

Mission Report April - October 2019

## **Suffering, blockade, denied aid, gunfire and rescued lives in the central Mediterranean Sea**

From April till October in 2019, RESQSHIP has been on regular monitoring missions in the Central Mediterranean Sea with its sailing vessel Josefa. With these missions, we deliberately draw attention to the suffering of fleeing people in the Mediterranean and send a clear signal that emergency aid through sea rescue is absolutely necessary to save the lives of these people from death by drowning.

We were often the only ship patrolling the SAR area in the course of our missions committed to rescuing refugees in accordance with the Geneva Refugee Convention. Obviously, a search-and-rescue zone can only be meaningful if there are other ships in the zone searching, rescuing and bringing people ashore in a safe harbor. It is clear to us that such a safe harbor can only be in Europe given the grave situation in Libya. In 2019, this task was once again largely undertaken by private organizations such as RESQSHIP.

Our last mission with the Josefa this year ended on October 28. In order to once again be able to regularly sail missions in the central Mediterranean starting next spring, we are currently striving to purchase a new, larger vessel. For this we are dependent on your donations.

### **Suffering and death**

In such a large sea area, where people are regularly fleeing from Libya and are in distress at sea, many ships are needed to effectively carry out search and rescue missions. With our presence on the scene, we set an example for humanitarian aid and strive to support other sea rescuers with our experience. Nevertheless, people continue to drown in the Mediterranean because there is insufficient and, in an emergency, no timely help on the spot. This pains and angers us.

On the 25th of July 2019, our crew had to make the terrible experience of not being able to help in time in a serious accident just before the Libyan coast with up to 150 deaths, as they were about 10 hours away at the time of the accident. The refugee boats, which are often overloaded and lack adequate navigational tools, are not fit for sea, meaning that in many cases help cannot arrive in time.

We demand that the EU acts according to its responsibility and rescues people from drowning in the Mediterranean Sea within the framework of a European mission.

Furthermore, a sustainable solution must be found for this emergency situation, which has been going on for years, in order to prevent disasters of this kind.

### **Blockade and slander**

Repeatedly, European authorities have tried to obstruct us without justification or legal basis. For example, in May 2019, our crew was denied entry to a European port for over 30 hours without giving a reason, despite strong swells. For our crew on a ship sailing under the German flag, a threatening situation was thereby created for no reason.

The case of our friends from Sea-Watch and Captain Carola Rackete and her crew in June 2019 also caused a public stir. Our ship was simultaneously on a mission and could therefore document the behavior of the Sea-Watch 3, which could ultimately be justified by the

emergency port law. We stand in clear solidarity with the crew now being prosecuted by Italian authorities! The rescue of human lives can never be prohibited.

Sea rescue is a legal and humanitarian duty and should not be punished. While the EU has been intensely arguing about the distribution of positions in Brussels after the European elections in May 2019, fundamental values and human rights in the Mediterranean have continued to be disregarded.

Besides the open denial of aid, private organizations that step in here as part of the emergency aid should not be hindered. We demand concrete measures from the EU and the German government to respect the rights of all parties involved in these emergencies and to stand up for the rescue of human lives within the framework of international law. This includes, in particular, opening European ports to refugees and putting an end to repatriation operations to Libya.

### **Repatriations and failure to provide assistance**

An important goal of our mission is also to prevent violations of maritime and international law by our very presence or at least to document the violations of law.

Unfortunately, the existing law is regularly disregarded by the European side as well. At this point we would like to describe a rather tragic case to you as an example.

### **Push-backs in violation of international law:**

On the 13th of July 2019, our crew received a report of an emergency at an immediate distance of 6-8 nautical miles and set course for the named position. Upon our arrival, two boats of the so-called Libyan Coast Guard were already on the scene, taking refugees on board to return them to Libya.

Since we were able to make several comparable observations during the year, we assume that a European rescue control center first requested only Libyan forces that had been considerably further away, and only after their arrival - that is, after a considerable delay - civilian ships in the vicinity were notified as well. This is not legal for two reasons:

1. in maritime emergencies, the rule of the most effective rescue applies. Not informing ships nearby that are ready to help, even though an emergency at sea can quickly escalate, puts human lives at risk. The intention of these cases is simply to prevent the rescue from being carried out by a European vessel. This is not a legitimate reason to delay reporting emergencies.
2. this was done in order to ensure that those rescued would be returned to Libya. However, under maritime law, there is an obligation to take the rescued persons to a place of safety. Instead, they were returned to the civil war country from which they fled and where a camp for refugees had been bombed just a week before the incident described above - with dozens of deaths and injuries as a result.

We demand that the applicable law is upheld in maritime emergencies. These violations of the law risk lives at sea and disregard international law when refugees are returned to Libya.

### **Warning shots and threats**

On June 03, 2019, our crew was approached a total of three times by armed boats from Libya. In these instances, our vessel was in international waters and complied with the relevant legal provisions. While in two cases the boats obviously belonged to the so-called Libyan Coast Guard, a third boat was neither equipped with a flag nor with any other identifying marks. We suspect a Libyan militia to have been behind it. Shots were fired from

this black boat without warning. Against a civilian, unarmed ship like ours, this aggression is not just illegal, but life-threatening.

It is not legitimate to threaten other vessels on high seas and put the crew in danger. A SAR zone cannot be used to exclude auxiliary vessels, as this already contradicts the purpose. By encouraging and supporting the so-called Libyan Coast Guard and thereby violating applicable international law, the EU is guilty of serious violations of law and undermines their own human rights standards. The termination of the EU mission Sophia at sea combined with the withdrawal of EU ships obviously increases the dangerous situation at sea.

## **Survival thanks to successful rescue**

On September 9th, 2019, during our observation mission, the crew aboard the Josefa rescued 34 people - including a pregnant woman and a small child - from a small rubber dinghy in distress at sea. During midday, we received information from the civilian search aircraft Moonbird that a boat was in distress located west of our own position in international waters. Since our ship was the closest, the crew naturally fulfilled its maritime obligation to render assistance and set course for the aforementioned position.

During the search, our crew was also asked for help by the so-called Libyan coast guard via radio. In the evening a small rubber dinghy could be located. Due to the instability of the refugee boat, all people were brought aboard the Josefa and were given first aid on deck. A short time later, a Libyan patrol boat arrived. They verified that all people had been rescued and offered assistance. After that, the Libyan boat withdrew from the scene.

In order to bring the people to a safe place according to the regulations of the maritime law, our crew informed the rescue control center in Tripoli and asked for permission to hand over the rescued people to the approaching rescue ship Ocean Viking of SOS Méditerranée and Médecins Sans Frontières because of an approaching storm. Unfortunately, there was no answer. During the night, the weather conditions deteriorated to such an extent due to the storm that, because of the impending emergency situation, all the rescued people were brought safely on board of the Ocean Viking.

From there, they all made it to a safe European port. The pregnant woman gave birth to a son a few days later in Malta.

## **Conclusion**

We continue to be on the water as long as there are people drowning whom European institutions are currently refusing to help. We stand up for the rescue of people in need and for the respect of international law and human rights in the Mediterranean. The EU must not continue to betray their own values.

Furthermore, it is our goal to repeatedly point out that a sustainable solution for the situation in the Mediterranean must be found and implemented on a political level. The acute and constant distress at sea over several years clearly shows that this is a structural political problem.

In 2020, we would like to continue to be on the ground in the Mediterranean and provide assistance to suffering people within the scope of our possibilities. The appalling conditions must not remain hidden.

You can support us in this endeavor: Become a supporting member of RESQSHIP e.V. or help us with your donation! Thank you very much for your support!