

# EUROPE'S SINKING SHAME

THE FAILURE TO SAVE  
REFUGEES AND MIGRANTS  
AT SEA

AMNESTY  
INTERNATIONAL



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**AMNESTY  
INTERNATIONAL**



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*Cover photo:* A drawing made by Leila, a 6-year-old Syrian refugee. Together with her father, she survived a shipwreck that claimed the lives of about 200 people, on 11 October 2013. Leila's pregnant mother and sister disappeared at sea that day. A week later, Italy would launch operation Mare Nostrum to avoid further tragedies at sea.

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## SUMMARY

Thousands of people fleeing conflict, persecution and violence are trying to reach safety in Europe. Others are escaping poverty. Many travel by sea. Despite the risks of the journey across the Mediterranean – which claimed 3,500 lives in 2014 - and despite bad weather conditions, the first three and half months of 2015 saw record numbers of refugees and migrants attempting to cross into Europe by sea, with over 21,000 arriving in Italy. Italy's decision, in agreement with the European Union (EU), to end the Italian Navy's humanitarian search and rescue operation Mare Nostrum at the end of 2014, after it had saved tens of thousands of people at sea, has not had the deterrent effect some European governments had hoped for.

While the end of Mare Nostrum has not led to a drop in departures, it can however reasonably be linked to an increase in deaths at sea. As this briefing was going to print, reports were emerging of a shipwreck on 12 April 2015 which, according to survivors, could have resulted in 400 people drowning. This latest disaster has brought the estimated number of people who have perished at sea in the first three and half months of 2015 to as many as 900. This is 53 times more deaths than were reported in the same period in 2014. During the whole of 2014, when Mare Nostrum was operational, the death rate among those making the crossing was about 1 in 50. In the first three and half months of 2015, it was 1 in 23.

The Mediterranean route into Europe remains the most dangerous and lethal in the world. It is also one that refugees and migrants will continue to take. This is because of the dangers refugees face in their countries of origin, the hardships many continue to face in neighbouring host countries, the sealing off of land routes, the extremely limited provision of resettlement and humanitarian admission places and insufficient regular migration channels. As long as European governments do not offer adequate safe and regular routes to Europe, people will continue to choose unsafe journeys.

Concern about looming tragedies at sea is broadly shared by the international community. Addressing the UN Security Council in February 2015, the UN High Commissioner for Refugees could not have been clearer:

*"...Italy's Mare Nostrum operation has ended, and the EU's Triton initiative is limited both in mandate and in resources. Europe must step up its capacity to save lives, with a robust search and rescue operation in the Central Mediterranean – or thousands more, including many, many Syrians, will perish."*

The choice European governments are facing is a stark life and death one. What will European governments do to get the number of deaths down? Since the end of Mare Nostrum, search and rescue in the central Mediterranean has gone back to the normal regime, which relies on the capability of coast guards, with the assistance of commercial ships. All shipmasters are bound by an obligation – codified in the international law of the sea - to render assistance to those in distress at sea, regardless of their nationality, status or the circumstances in which they are found. The Italian coast guard has displayed impressive commitment to saving lives at sea, deploying its assets and

coordinating rescues by commercial vessels. The Armed Forces of Malta have also helped, within their means. But much more is needed. Both Italian and Maltese authorities have plainly said so. And so have organizations representing the merchant shipping sector, whose members have had to face financial losses and considerable risks to their crews to implement search and rescue operations.

European governments' answer to date has been the deployment by the EU border control agency Frontex of Joint Operation Triton (Triton), on 1 November 2014. A border management operation tasked with patrolling borders, rather than with search and rescue, Triton has smaller vessels, fewer aircrafts and fewer staff than Mare Nostrum. Triton's assets are deployed much closer to Italian and Maltese shores than Mare Nostrum's were, and much further away from the zone where most of the rescues take place. Its assets can be and have been sent to search and rescue operations as required by the competent Maritime Rescue Coordination Centres (MRCCs), in compliance with the international law of the sea. But Triton's contribution to enhancing search and rescue capacity in the central Mediterranean, although not negligible, remains insufficient to face the current and foreseeable demand for search and rescue in the coming weeks and months.

European governments must urgently deploy more resources in the context of a European multi-national humanitarian operation dedicated to assisting refugees and migrants in peril in the central Mediterranean, bring them to a place of safety and ensure access to international protection. At the same time, European governments should provide safer options, including resettlement and humanitarian admission places as well as increased regular migration channels, on a scale which offers a genuine alternative to those currently considering the sea crossing.

In this briefing, Amnesty International offers data showing the magnitude of the humanitarian crisis in the central Mediterranean, survivors' testimonies to describe its impact on the lives and rights of people, and an analysis of the gap in search and rescue resources resulting from the end of Mare Nostrum and the limitations of Triton.

## A LACK OF ALTERNATIVES

More than 43 percent of those who travelled across the Mediterranean in 2014 were *prima facie* refugees. According to Frontex, Syrians and Eritreans accounted for 46 percent of the over 170,000 people who reached Italy by boat in 2014. Other large numbers come from Sudan, Afghanistan or Iraq.

European governments have offered too few alternatives for this group. They have pledged only few resettlement places and offered extremely limited humanitarian admission for Syrian refugees enduring gravely inadequate living conditions in Lebanon, Jordan, Turkey, Iraq and Egypt. Over 3.9 million refugees are registered in Syria's neighbouring countries and Egypt. Since 2013 EU countries have offered 40,137 resettlement and humanitarian admission places as of 12 March 2015 (30,000 of these in Germany). Between 2012 and 2014 the 28 EU countries also received 186,305 new asylum applications from Syrian nationals.

European governments have also closed off land routes, increasingly limiting options to enter European territory via land. Asylum-seekers remain unable to get close to the land border areas between Turkey and Greece, and Turkey and Bulgaria due to heightened security on both sides. Allegations of push-backs, often accompanied by violence, to Turkey, from both Bulgaria and Greece, of people in need of international protection, continue. Push backs from Macedonia towards Greece are routine. For those who make it into Serbia, access to protection is so protracted and most often denied, that many prefer to continue their journey towards Hungary. Entering Spain from Morocco through official border check points at Ceuta and Melilla is virtually impossible for black Africans. Those who make it by jumping over fences are often sent back to Morocco without any formal procedures. Many Syrians make it only by using false documents or by hiding amongst the Moroccan workers and traders, who enter the enclaves daily in big crowds.

In Libya, from where the vast majority of people departed by boat last year, a large number of refugees and migrants are increasingly exposed to the conflict between warring factions, with thousands displaced. Months of fierce fighting, often in residential areas, have led to hundreds of civilian casualties and damage to hospitals, schools, power stations, airports and roads. In some areas, there is a shortage of medical supplies, fuel, electricity, water and food.

In the resulting lawless environment, where all parties to the conflict have committed serious human rights abuses, refugees and migrants are particularly at risk of abuse by armed groups, militias and smugglers. They report abductions for ransom, physical assaults, torture and other ill-treatment in detention centres, exploitation, sexual abuse and forced labour. Some, such as Christian Copts, have been summarily killed on account of their religion. Many have lost sources of livelihood. As Libya descends further into violence, several countries are evacuating their nationals. But many refugees and migrants, such as Sub-Saharan Africans and Syrian nationals, cannot rely on the assistance of their countries or seek protection in neighbouring countries, which have increasingly sealed their land borders with Libya amid concerns of conflict spill-over.

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Egypt has closed its border crossings to refugees and migrants, allowing the entry of Libyan nationals only. While the Tunisian border remains open to Libyans, other nationals must have valid documents to be able to enter, and must depart from Tunisia after a short transit stay. With few other options, refugees and migrants, in particular those without valid identity documents, are effectively trapped and have no other option than to take the sea route to safety.

The insecurity pushing people out of their countries of origin or neighbouring host countries, combined with the sealing off of land routes by European governments and the unwillingness to offer sufficient safe and regular routes are driving refugees and migrants to take the perilous sea route. European governments, whose policies have contributed to this trend cannot absolve themselves of their responsibility to save the lives of those desperate enough to attempt the crossing.

## FATAL INCIDENTS AT SEA IN 2015

Since the end of Mare Nostrum, the current search and rescue set-up in the central Mediterranean has been tested to the limit. Starting with the rescue of over 1,200 people on two cargo ships coming from Turkey between 30 December 2014 and 1 January 2015, search and rescue operations continued steadily often with several hundreds of people assisted at a time. More than 2,800 people were rescued in at least 18 boats between 13 and 15 February. On 15 February alone, 2,225 people were rescued from a dozen boats. On 16 February a further 1,088 people were rescued. Between 4 and 5 March over a thousand migrants were assisted. In the first days of April, a total of 2,700 people were rescued. On 10 April, a further 1,000 people were assisted in three separate rescues. Between 11 and 14 April, almost 10,000 people were rescued in multiple operations by Italian authorities, merchant ships and Triton assets. In the afternoon of 12 April, 144 refugees and migrants along with nine corpses were plucked from the waters by the Italian coast guard and an Italian Navy ship after their wooden boat had capsized some 80nm off Libyan coasts. According to the Italian coast guard, the boat had already capsized when it was found by rescuers in the area dealing with other operations. As this briefing was going to print, reports of survivors' testimonies collected by the non-governmental organization Save the Children and the International Organization for Migration indicated that as many as 400 people may have died in the shipwreck. Searches in the area continued for several days, but no further survivors nor corpses were found.

Notwithstanding the efforts, of the Italian coast guard, the Italian Navy, the Armed Forces of Malta, merchant vessels and, on occasion, of Triton assets and crews, it is estimated that as many as 900 men, women and children died or disappeared at sea in the central Mediterranean in the first three and a half months of 2015.

Amnesty International closely investigated three incidents, all involving numerous deaths. In all of them, the gap in search and rescue resources left by Mare Nostrum and not filled by Triton is likely to have contributed to loss of life. In the first two cases, of 22 January and 8/9 February 2015, refugee and migrants' boats could have been spotted and assisted earlier, had more numerous assets been deployed further south, towards Libya. In the third, on 4 March 2015, the deployment of professional rescuers rather than assistance by a merchant vessel could have prevented one of the boats in peril from capsizing.

### THE 22 JANUARY 2015 INCIDENT

#### **ABUBAKER JALLOW, 21-YEAR OLD MAN FROM GAMBIA**

"There was an Arab man, he told us to keep the direction for eight hours, he told us how to fill the tank with fuel, then he jumped in the water and left. We were at sea all night, but we did not reach Italy... People started losing their mind. Some said they wanted to go and get food or go back to their country, then jumped into the water. I do not know how many jumped... I lost concentration... Some drank sea water... Many died... We threw the bodies in the water, I do not know how many... When we arrived in Malta they allowed us to call our families. I called my mum. She cried when I told her that others died."

## JEAN, MAN FROM IVORY COAST

"I ran away from my country because my family threatened me after I said I did not want my daughter to be cut [undergo a female genital mutilation]... The smugglers were armed. Some of us were scared and did not want to go, but nobody could turn back. They gave us no maps, nothing. They just said: go straight ahead and that's Italy!"

Up to 34 people died at sea out of some 122 people travelling on a boat rescued by the Armed Forces of Malta on 22 January 2015. 88 young men from Sub-Saharan Africa were saved, but one died in hospital shortly after the rescue.

Survivors held in Safi migrants' detention centre in Malta told Amnesty International that they left Garabouli, Libya, on 15 January at about 6pm. They had no telephones, water, or food, and no life jackets. They were packed so tightly in their small inflatable dinghy that they could not sit or lie down to sleep. They soon became exhausted, cold and extremely thirsty. After a few days, fuel ran out and the dinghy started taking on water. They had no buckets to empty it out and some felt their feet freezing from being immersed for days in cold water.

Their boat had been drifting for around eight days before a fishing boat spotted them some 2.5nm east of Maltese shores at 7:00am. Within 30 minutes, two Armed Forces of Malta patrol boats, one of which operating under Triton, reached the boat in distress. Neither Maltese authorities nor Triton assets had seen it before then, as it entered Malta's territorial waters and almost made it to land.

## THE SHIPWRECK OF 8/9 FEBRUARY 2015

### LAMIN, 24-YEAR-OLD MAN FROM MALI

"I had to leave Libya, staying or going back to my country would have been too dangerous... We were 107 on my boat, the smugglers counted us... People were falling in the water, but no one could help. Those who fell in the sea tried to catch the boat again but did not manage. I saw three falling in the water. Others died for other reasons, maybe lack of food and water... Only God knows what I felt when I saw the others dying... We were only seven left when rescue arrived"

On 8 February 2015, four shipwrecks resulted in the death of over 330 victims.

Italian coast guard officials told Amnesty International they received a satellite phone call for help early in the afternoon on 8 February, from a location 120nm south of Lampedusa and 40nm north of Libya. The call was mostly unintelligible but the officials could make out the words "dangerous, dangerous" in English. The Italian coast guard sent a search aircraft and two patrol boats, followed by a further two after one of the initial boats reported an engine problem.

Despite prohibitive weather conditions, with exceptionally strong winds and several metres-high waves, Italian coast guard responders managed to reach the boat in distress after approximately 6.5 hours of navigation and rescued 105 people from one dinghy at 9pm.

Those rescued were boarded onto two coast guard patrol boats. As weather conditions deteriorated further during the 18-hour journey back, with rain, hail and waves of up to eight metres high, 29 of those rescued died. Scantily clothed, weakened by up to two days of drifting in bad weather and near-freezing temperatures, they could not endure the further exposure to the elements in the uncovered coast guard vessels and died of hypothermia.

*"They were exhausted, thirsty, very hungry...As we proceeded to transfer the men onto our vessels, with a merchant vessel trying to shelter us, the sea became even rougher and we could not see much. We gave them foil blankets and heat packs, but they were not much use...It was very cold, perhaps zero degrees. Some were so drenched they took off all their clothes...To keep them warm we made them rotate inside the cabin, but it was all very difficult. We were all feeling sick and scared. We feared for our lives...I felt so enraged: saving them and then seeing them die like that..."*

Nurse Salvatore Caputo, who was on board Italian coast guard vessel CP302

Shortly afterwards, two merchant vessels in the area rescued a further nine men, two in one dinghy and seven in another.

Amnesty International interviewed some of the survivors soon after their arrival in Lampedusa. A horrific story emerged. Some 420 refugees and migrants had left together from the Libyan port town of Garabouli, 40km west of Tripoli, in four inflatable dinghies. Most were young men from West Africa and several were minors. People smugglers had kept them near Tripoli to await the journey after charging them the equivalent of around 650 euros. On the evening of 7 February, the smugglers, armed, made them board the dinghies, which were numbered 1 to 4. The boats were powered by small outboard motors, and the smugglers had not provided enough petrol for the trip. Italian coast guard officials, later interviewed by Amnesty International, stressed that the weather forecast in that part of the Mediterranean was bad for the entire week and that the refugees and migrants were sailing towards certain death.

Early on 8 February, the boats drifted in the Mediterranean Sea north of Libya, in serious danger. High waves were washing people off the dinghies and into the sea. The first dinghy deflated and started taking on water until it was found by the Italian coast guard patrol boats. The second was never found and left no survivors. Merchant vessels assisted two more dinghies. One of these had only seven people alive on board and it went down with many dead bodies while the survivors were climbing the rope thrown to them by the crew of the merchant vessel. The fourth dinghy was found by another merchant vessel in the afternoon of 9 February, deflated and with only the front side afloat, to which two men had managed to hold on.

Survivors believe that more than 330 of their fellow travellers perished, as they estimated that about 105 people were on board each of the four dinghies.

Apart from the two commercial vessels in the area, the Italian coast guard was left alone to provide assistance on that day, the head of the Italian MRCC told Amnesty International.

There are too many variables to know how many lives could have been saved with better resources, but the death toll would probably be lower. According to coast guard experts, their

patrol boats were the only ones which could have approached the boat in distress in the extreme weather of those hours. However, if other vessels had been deployed closer to Libyan shores, it is conceivable that they could have reached the boats in distress earlier, potentially even before the weather became extreme.

## THE 4 MARCH 2015 SHIPWRECK

### **MOHAMMAD, 25-YEAR-OLD PALESTINIAN MAN FROM LEBANON**

*"At 5pm, an American ship [Liberian, the flags are similar] was coming, we saw it. It came close to our boat ... They threw a rope ladder ... Many tried to get on it and the boat capsized ... I fell into the water, I was the first one. I couldn't breathe. When we were in the water it was like a war scene. There were helicopters and boats around us... Immirdan, a Syrian woman, about 35, died with her one-year old son. They couldn't swim. She had asked me for some bread, chocolate, cheese, I gave it to her. 20 minutes later, the boat capsized. I saw her. I also saw another woman, black, who died. And I saw Navy officials, on the big boat, trying to resuscitate a man. But they didn't succeed."*

In the afternoon of 4 March 2015 a boat carrying some 150 people, including some 20 women and 10 children, capsized at about 50nm from Libyan shores when a big tug boat in service around the Libyan oil platform in the area approached to assist them. The boat had left Tripoli, Libya, the night before. The people on board, who were mostly Syrians, Palestinians, Eritreans, Sudanese and Somalis, were desperate for help as their boat had been taking on water. Many moved to one side of the boat, towards the ladder that the crew of the tug boat had thrown to them, causing it to capsize.

The Italian coast guard vessel, Dattilo, was nearby, with 381 people rescued in a previous operation already on board. It managed to save 121 people from the sea. It also retrieved 10 bodies.

The Italian and Maltese coastguards both told Amnesty International that preventing the capsizing of the boat being rescued is a primary concern. They know that people on a boat in distress tend to stand up suddenly when they see rescuers approaching and move to the side from where they see help coming. To avoid such risk, professional rescuers approach the boat with a smaller vessel such as a rigid-inflatable boat (rib), on the front, or with two ribs, one on either side. The tug boat crew involved in this case could not do so. The incident is illustrative not only of the efforts of merchant ships to assist, but also of their limitations. Merchant ships may have very high sides, are not designed or equipped to undertake rescue operations, and cannot go close to a smaller boat in distress without risks.



© REUTERS/Antonio Parinello

*A survivor of a shipwreck on 8 February is helped as he arrives with others at the Lampedusa harbor, 11 February 2015. Together with eight others, he had been rescued by a merchant vessel two days earlier. They are the only survivors from their two boats.*



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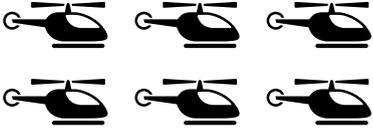
*Italian coast guard coastal patrol vessels used in search and rescue missions, docked at the port in Lampedusa, 12 February 2015. These vessels had been used to rescue refugees and migrants in peril in stormy seas on 8 February. As weather conditions deteriorated further during the 18-hour journey back to Lampedusa, 29 of those rescued died of hypothermia.*

# Map showing comparison of operations under Mare Nostrum and Triton, and location of incidents at sea



- Area patrolled by Italy's Operation Mare Nostrum during 2013/14
- Area currently patrolled by Frontex Joint Operation Triton
- Indicative area where most of the rescues take place
- ✕ Position of the incidents of 22 January, 8 February, 4 March and 12 April

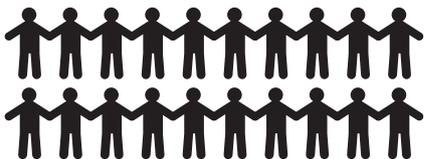
# Table comparing assets available under Mare Nostrum and Triton operations

	Assets routinely in operation on average day <b>Mare Nostrum (2013/14)</b>	Assets routinely in operation on average day <b>Triton (currently)</b>
<b>AMPHIBIOUS VESSELS</b>	1 	0 
<b>FRIGATES</b>	1 OR 2 	0 
<b>OFF-SHORE PATROL VESSELS</b>	2 (+2 coast guard) 	1 
<b>COASTAL PATROL VESSELS</b>	0 (+6 coast guard) 	6 
<b>FIXED WING AIRCRAFTS</b>	3 	2 
<b>HELICOPTERS</b>	6 	1 
<b>BUDGET</b>	€9.5M 	€1.5–2.9M 

## Number of refugees and migrants who crossed the central Mediterranean

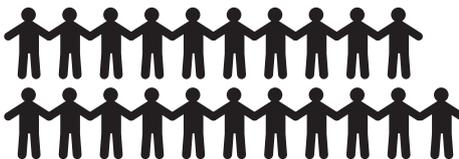
As of mid-April 2014:

**20,899**



As of mid-April 2015:

**21,385**



## Number of people who were reported dead or missing at sea while crossing the central Mediterranean

As of mid-April 2014:

**17**   

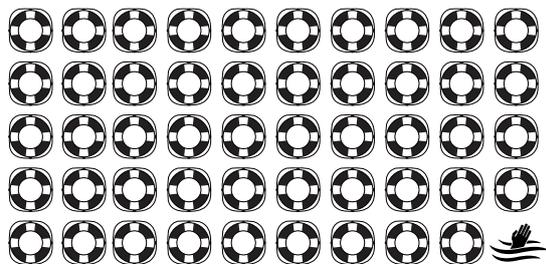

As of mid-April 2015:

**900**   


## Number of victims per total number of travellers

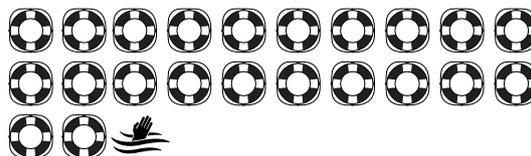
On average in 2014:

**1 in 50 died**



As of mid-April 2015:

**1 in 23 died**



## EXPECTED DEPARTURES, FORESEEABLE DEATHS

**“When departures pick up after the winter, we won't be able to take them all, if we remain the only ones to go out there.”**

Admiral Giovanni Pettorino, Head of the Italian coast guard's MRCC

The magnitude and urgency of the humanitarian crisis unfolding in the Mediterranean is undisputed. International organizations, agencies such as Frontex, and the Italian government all agree that the number of refugees and migrants departing from North African shores to reach Europe in 2015 is likely to match or even surpass the record numbers of 2014.

In 2014 Frontex counted 278,000 irregular border crossings into EU territory, approximately two and a half times more than in 2013 (107,000) and twice as many as in 2011 (141,000) during the Arab Spring. Most of these crossings in 2014 were through the Mediterranean, 218,000 according to UNHCR, of which around 170,000 to Italy.

The first two months of 2015 saw a 42% increase in irregular border crossings through the central Mediterranean, mostly from Libya, compared to the first two months of 2014 (from 5,506 to 7,834). These numbers, as Frontex put it, were “defying seasonal lows typical for the winter season, the most hazardous time to cross the Mediterranean Sea”.

March saw a slight, temporary, slowing down in arrivals. Italian Ministry of Interior data covering the first three months of the year showed a slight decline compared to the same period in 2014 (10,132 arrivals compared to 10,744). Arrivals picked up again at the beginning of April, with 21,385 arrivals as of 15 April, compared with 20,899 as of 15 April 2014. The trend matching the exceptionally high level of arrivals of 2014 appears to be holding.

These numbers should not be interpreted as representing flows of an unmanageable scale for European states. They are small compared, for example, to what countries neighbouring Syria experience, where 3.9 million Syrian refugees have found shelter.

However, search and rescue operations for such numbers of people travelling in unseaworthy boats could soon become unmanageable without a concerted effort by European governments. The risks to, and suffering of, the people travelling by sea; and the challenges

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faced by European coastal states and the shipping industry in rescuing and receiving these people cannot be underestimated and require a collective assumption of responsibility by European governments.

According to UNHCR, in the first three and half months of 2015 as many as 900 people died or went missing at sea, compared with 17 over the same period in 2014. That is one person drowning for every 23 attempting the crossing or 53 times more deaths than in the same period in 2014, even if the total number of people crossing remained broadly the same.

# THE GAP IN SEARCH AND RESCUE OPERATIONS IN THE CENTRAL MEDITERRANEAN *POST* MARE NOSTRUM

**“It took us little more than a weekend to organize [Mare Nostrum]. The Italian Navy stands ready. We have well-rehearsed procedures. We have built our experience. If we are asked, we can re-start a humanitarian operation in a very short time, 48-72 hours, give or take.”**

Commander Massimiliano Lauretti, Capitano di Vascello, Stato Maggiore Marina, 3° Reparto Piani, Operazioni e Strategia Marittima

In order to assist people fleeing from North Africa on unseaworthy vessels, between 18 October 2013 and 31 October 2014 Italy deployed a large humanitarian operation, Mare Nostrum, which also had the aim to combat human smuggling and trafficking.

Within the framework created by Mare Nostrum, in 2014 Italian authorities rescued over 166,000 people (arrivals totalled over 170,000 counting those who made it to shore by themselves). Of these, Mare Nostrum/Italian Navy assets rescued almost 83,000; Italian coast guard's assets over 38,000; merchant vessels, coordinated by the Rome MRCC, over 42,000; Italian custom police, private rescuers and Frontex assets 1,700.

This data shows that, while the ordinary search and rescue system, relying on the coast guard and merchant vessels, can save tens of thousands of people, the boost in capacity organised by the Italian Navy in 2014 allowed the system as a whole to rescue an additional 83,000 people with appropriate and safe procedures.

Mare Nostrum had a budget of 9 million euro per month and deployed at any given time five Italian Navy ships with their air units and some 900 staff. Its assets were chosen and its

procedures designed to maximize capacity to assist boats in distress, to host people in safety at sea, and to minimize time in port to disembark rescued people so that assets could be quickly back at sea to save others.

Crucially, Mare Nostrum's area of operation extended south of Lampedusa for about 100nm. As Frontex confirms, most search and rescue of refugee and migrants' boats takes place some 40nm off the Libyan coasts, or 155nm off Lampedusa.

Despite its success in saving lives at sea, Italy, in agreement with other European governments concerned about the influx of people arriving by sea, closed Mare Nostrum. Following a two-month phasing out period in which the Italian Navy continued to provide extra resources for search and rescue, since 1 January 2015 the search and rescue regime in the central Mediterranean has gone back to its ordinary capacity, relying mostly on coast guards' resources and merchant vessels. The need for assistance has, however, not gone down.

# THE PRESSURE ON COMMERCIAL SHIPPING

The end of Mare Nostrum has resulted in increased pressure on commercial ships to rescue refugees and migrants. On 31 March 2015 the representatives of the main shipping industry associations and seafarers' unions expressed in unequivocal terms their concern:

*"...it is unacceptable that the international community is increasingly relying on merchant ships and seafarers to undertake more and more large-scale rescues, with single ships having to rescue as many 500 people at a time. Commercial ships are not equipped to undertake such large-scale rescues, which also create serious risks to the safety, health and welfare of ships' crews who should not be expected to deal with such situations... the immediate priority must be for EU and EEA Member States to increase resources and support for Search and Rescue operations in the Mediterranean, in view of the very large number of potentially dangerous rescues now being conducted by merchant ships; a situation which we believe is becoming untenable."*

Thomas Rehder, President, European Community Shipowners' Associations; Eduardo Chagas, Secretary General, European Transport Workers' Federation; Masamichi Morooka, Chairman, International Chamber of Shipping; Dave Heindel, Chair (Seafarer Section), International Transport Workers' Federation

According to the Italian coast guard, in 2014, with Mare Nostrum in place, 822 merchant vessels were re-directed by MRCC Rome to search and rescue events. Of these, 254 took refugees and migrants on board, rescuing a total of 42,061 people. According to the International Chamber of Shipping, in 2015, as of the beginning of April, 111 merchant ships were diverted to search and rescue calls in the central Mediterranean. 41 of these rescued 3,809 people.

UNHCR in March 2015 noted that as a result of the heavy financial losses incurred with search and rescue operations, shipping companies have started to re-route to avoid areas of heavy migrants' boats traffic. Private vessels have also become reluctant to reveal their positions at sea.

Large scale rescues at sea, sometimes of hundreds of people at a time, pose significant challenges to commercial ships and their crews. Even large ships often have small crews of some 20 people, and have provisions and accommodation only for them. For the crew, taking care of the immediate needs of scores of distressed people is strenuous and means many extra hours, lack of sleep, and significant health and safety concerns.

Rescues by commercial ships also pose considerably greater risks to the refugees and migrants. The size of ships, high sides, the lack of appropriate devices to proceed to the transfer of people, and lack of specific training of the crew are all factors that increase the risk of boats capsizing or sinking during rescue.

While it is essential to the effective working of the search and rescue regime that commercial

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The failure to save refugees and migrants at sea

ships continue to uphold their obligations to assist those in distress, European governments have a responsibility to ensure that commercial ships are not burdened by unnecessary risks and costs. European governments should in particular ensure predictable and rapid disembarkation at a place of safety of those rescued, with minimum deviation from the intended route of the ship. Most of all, European governments should take their responsibility and set up a search and rescue system whereby appropriate national vessels and aircraft are able to perform the vast majority of operations.

## TRITON'S LIMITATIONS

**“Operation Triton ... cannot be expected to handle the migrant challenge alone. It has two aircraft and a helicopter at its disposal, two open sea patrol vessels, and four coastal ones: a fleet appropriate to its mandate, which is to control the EU's borders, not to police 2.5million Km<sup>2</sup> of the Mediterranean. Triton's budget, at €2.9m a month, is one third of what Italy were spending on Operation Mare Nostrum.”**

Frontex, Operation Triton - Winter developments, 24 December 2014

After the end of Mare Nostrum, European governments accepted the sharing of responsibility for patrolling the southern European border along the Italian and Maltese coasts. To do this, on 1 November 2014 the EU border agency Frontex deployed “Joint Operation Triton”.

Triton's purpose is border monitoring “to control irregular migration flows towards the territory of the Member States of the European Union and to tackle cross-border crime” east and south of Italy and Malta. A large part of this area is covered by aerial surveillance only and Triton's vessels keep within 30nm from Italian and Maltese shores. Frontex and other experts regard Triton's budget, at €2.9 million per month, and its assets as adequate for its operational objectives, i.e. border control. Frontex wrote to Amnesty International that between 1 November 2014 and 29 March 2015, apart from irregular border crossings, only one incident of smuggling of goods was reported, involving one fishing boat carrying 1,600kg of drugs and the arrest of nine smugglers.

Although explicitly not a replacement of Mare Nostrum, Triton's assets do undertake search and rescue operations. Frontex wrote to Amnesty International that operational plans for ongoing joint operations contain sensitive operational information and cannot be disclosed. However, officials at Triton International Coordination Centre (ICC) at Pratica di Mare, Italy, told Amnesty International that Triton's operational plan states unequivocally that, if the competent MRCC requests Triton to react to a distress call, it would immediately follow

directions, in compliance with the law of the sea.

So, although not explicitly supplementing search and rescue capability in the central Mediterranean, Triton's assets could be available in case of need.

According to Frontex, assets co-financed by Frontex have participated in the rescue of 8,108 people out of the 24,434 rescued in the central Mediterranean between 1 November 2014 and 29 March 2015, while Triton has been in operation.

This contribution is important. However, the EU funding of some search and rescue capacity through Triton does not automatically mean that it has increased existing capacity in the area. For example, the Armed Forces of Malta have pledged the totality of their assets to Triton and often perform search and rescue activities under Triton's flag. Although this results in Triton contributing to search and rescue operations, it is likely Malta would in any event use the same assets to respond to a distress call, were Triton not in place. The same applies to Italian assets.

A comparison of Triton's assets with Mare Nostrum's clearly shows the current gap in resources for search and rescue. Triton ICC refused to provide Amnesty International with a list of the exact assets available to the operation. However, in a letter, Frontex did provide a set of minimum and maximum of assets deployed. Frontex confirmed that the majority of ships currently deployed by Triton are coastal patrollers, which are small vessels, in addition to one bigger patroller (as Frontex calls it, "minimum deployment in 'Low season'"). In contrast, Mare Nostrum had at its disposal not only two big patrollers, but also one or two bigger frigates and even one very large war ship - each carrying on board rigid inflatable boats to facilitate rescue operations, as well as medical care capabilities.

In terms of aerial assets, Triton officials indicated that one helicopter and two aircrafts are routinely in operation, whereas Mare Nostrum operated three aircrafts, some drones, and six helicopters (stationed either on ships or on land).

The comparison shows that assets available to Triton are a far cry from what Mare Nostrum had at its disposal.

Mare Nostrum deployed its assets at some 95nm from Libya coasts, having to cover some 55nm to reach the area from where most boats in distressed are rescued (at some 40nm off Libyan coasts). Triton's fewer and smaller naval assets need to travel for some 125nm to reach the same area.

Triton is therefore the wrong answer to the refugee and migration crisis in the central Mediterranean. Its ability to supplement search and rescue operations is limited.

A different operation, a humanitarian operation, is needed, of a size commensurate with the magnitude of the need for search and rescue. The benchmark of what is required as a minimum remains Mare Nostrum.

## RECOMMENDATIONS

- European governments should urgently launch a multi-country humanitarian operation mandated to save lives at sea in the Mediterranean, deploying naval and aerial resources at a scale commensurate with foreseeable departure trends and which should patrol the high seas along the main migration routes.
- Until this humanitarian operation is in place, European governments should provide Italy and Malta with financial and/or logistical support enabling them to step up their search and rescue capacity.
- The European Commission should support and call on European governments to launch a concerted humanitarian operation mandated to save lives at sea. The European Agenda on Migration, to be launched in May 2015 to ensure a 'holistic approach' to addressing migration to Europe, must include such a call and provide for safe and regular routes to Europe for refugees.
- To reduce the numbers of those taking the sea crossing, European governments should increase the number of resettlement places, humanitarian admissions and visas for people in need of international protection and ensure that refugees have effective access to asylum at land borders.



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A North African man washes himself with a donated bottle of water in the port of Augusta, Sicily. The port of Augusta was routinely used to disembark refugees and migrants rescued at sea by the Italian Navy during the Mare Nostrum operation, until this ended in October 2014.

## Recommendations

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Amnesty International, International Secretariat, Peter Benenson House,  
1 Easton Street, London WC1X 0DW, United Kingdom

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