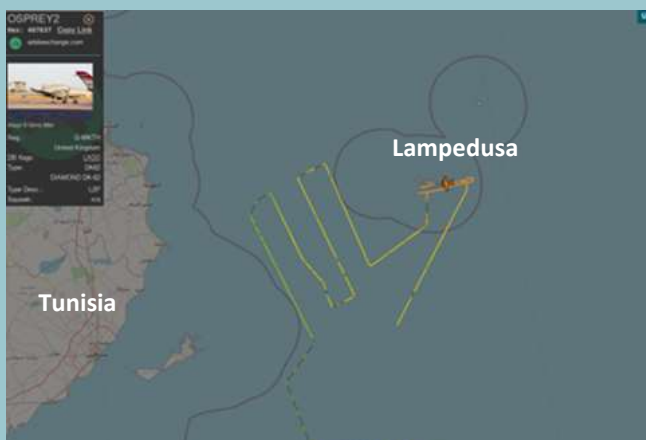
The increased interception capacity of the Tunisian Coast Guard is evidently directly proportional to

Italian and European support. According to information gathered by the Tunisian Forum for Economic and Social Rights (FTDES), there have been more than 29,000 interceptions at sea since the beginning of 2022. At the same time, the number of attacks on migrant boats dramatically increased. The Tunisian Coast Guard is directly trained, equipped and financed by the European Union, despite its documented violent practices.

Cooperation between Frontex and Tunisia remains unclear. 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”. 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.

However, 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.

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. As Tunisia doesn't deploy any air assets in this area, it is quite likely that the information on boats in distress comes either from Italy or directly from Frontex.



Area where Frontex air assets are present. The first picture shows a standard pattern day, the other one a day where they saw a lot.

Tunisia, a future disembarkation platform?

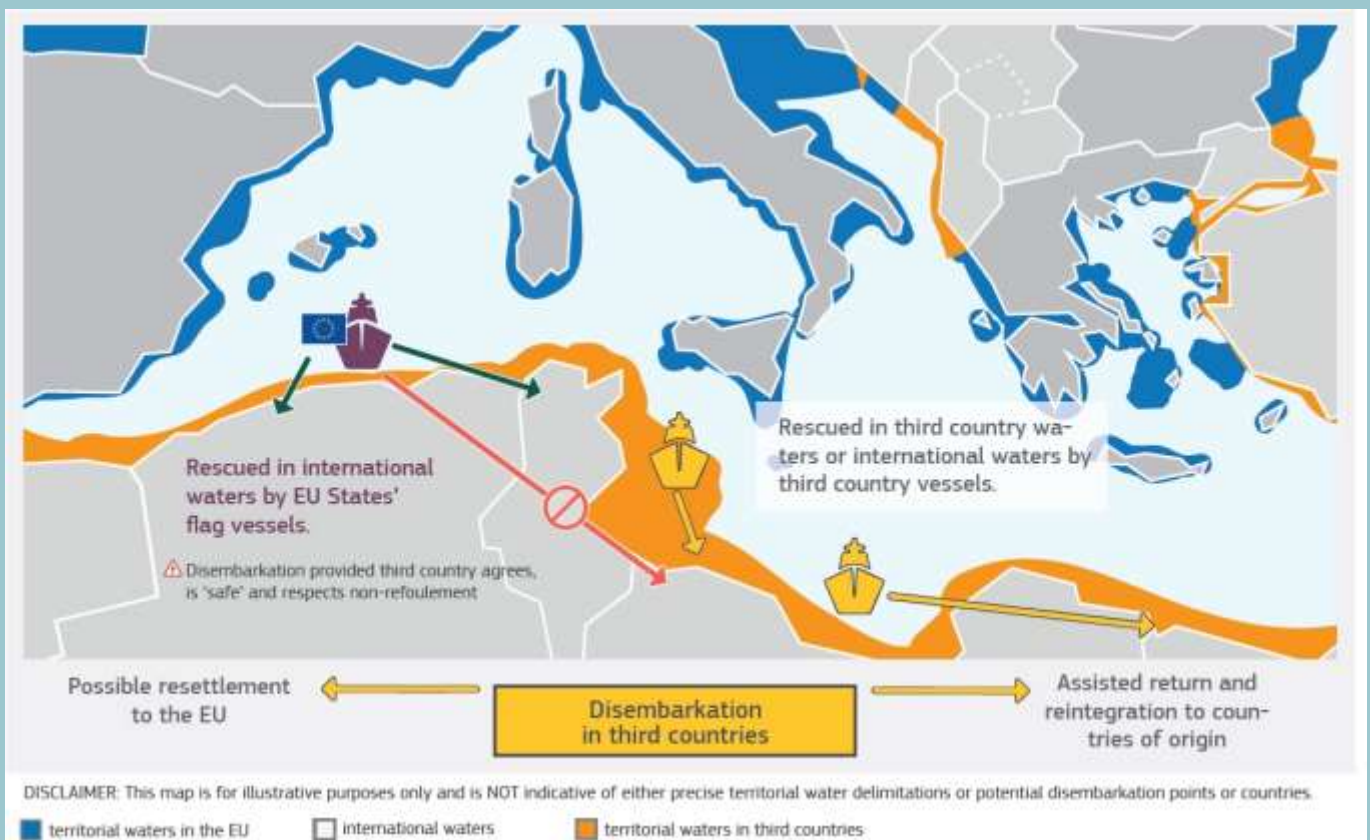
An additional step in the outsourcing of its borders, the transformation of Tunisia into a disembarkation platform is a project that the European Union has long dreamed of.

On June 28, 2018, taking up a joint proposal by UNHCR and IOM, the European Council invited the Council and the EU Commission to develop a proposal for the management of migration flows through the establishment of 'controlled centres' (to be established on the territory of EU Member States) and 'regional disembarkation platforms' (to be established outside EU territory).

Shortly afterwards, in July 2018, the Commission presented a non-paper on regional disembarkation platforms in a third country.

According to this document, the regional disembarkation mechanism would be intended for migrants rescued in international waters or in territorial waters of third countries by vessels flying the flags of a member country or third countries.

The European Commission's non-paper referred to the possibility that disembarkation platforms could be established in North African countries, subject to the negotiation of an 'ad-hoc and customised package' for each third country offering to host a disembarkation area. UNHCR aimed to contribute to the negotiations by committing to strengthening national asylum systems, including the regulatory framework and protection mechanisms.



Source: south.euneighbours.eu, 26 July 2018

Although Tunisia emphatically rejected this proposal at the time, the increasing involvement of UN agencies (UNHCR and IOM) on its territory shows the growing externalisation of European borders in the North African country.

In the recent Action Plan for the Central Mediterranean, published by the Eu commission last

November, the Commission refers to Tunisia both in terms of reinforcing the country's capacities in monitoring and managing its maritime borders, but also strengthening the presence of UN agencies and a system of migrants and refugees reception in the country.

C - A COUNTRY WHICH BY NO MEANS IS "SAFE"

Economic, social and political situation

The current political and economic situation in Tunisia is affected by the continuous political unrest since the dissolution of the parliament in July 2021. This crisis was aggravated by the Covid-19 pandemic and the Russian military intervention in Ukraine. The consequences of this crisis are translated into austerity measures taken by the government which are enforced by the International Financial Institutions such as the International Monetary Fund. These austerity measures do not solve the many issues such as the rise in unemployment rates as well as the increase of the prices of basic goods, especially food.

Moreover, despite a strengthening of civil society in the aftermath of the 2011 revolution, Tunisia is far from being respectful of people's rights. Freedom of expression, of the press, of assembly and of religion are not fully guaranteed, nor is gender equality. Police brutality did not cease to occur in the few last years with several cases of assassination of young people and documented cases of torture.

This police brutality affected different social categories such as people from marginalised areas or persons from the LGBTQI+ community. Under Tunisian law, consensual sex between people of the same sex is criminalised and punishable by up to three years in prison.

The situation of migrants, asylum-seekers and migrants

The status of migrants in Tunisia is largely undetermined and is aggravated by the legislation on irregular stay, which exposes migrants to detention, deportation, and residence penalties. Many migrants living in Tunisia are also suffering from the deteriorating economic situation, the lack of access to health and education but also anti-black racism, which is socially rooted in Tunisia. Many cases of physical violence have been recorded and culminated to murder cases such as of Falikou Coulibaly, the president of the Ivorian community in Tunisia, in 2018.

While Tunisia has ratified the Geneva Convention, the right to asylum has not yet been introduced into the Tunisian legal system. With the absence of a legislation that regularises the right to seek asylum, the UNHCR is the entity that provides international protection in Tunisia since 2011. Various civil society organisations have extensively documented

obstacles to applying for asylum, lack of transparency and guarantees during the procedure for determining refugee status, as well as discrimination based on nationality. Refugees and asylum seekers do not have access to work and are left in a very precarious situation. They cannot access education, health, and psychological support even though many of them had been in Libya facing torture, rape, and abuse.

Tunisia has also been accused several times of violating the principle of non-refoulement. One of the rarely-publicised cases took place in September 2021, when several migrants, mainly from West and Central Africa, were deported to Libya after they were intercepted by the Tunisian Coast Guard.

The refugee or asylum seeker card issued by the UNHCR does not provide any protection against detention or deportation to the country of origin. This is for example the case of Slimen Bouhafs, a refugee in Tunisia, who was deported to Algeria in August 2021 despite being under the protection of the UNHCR.

From "safety" to increased border externalisation

Despite all the evidence that Tunisia is not a safe country, the European Union tends to claim the opposite in order to justify the outsourcing of its migration policies. The safe third country concept, already introduced in the 'Asylum Procedures Directive' (Directive 2005/85/EC) is indeed central to the European Union's border externalisation strategies. Its application allows the return of asylum seekers to a third country considered safe, without an actual assessment on the merit of their asylum claims.

The directive currently in force provides that Member States may consider a third country safe if a number of requirements relating to the respect of fundamental rights are met, such as the absence of risk of persecution for the applicant, the respect of the principle of non-refoulement and the possibility for the applicant to apply for protection and, if accepted, to receive adequate protection in accordance with the Geneva Convention.

The member state only has to demonstrate an actual link between the asylum seeker and the country of return.



*Pictures: Refugees in Tunisia
Refugees protesting at the UNHCR offices in Zarzis, Tunisia, January 2022*

The recast proposal of the 'Asylum Procedures Directive' presented in 2016 by the Commission aims at extending the scope of the safe third country concept, allowing the EU member states to apply the concept after an individual examination that ascertains the asylum seeker's connection with the country, where transit or stay in the country is a sufficient connection. Thus, any person arriving in Italy by sea and who can be proved to have departed from Tunisia could be deported back on the pretext that he or she would benefit there from sufficient protection.

This analysis shows the stakes involved in the recognition by European states of Tunisia as a safe third country. By promoting this concept, the EU is seeking to gradually relocate the asylum claims of

people on the move reaching the European coast to Tunisia. This is also the concept that the European Union is using to try to make the disembarkation of people intercepted or rescued in the Mediterranean in Tunisia acceptable. The scenario of the transformation of Tunisia into a disembarkation platform tends to become a reality, that for the moment, only the reluctance of the Tunisian authorities and the opposition of civil society prevent from materialising.

The CMRCC denounces this dangerous, illegal, and inhumane policy. While promoting freedom of movement for all, we will continue to document all the reasons why Tunisia cannot be considered a safe place for disembarkation under any circumstances.

[1] La Presse.tn, « Sfax | Faute d'inhumation des corps des migrants clandestins décédés en mer : La morgue de l'hôpital débordée », 5 mai 2022

[2] Cf. FTDES monthly reports « Rapport des mouvements sociaux, suicides, violences et migrations »

[3] Le Monde, Des rescapés accusent les garde côtes tunisiens d'avoir précipité leur naufrage, 15 février 2011

[4] Press release, Deadly policies in the Mediterranean: Stop the shipwrecks caused off the coast of Tunisia, 19 December 2022

[5] See agreements published on the website <https://sciabacaoruka.asgi.it/>

[6] <https://www.statewatch.org/news/2022/april/eu-tracking-the-pact-tunisia-refuses-cooperation-with-frontex-but-will-set-up-an-integrated-border-surveillance-system/>

[7] https://sciabacaoruka.asgi.it/wp-content/uploads/2021/03/Concept_note.pdf

INTERVIEW

RESQSHIP ALONG THE TUNISIAN ROUTE

Could you introduce the Nadir (RESQSHIP's ship), as the concept and the challenges behind it? How do you support boats in distress?

The Nadir is a sailboat run by the German organisation RESQSHIP. When we started in 2017, we were the smallest NGO in the Mediterranean. Based on our experiences working with larger organisations, we opted to use a smaller sailboat. On a smaller ship, we have more flexibility during operations, lower cost of maintenance and of operations in general, as well as the freedom to sail the ship safely with people with a variety of skills and background on board. I think this concept has been quite successful and we have been able to support many people.

RESQSHIP tries to be more of a presence in the central Mediterranean with the aim of observing the routes and supporting people on the move. Of course, we will be fully equipped, and we can assure safety in a distress situation, but rescue is not the first goal. If it is an emergency case, our first action is to inform and pressure competent authorities to do their actual job; but when possible, we just help people by providing first aid, accompanying their boats, or giving them water – always informing authorities at the same time.

We consider ourselves as part of the civil fleet and I think that the more people are down there, the higher the chance to find and support people in distress. We are essentially looking for a needle in the haystack! I think the Nadir is special because we have equipment for first aid, but also a very good reason to ask authorities to intervene as soon as possible. Although, in emergency situations, we can take people on board, we don't have the resources to

RESQSHIP

support people for days at a time like the other larger ships can.

Of course, every situation is different, and it is necessary to always be open-minded to find new solutions to new scenarios with the different actors you have around you.

Why is monitoring the Tunisian route important?

First, looking at recent developments in the Central Mediterranean, I don't know if it makes sense to distinguish between the Libyan route and the Tunisian route. This past summer, we encountered boats that departed from Libya but navigated right next to the border of Tunisian territorial waters – most likely to avoid being intercepted by the so-called Libyan Coast Guard. Other people we met this autumn said they travelled in two legs: by boat or on land from Libya to Tunisia and then by boat from Tunisia towards Italy.

In any case, considering the “areas” more than the routes, I think that in our community, there is the misconception that the Tunisian corridor is shorter, safer, covered by the Italian Coast Guard, and crossed with high quality boats. Even if this was partially true at some point, the situation has changed drastically over the past 2 years or so.

In 2022, nearly 600 people died on the Tunisian route – these are just the official numbers, as invisible shipwrecks happen frequently and therefore the actual number is likely much higher. Furthermore, many of these shipwrecks are caused by extremely brutal behaviour on behalf of the Tunisian Coast Guard; there are testimonies and photos (see press release “Deadly policies in the Mediterranean: stop



Example of a metal boat that arrived in Lampedusa, with very dangerous handles that are not visible because they are submerged when the boat is crowded.

Picture Jasmine Iozzelli



the shipwrecks caused off the coast of Tunisia”, 19 December 2022) of their violence at sea, hitting, shooting, beating, harassment, or also extorting money from them. How can that route be considered safe?

Then, if we are to consider that the route is actually shorter from Tunisia to Lampedusa, we must acknowledge that the majority of boats used are very low quality, so often it is essentially a race against time. For example, the metal boats are not very likely to make it to Lampedusa autonomously. In the past, we have found boats that had been at sea for four days, because they got lost or due to an engine problem!

And yes, the Italian Coast Guard performs rescues. We have also seen the Italian Coast Guard rescuing outside Italian SRR numerous times, but usually not too far away, which leaves a vast area of the Tunisian route uncovered. At times, the number of boats crossing was very high as well.

So, I do not think that the Tunisian route is safer, less violent, or less deadly than other routes. It should therefore be monitored more closely by the SAR community, considering Tunisia as a key country in the central Mediterranean routes.

So, you have encountered the metal boats recently present in the central Mediterranean...can you describe them?

Yes, indeed. They are an absolute nightmare! They are super unstable, the most dangerous boats I have ever seen! I call them “bathtubs of death”.

The first time we encountered such a boat was during the September rotation. We were able to support 3 cases even though all of them were metal boats. In the next rotation, 3 out of 11 boats assisted were metal. Lastly, in November, over eight days, we directly supported 11 boats, 9 of which were the metal. From what we know all had departed from Tunisia.

They are makeshift and low quality, very dangerous to those in and around them. Due to the sharp edges, we have found people with open cuts on the hands and arms. The edges present a danger to the RHIB’s and sponsos when approaching them as well as to the Italian Coast Guard assets.

The boats are constructed with poorly-welded plates and a waterproofing paste that doesn’t always work successfully. There are usually 30-40 people on board which causes the freeboard to be very low. Considering that there is no proper deck, people in the middle are mostly immersed in the water, with the toxic mix of seawater, fuel, and human waste.

Because of this, people try to stand, which makes the vessel even more unstable. You can see a boat suddenly plunge when water fills the boat due to sudden movements or waves. This was observed during an approach carried out by the Italian Coast Guard: once alongside the boat, a couple of sudden movements were enough for the boat to fill up with water and disappear within seconds.

In my opinion, the reason for the switch to metal boats seems to be that the system that brought containers of rubber boats from China doesn't exist anymore. Once the supply of finished vessels was interrupted, people switched to using metal boats even though they are not considered seaworthy. The dangerous nature of these boats gives us further reason to remain in this area to provide assistance!

Which kind of interaction have you had with Italian, Tunisian and Libyan authorities?

The relationship with the Italian Coast Guard has been good so far: when we encounter a boat and call them, they tend to respond within a reasonable amount of time and have helped rescue a lot of people in areas and in kind of operations in which the contact with them is a given. Furthermore, we are a sailing boat, not really a big player which might make a difference. The communication with them is usually working well and we are very thankful for their job.

Nevertheless, it's worth saying that we are also a bit frustrated at the military style commands they use, such as yelling in Italian. This puts unnecessary pressure on the people who cannot understand them (including us!) for no reason. I can understand that they are afraid of losing control and they just want to have everyone safe on board. At the end of the day, we are there to do the same job, but the procedures are sometimes very rushed.

The Libyan Coast Guard is a totally different scenario! Although other SAR assets have had negative experiences and we have heard of horrific things they have done to them, such as shooting, intimidation, and exposure to dangerous manoeuvres, so far, they have mostly left us alone. As a small sailing vessel, we do not have much leverage against them when it comes to size or weight, but it seems they do not perceive us as a threat or worthy of too much trouble.

With the Tunisian Coast Guard, the story is different. You never know what you will face. We have a lot of testimonies of dangerous manoeuvres, violent behaviours, and concrete pullbacks. We once had a very tricky rescue with a big wooden boat with more than 100 people on board. Another NGO asset was on scene and at one point the overcrowded wooden boat capsized in high waves. 110 people in the water. We deployed the life rafts. European MRCC's denied responsibility and after many many hours, a Tunisian



*Nadir preventing a pushback by the Libyan Coast Guard
Picture Leon Salner*

Navy vessel arrived. But the military commander promised us that we would be able to disembark in Italy, in Lampedusa. Sometimes the craziest things happen!

On other occasions, we saw them playing cat and mouse, harassing and exercising violence against people. Once, when we were in international waters, in Maltese SAR, there was a rubber boat collapsing and a fisherman was helping them by taking some of the people on board. We were there, assisting with our tender and at the same time, calling Italian authorities because Lampedusa, Italy, was the nearest place of safety. Suddenly, a “Douane Tunisienne” asset arrived and started to do a very dangerous manoeuvre by orbiting around the fishing vessel and making it sway a lot.

Our RHIB team was forced to leave the scene, otherwise they were risking capsizing. We kept communicating with the fisherman. They stayed there orbiting until we told them that the Italian Coast Guard was arriving. Once the Italian Coast Guard was there, they just disappeared!

Could you tell us more about the relationship you have with fishermen?

Fishing vessels have an important and life-saving role in the area. People leaving from Tunisia usually don't have satellite phones and are, therefore, not able to call the Coast Guard or Alarm Phone. We do get information about distress cases from civil aircraft, but they are not always around or flying in this zone. It is exactly in this scenario that channel 16 on VHF radio becomes crucial: fishing vessels are continuously informing Lampedusa of distress cases with coordinates. We can acknowledge and are grateful for the invisible fleet that is not only notifying

authorities and putting pressure on them, but also staying out for hours and hours, just to be sure the people are ok, telling them to stay calm, sit down, giving water and food - sometimes even fresh baguettes! I mean, sometimes, they can be quite annoyed when Radio Lampedusa orders them to stay with a boat and to render assistance if needed, when they really want to continue working.

But nonetheless, I have to say that on the Tunisian corridor, fishing vessels are quite essential and there would be many more deaths if it wasn't for them.

It is the code of the sea to help people in distress. Living at sea you always know that the next one could be you.

Of course, some of them are also just avoiding that zone to not lose time for fishing, and again, I can understand. But really, most of the ones we encountered were really concerned about the situation. Sometimes, they also build up a very efficient “relay system”: if a case is too far from Lampedusa, the VHF radios are often exceeding their range, and it is possible that Lampedusa cannot receive the message.

So other fishing vessels along the route relay and if needed even translate the message of other fishing vessels until Lampedusa can hear them. Once, in four hours between an open case and another one, we overheard 7 alarm cases on channel 16! I would say that it is a very wide network of relay and solidarity!

Thank you, Marie, Linda, Ingo, and Monica, for this interview!

*Tunisian coast guards
Picture Friedhold Ulonska (RESQSHIP)*



LEGAL FRAGMENT*

* Report from the CMRCC legal team

By Chiara Denaro

11 OCTOBER 2013 SHIPWRECK TRIAL - A STEP TOWARD STATE ACCOUNTABILITY FOR BORDER VIOLENCE AND DEATH AT SEA.

On December 2, 2022, there was the last hearing of the criminal trial for the so-called “children shipwreck”, which occurred on 11 October 2013*.

* For more contextual element regarding this court case, please check Echoes #3.

For this event, in which 268 people lost their lives, two officials – L. Manna and L. Licciardi – who were respectively coordinating the operational rooms of Italian Coast Guard (MRCC Rome) and Navy (CincNav) on that tragic day, were on the bar. Both were accused of refusal of official acts and multiple homicide.

It has taken nine years of judicial battle to see written, albeit on a statute of limitations and despite the request for acquittal made by the Rome Public Prosecutor's Office, the trial acknowledged the responsibilities of the shipwreck of 11 October 2013, wrote the civil parties' lawyers in their press statement.

On October 4, 2022, Rome Public Prosecutors (Colaiooco and Lionetti) had asked for the full acquittal of both defendants, arguing that “the fact did not exist”, and that there was no relationship between the behaviour of Manna and Licciardi and the death of the more than 250 people.

Against more than 5 hours of non-assistance and interlocutions between the people in distress and the Italian authorities, as well as between the Italian Coast Guard and the Navy, **the “perimeter” of the judicable facts was tentatively reduced to a lapse of time of less than 50 minutes.** Namely, from 16:22 when Maltese RCC sent a fax to Italian MRCC, asking to send the Italian Navy Libra Ship and to “intervene as necessary” and 17:04, when the Libra Ship was ordered to go towards the target by Cincnav officials.

In that speech, instead of keeping an impartial approach, the public prosecutors had deliberately traced the pathway to be followed in the defensive strategy of the two officials, by outlining some key arguments, to which neither the defendants' nor the state lawyers had much to add.

The main components of the state-promoted narrative were the following:

- This trial was not against the “**true responsible**” of the tragedy, who were in any case the **smugglers**, the boat drivers, and possibly the people themselves, who choose to put their – and their children's lives – in danger
- The overcrowded boat **was not in distress, the people's lives were not in immediate danger, and this was not a SAR event**
- Subsequently, the defendants had no duty to intervene, and had not refused any official act
- Even if the incident would have been a SAR event, **Malta had assumed the coordination**
- Keeping the lapse of time of less than 50 minutes as a reference for judging the alleged crimes, **the Coastguard and the Navy officials had acted with no delay, but paradoxically “in advance”**

According to this defensive strategy, it is of no importance that the Syrian doctor M.J. was calling MRCC Rome since 12 in the morning desperately asking for help. Even if he had clearly explained in English, that the boat had been attacked by Libyan militias just after leaving Zuwarah, that this attack resulted in at least 2 injured kids and in a serious damage on the boat which was taking in water (almost 1 meter of water), this information was neither properly understood, nor duly reported by officers on duty. In practice, quoting from Hannah Arendt's “The *banality of evil*”, “nobody knew anything”.

At the last hearing, after almost 4 hours of consultations, the judges came back and announced the following sentence: “**the crimes cannot be prosecuted due to the intervened statute of limitations**”. The silence fell in the room.

Certainly, defendants were not acquitted. But the decision was not fully understandable until when, on 16.12.22, it was published.

The wilful omission ascribed to the defendants, says the sentence no. 11988 of 16.12.22 of the Criminal Court of Rome, **resulted in the death of the migrants**

and therefore the constitutive elements of all the ascribed crimes - namely, manslaughter and omission of official acts - exist.

In the 87 pages issued by the criminal court of Rome, the event was fully reconstructed, by quoting the conversations between Dr. M.J. and the Italian Coast Guard, and between the latter and the Italian Navy. All the exchanges - in which the nearest of two Italian Navy vessels which could have intervened (the *Libra* ship, which was 17 nautical miles from the boat in distress) was required not to intervene, to wait and finally to hide itself in order “not to be found on the conjunction between the Maltese patrol boat and the target”, were reconstructed in detail.

By breaking the temporal perimeter imposed by the prosecutor, the judge was able to provide an in-depth analysis of all the strategic actions undertaken by the Italian authorities, and then to show how they deliberately delayed the launch of a rescue operation. But this was not all. In the frame of a careful reconstruction of the legal framework of reference, made of international maritime law, human rights law and asylum law, the judge provided evidence of the connection between the actions - and inactions - of the defendants and the death of 286 people, amongst which more than 60 children.

This was an important result, coming after nine years of attempts to hinder the process itself. After two requests for archiving, the public prosecutor asked for compulsory indictment of the two officers. Moreover, due to the statute of limitations, the judges could have either acquitted the defendants, as unanimously requested by the prosecution and defence, or limited itself - in the decision - to

providing a mere calculation of the statute of limitations.

This trial was a space where the voices of shipwreck survivors could finally be heard.

In this space, the state-promoted narrative which criminalises people on the move, refugees, people who are obliged to choose irregular and potentially lethal pathways in order to exercise their fundamental right to leave, was overthrown. The criminal behaviour was that of state authorities, and of the two public officials, who could have prevented the shipwreck by acting in accordance with their duties, and to international law.

Our clients who, in the five hours at sea, during which they waited in vain for rescue, saw their relatives and in many cases their children drown, and risked their own lives, have always asked us to ensure that what happened would not happen again, and that is why they have also endured the agony of this long process, wrote the lawyers. And continued, *today we can hope that this decision will remind everyone of the conventional and legislative duties incumbent on those who operate and manage sea rescue. **The decision of the Court of Rome does not only concern past events, but also those of today and the future: human lives at sea must always be saved, and no order, or convenience, can suppress this inescapable duty.***

Establishing responsibilities for death at sea - and at the border - is a step further, towards breaking the wall of silence, which relatives, friends and community members of missing persons have to face everyday. A step toward state accountability for border violence and death at sea.



Picture Alarm Phone

AMPLIFYING VOICES

„FIRST OF ALL WE NEED MORE RECOGNITION“

INTERVIEW WITH DAVID YAMBID FROM REFUGEES IN LIBYA

On the 9th and 10th of December 2022, a press conference, a protest and a demonstration with up to 300 participants took place in front of the UNHCR headquarters in Geneva. The transnational network in solidarity with Refugees in Libya had organised this mobilisation. We talked with David Yambid, spokesperson from <https://www.refugeesinlibya.org>, about the action days, his expectations, and his perspectives.

David, in July 2022 you could escape from Libya to finally reach Italy by yourself. As spokesperson for Refugees in Libya in Europe, you are in a new role now. How do you see it, how do you feel in it?

I see myself in a new stage of another responsibility, and a new space where I am able to do as much as I can to change the things that I couldn't change in Libya. For the people in Libya, that have been longing for recognition for a number of years. Arriving in Europe also comes with a lot of new challenges to engage myself in, to commit myself in different spheres. It is mainly in the field of media and on a political level, to amplify the voices that have been silenced for quite a number of years.

If I go now through peaceful streets in Italy or Switzerland, I feel bad about it, because I really wish that there could be a peaceful world for everybody, for the people in Libya, and even in the countries of

Website
refugeesinlibya.org

Twitter
[@RefugeesinLibya](https://twitter.com/RefugeesinLibya)



origin. That we have a new world where people are not dehumanised like what is happening in Libya.

So my new life comes with different ups and downs. It also comes with the challenge that for the first time in my life I can follow my dreams and to find my personal life. A challenge to master these various roles and to try to make the movement more stronger.

You have been one of the driving forces for the protest in front of the headquarter of UNHCR in Geneva on the 9th & 10th of December 2022. Can you sum up your main motivations for these action days?

The motivations are very clear when I look at the circumstances under which we were fighting, where we were peacefully protesting. We were calling on the United Nations, on the UNHCR, on EU member states to recognise us, we even called on the Libyan or the Italian state to make sure that we are not treated inhumanely, but yet we were silenced. We were not listened to in front of the UNHCR office in Libya.

For 100 days we were ignored. That is why we decided to amplify the voices of our protest by bringing our demands from Tripoli to Geneva. I saw it also as an opportunity to confront the rich, the European politicians, and the European public.



Picture UNFAIR campaign

In November last year, the new website <http://unfairagency.org> was established as part of the mobilisation to put pressure on UNHCR. Can you explain the idea behind this new platform? And how do you want to continue with it?

The new website was and will remain an element of our mobilisation to put pressure on the UNHCR. We want to confront this institution with the real stories and experiences of refugees. The UNHCR has to stand up to their mandate and to protect the people who need their support and advocacy. This was the main idea, why we initiated the UNFAIR platform. Because UNHCR has been very unfair to the same people who had so much hope in them.

The situation with the asylum process in Libya is very corrupt. It's very unfair, because people have to undergo a process with years of waiting, up to 20 years. Only to be accepted for asylum. Against this background, most people see no alternative than to take a boat and to find their way crossing the sea. And so many are dying. So we thought that it was necessary to confront and to shame UNHCR with this context.

What is your evaluation about the concrete action days in Geneva? Did it match with your expectations? What went well, what went not so well?

It met my expectations that we could bring our voices in front of the UNHCR headquarters in Geneva. We also could start a negotiation with a UNHCR representative, we could put our demands on the table. And it worked to amplify the voices from Tripoli to Geneva: to Swiss local people, to civil societies, to institutions, and to the radio, newspaper, television channels and media that operate within the Swiss territory and beyond in other European cities.

It went well, because we met local people, we were able to tell our stories, to tell what has been happening and about the need to address these problems and to find durable solutions.

On the other hand, we expected more people to join the protest. At least a few more hundreds of people to come and show solidarity with people on the move, with the people in Libya, with the people who have been arbitrarily detained. But in reality, only about 300 have managed to come to the demonstration through the city. So I wasn't very happy, because when we are talking about life at least, and the challenges that people face, which are the immediate consequence of EU policies, and which each European citizen is complicit in. This is what they

need to understand. And when we as refugees call for mobilisation, when we call for a protest, when we call for a time to amplify the voices from Tripoli to Geneva or from the Maghreb region to Europe, people should really show up. The people in Europe should really put more effort to understand what is happening beyond their borders and to show more solidarity.

What do you think about the impact of the campaign until now? Do you feel that UNHCR in Tripoli changed anything? And a representative of the UNHCR headquarters in Geneva received you as a delegate of the protest. Do you have any hope in or expectations from the negotiations?

Until now, based on the reality on the ground, not so much has been changed. But what they did is that they already changed the militias, the guards who were always torturing and brutalising people in front of the UNHCR office when they needed to access the premises. So they immediately changed these policemen, police militias. And also some of their staff, who have been accused of corruption.

We hope that with the new year, they will implement more of the demands that we requested, which is already in their mandate. This should be the impact of the campaign, after they were willing to negotiate with us, even responding to our emails on different individual cases.

We will keep this channel as an open and continuous negotiation to discuss the problems that people are facing in Libya to this day, and we hope that it can bring change to the situation. For the people who are in Libya and across the Maghreb region.

Do you plan to continue the campaign on UNHCR? What might be the next steps? Any plan for another mobilisation in Geneva?

The continuation of the campaign against the UNHCR is necessary in a centralised and decentralised way. If nothing changes for refugees in Libya, we will continue to knock on the door of the UNHCR headquarters and to launch a follow up mobilisation in Geneva. In parallel, we should organise protests in different cities. Of course, it depends on the situation in Libya and we will move accordingly in Europe.

The UNFAIR campaign on UNHCR is one element of the activities of the transnational network „Solidarity with Refugees in Libya“. Can you describe the wider frame? And in which way is the campaign interconnected with your daily struggles and to directly support friends in Libya?

Picture UNFAIR campaign



The Solidarity Network with refugees in Libya was created during our protests in Tripoli, when we were in front of the UNHCR headquarters. And the idea was to bring also the European civil societies together, not only within one city or within one state. But to spread our demands in different European cities. Sea rescue organisations, different human rights groups, people that are focusing on the field of migration: the idea was to bring them together. To mobilise also lawyers and different political institutions, which negotiate with the European policymakers. Our intention is to change what is happening in Libya, to change the agreement between Italy and Libya and to advocate for the evacuation, a safe passage for the people who need this.

We ask for more humanitarian corridors from Libya, while food and water, financial and medical support are needed and should be provided by UNHCR.

This would be a big and great support for the people on the ground in Libya.

What is your hope and the potential development for „Refugees in Libya“ and its support network for 2023? What could be concrete achievements in the next months? What are the focal points for you this year?

First of all we need more recognition. We need our stories to be valued in a wider public. Of course, we are hoping for further concrete achievements, for example that more prisons - the detention camps throughout Libya - will be closed. Or that the agreement between Italy and Libya will be cancelled, while the people can find a legal path to migrate. Or that sea rescue organisations can continue to operate under normal circumstances without being criminalised by the Italian state. It is our duty as refugees in Libya to tell the world that solidarity is not a crime and should not be criminalised. And that migration is a fundamental part of human nature.

We need the European Parliament in Brussels to recognise us and to give us a negotiating table where we can sit and discuss with them. The changes that we want, why we want to be recognised, why we want to be heard as part of this decision making once they are talking about immigration.

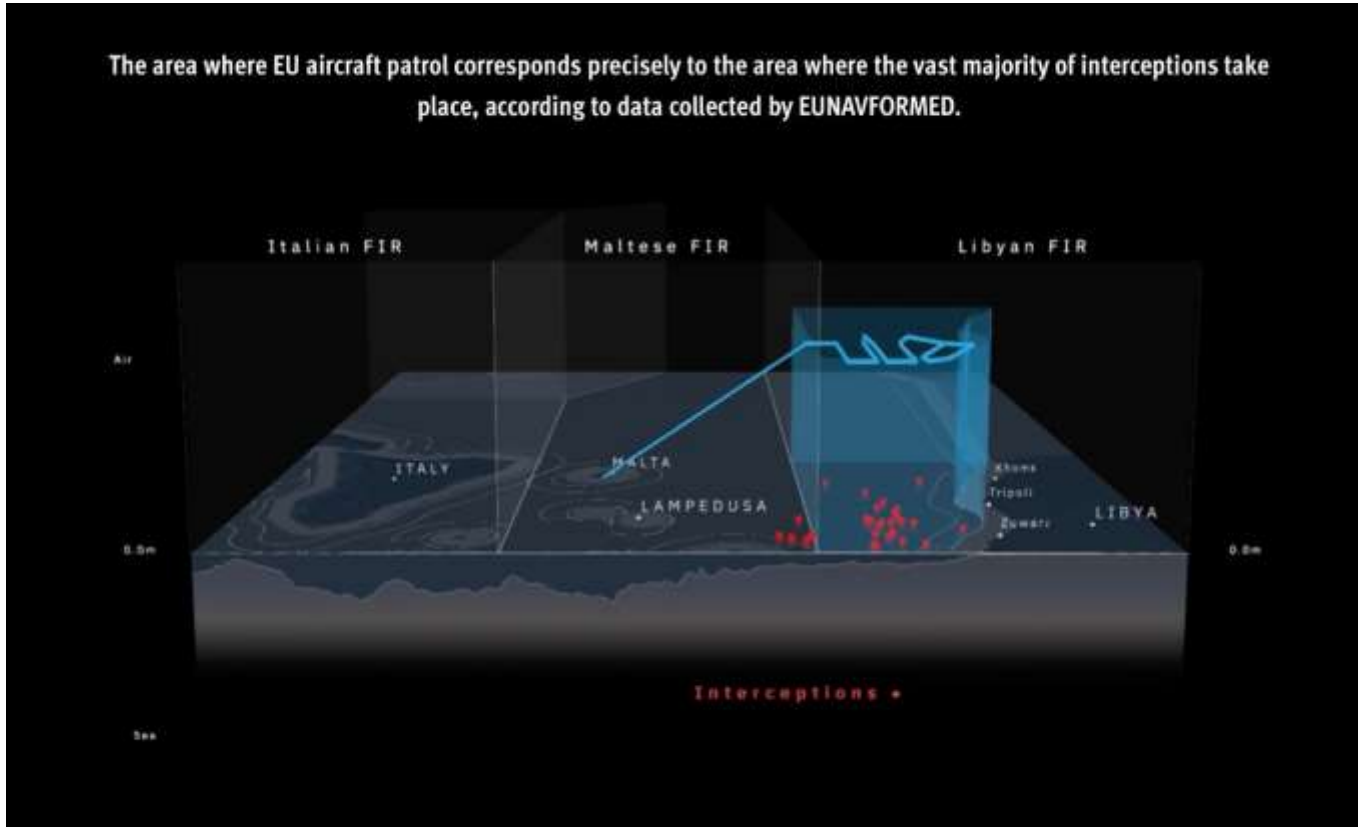
Thank you very much David for your answers and comments!

More information: <http://unfairagency.org>

REPORT

„EU: FRONTEx COMPlicit IN ABUSE IN LIBYA”

AERIAL SURVEILLANCE IS ENABLING INTERCEPTIONS, RETURN OF MIGRANTS TO HARM



In Echoes No. 3 we published an interview with members of the independent agency Border Forensics. A current investigation about the aerial surveillance by Frontex in the central Mediterranean was already mentioned. On the 12th of December 2022, Border Forensics and Human Rights Watch published the results of their impressive investigation.

„The use by the EU’s border agency, Frontex, of aerial surveillance to enable the Libyan Coast Guard to intercept migrant boats, knowing that migrants and asylum seekers will face systematic and widespread abuse when forcibly returned to Libya, makes Frontex complicit in the abuse. (...) Using data analysis and research testimony, the interactive web feature “Airborne Complicity: Frontex Aerial Surveillance Enables Abuse” documents the role that Frontex-chartered aircraft – several planes and a drone – play in detecting migrants’ boats in the central Mediterranean and their subsequent interception by Libyan forces.

The aircraft, operated by private companies, transmit video feeds and other information to a situation centre in Frontex headquarters in Warsaw, where operational decisions are taken about when and whom to alert about migrants’ boats.

While Frontex argues that aerial surveillance saves lives, the evidence gathered by Human Rights Watch and Border Forensics demonstrates it is in service of interceptions by Libyan forces, rather than rescue by the civilian rescue organisations or merchant ships that also operate in the area.”

- The multimedia investigation is available here: <https://www.hrw.org/video-photos/interactive/2022/12/08/airborne-complicity-frontex-aerial-surveillance-enables-abuse>

- More Information here: <https://www.borderforensics.org/investigations/airborne-complicity/>

MOBILISATION

6TH OF FEBRUARY CALL FOR DECENTRALISED COMMEMORATIONS



6TH FEBRUARY, 2023: A GLOBAL DAY OF STRUGGLE AGAINST THE REGIME OF DEATH AT OUR BORDERS AND TO DEMAND TRUTH, JUSTICE AND REPARATION FOR MIGRATION VICTIMS AND THEIR FAMILIES

Dear comrades,

Once again, on February 6, 2023, the anniversary of the Tarajal massacre in which at least 14 people died due to the violence of the Spanish Civil Guard, several networks and organisations from different countries of the world will join forces to organise the « CommemAction » theThird Global Day of Struggle against the regime of death at the borders, and to demand truth, justice and reparations for migration victims and their families. At the bottom you will find the appeal calling for a day of action and struggle.

Year after year, we are witnessing the ongoing massacres at the borders and in detention facilities intended to discourage migration. We must not forget these victims! We do not want to remain silent about what is happening!

We know that for many years, different organisations have organised events to mark the anniversary of the Tarajal massacre. We want to add our efforts to these initiatives so that our cry against the growing

militarization of borders and for the right of people to migrate and circulate freely is heard strongly in every corner of the planet.

Migrate to live, not to die!
They are people, not numbers!
Freedom of movement for everyone!

The element to give visibility to this unit will be the logo found in the attached call. We ask all organizations to use it in conjunction with their logos.

There is also a “Commemor-Action” Facebook page where all participants can post material related to their initiatives.

To join the call and for more information, you can write to: globalcommemoration@gmail.com



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