



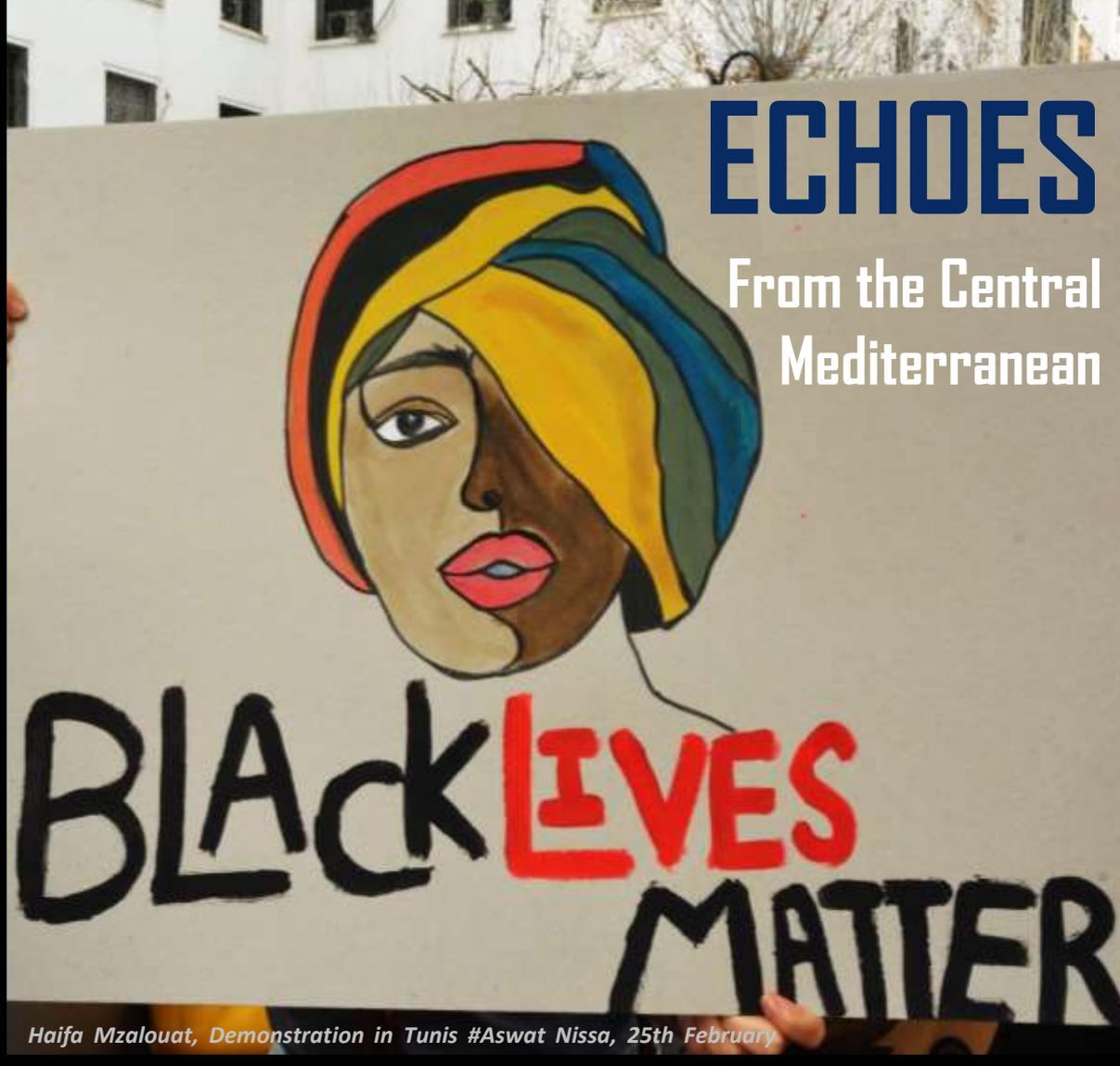
Civil MRCC

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

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N°5

March
2023



ECHOES

From the Central Mediterranean

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NO ONE IS ILLEGAL!

Abandoning people at sea as daily practice and policy in Malta. Repression of the Italian government against the civil fleet, while a shipwreck at the coast of Calabria was not prevented and another one was intentionally provoked in international sea. An escalation of racism and violence against black people promoted by the Tunisian president. In three main articles, we try to cover and to contextualize the horrific recent developments in the Central Mediterranean region.

We do it with the promise, never to accept the death at sea, the murderous EU border regime and its externalisation attempts to North-African countries. We will go on to fight **for safe passage and an open Mediterranean space**, in and from both sides of the coast. Solidarity will win, no one is illegal!

During the first two months of the year 2023:

- 14.543 people arrived in Italy by boat and of which a significant number arrived **autonomously** (UNHCR figure until the 6th of March).
- 995 people were **rescued by the civil fleet** from 16 boats in distress (CMRCC figure).
- 3.046 people were **pushed back** to Libya after they were intercepted by the EU-supported so-called Libyan Coast Guard (IOM figures until the 4th of March). This number is additional to the shipwreck in front of Crotona where 70 people who departed from Turkey lost their lives. 335 people who fled Libya **died** or are reported **missing** (IOM figure).

#Cutro shipwreck

11 March 2023

Europe's borders continue to kill!

Freedom of movement for all!

No one is illegal!

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.



LATEST POLITICAL DEVELOPMENTS

“CUTRO EFFECT”: THE CHALLENGE OF LIFE AGAINST THE POLITICS OF DEATH

By Mediterranea Saving Humans

Exactly two weeks after the Cutro shipwreck, a new massacre. While, at the time of writing, the sea off the coast of Calabria has so far returned the bodies of 79 people, mostly women and children, victims of last 26th February shipwreck, 330 nautical miles away another 30 people lost their lives on the morning of 12th March (*see article on p.31*).

We have said and written that these were not “tragic fatalities”, but massacres caused by the border regime and its criminal management. Not only for the historical reasons we all know - namely, the denial of freedom of movement to people and the absence of legal and safe channels for entry into Europe. But precisely because of the specific logic that has been established in recent years.

In the case of Cutro, the superiority of the “fight against illegal immigration” over the protection of human life at sea, with the priority of the “law enforcement” mechanism, i.e. police operation at sea, over the management of “SAR events”, i.e. the activity aimed at rescuing people. The contingent confusion and errors of judgment made to correspond to this approach.

In the case of the shipwreck in international waters 110 nautical miles north-west of Benghazi, with the murderous pretext of the “Libyan SAR zone”, the non-assistance and delay in rescue resulting from waiting for the so-called Libyan coast guard to capture and deport people, because this is and always remains the first option that the Italian and European authorities want to reserve for people fleeing from that country.

In the face of these facts, the inhuman way in which the Italian government has attempted to justify what happened and with which it has treated victims, survivors and their families, without any respect for their pain, blaming and criminalising them, is more than striking. Beyond the usual hypocrisy that European politicians have accustomed us to in recent years when faced with these tragedies, the Cutro massacre was taken as a further step in the brutalisation of migration policies.

After last January's anti-NGO decree, the Council of Ministers, meeting exceptionally in Cutro, approved a new decree that contains tougher prison sentences for so-called “smugglers”, restrictions on the granting of humanitarian protection, prolongation of administrative detention in newly-built Repatriation Centres (CPR), along with an increase in “flows” to regulate migrant labour forces.

On the other hand however, many things have changed since Cutro: Italian civil society's response to the massacre has been powerful and widespread, fuelling a trend of resistance that we had already identified in the conflict over civil rescue between November 2022 and January 2023.

First of all, the local communities in Calabria, ordinary people and mayors, have all shown their indignation for the massacre, without the normalisation and habituation to death at sea that we have seen in recent years, but challenging the official versions and rallying around the survivors.

There have been shameful looting operations, but the families of the victims, citizens from Pakistan, Afghanistan (mainly), Iran and Syria, who came to Crotona from all over Europe to recognise and recover their dead relatives, have shown extraordinary strength and dignity, opposing all attempts at instrumentalisation.

At their side, organised networks and individual activists have tirelessly worked to support the people involved in the shipwreck and to build a counter-investigation on the massacre that has produced a complaint for “failure-to-assist, shipwreck and multiple culpable homicide” with the legal teams of 40 organisations, capable of documenting the very heavy responsibilities of the Italian authorities.

Another important, and in many ways new, fact was the reaction of mainstream media journalists, many of which were engaged in challenging the official version and actively pursuing the government.

All this translated into two weeks of permanent mobilisation, spread throughout Italy, with dozens of demonstrations in large cities and small towns, the protest against the government with the symbolic throwing of soft toys on politicians' armoured cars. And on Saturday 11th March, the march in Cutro with 10.000 people arriving from all over Italy alongside the families of the victims and survivors, the

commemoration on the beach and the promise to fight together to "stop the massacre."

At the same time, during the first window of good weather conditions, several thousand people arrived independently on dozens of small boats on Lampedusa, defying the racist policies of the regime in Tunisia and the violence at sea of its Navy. On the island, they found the usual undignified reception of the hotspot system and the deliberate disorganisation of the transfer procedures to the continent, with the continuous violation of the rights of minors and adults. In the same days, struggling for each rescue, more than 1.300 people were rescued by the Italian Coast Guard in the southern Ionian Sea, forcing the Meloni government once again to

measure the abysmal distance between its racist propaganda and the irreducible reality.

In the news of these hours, the "Cutro effect" is showing all its ambivalence. Its direction will depend on the ability to give continuity to everything that is moving in Italian (and European) society, to make a further qualitative leap by reinforcing political alliances and strengthening operational cooperation between movements, groups and organisations of the Civil Fleet and whoever is fighting for freedom of movement and people's fundamental rights. The challenge for life against the politics of death is wide open.

FERMARE LA STRAGE SUBITO!

Manifestazione nazionale
11 marzo, ore 14.30 | Cutro

#fermarelastrage

*Mediterranea saving humans,
@RescueMed*

ESCALATION OF RACISM IN TUNISIA

Since February 2023, Tunisia has faced a strong escalation of racism and violence against black people both on an institutional level and from inside society.

An increasingly dictatorial president is copying racist conspiracy theories of European fascists alleging "population exchange" in the North African context, and blows the whistle on the hunt and criminalisation of west and central African migration, but also affecting students or black Tunisians. The fact that the Italian Minister of foreign affairs and the post-fascist prime minister were guests shortly before is probably no coincidence. Especially since they have offered their counterparts in Tunis to issue more visas for Tunisian seasonal workers in exchange for Tunisia

to increase control on "irregular migrants" and prevent departures from the Tunisian coasts. Also the French government still builds an European back up for the president Kais Saied, whose government was confronted with a „new world record“ of election boycott in December 2022: only 8,8 % of the eligible voters in Tunisia participated.

The following text is not a deeper analysis of the Tunisian situation but rather, fragments from different sources aiming to give an overview of the latest developments in Tunisia. Not to forget: Tunisia was and remains bargained by EU actors as "safe port" or "safe third country" for their ongoing interest to externalize the border regime to North Africa.

● MIGRATION CONTROL: ON THE RACIST EVENTS IN TUNISIA – BACKGROUND AND OVERVIEW ●

In recent weeks, Black people in Tunisia face a repressive wave of arbitrary arrests and police and state violence as well as attacks by civil groups. Targeting people coming from Central and West African countries, the already existing racism in the country has escalated. Migration control collected material to give an overview on the current situation and its background.

CURRENT SITUATION

“For several months, a racist campaign against Sub-Saharan in Tunisia has been growing. The president himself subscribed to these racist and conspiracy theories and pointed the finger at the Sub-Saharans, accusing them of being ‚hordes‘ and that sub-Saharan immigration is a ‚criminal enterprise‘ whose goal would be to ‚change the demographic composition of Tunisia‘.” In the press statement published on the 21 February 2023 following a National Security Council meeting, president Kais Saied resurrected many racist and xenophobic tropes used by other fascist movements. He „ordered security forces to take ‚urgent measures‘. [...] Many of the estimated 21,000 sub-Saharan African people in Tunisia – most of whom are undocumented – lost their jobs and housing overnight.“ The Association of African Students and Interns in Tunisia highlights that there is an „ongoing systemic campaign of control and arrests targeting [Black immigration], independently from their status, who are not carrying their residency card with them.“ „In the first three weeks of February, at

By Migration Control

<https://migration-control.info/on-the-racist-events-in-tunisia-background-overview/>

6 March 2023

least 1,540 people were detained, mostly in Tunis and provinces near the Algerian border.“

The situation has become increasingly violent in the last weeks. In addition to the government forces targeting Black people, „violent attacks perpetrated by citizens, who taunt their victims with racial slurs“ are taking place. Attacked people report about fleeing „pogroming mobs consisting of, they said, 20+ Tunisian young men. ‚We were absolutely running for our lives,‘ said Latisha, who screamed at their son to run faster.“ There are accounts about „[a]rmed mobs‘ and rape ‚by these mobs.“ On social media torture videos circulate. „In the suburbs of Tunis, a group of Sub-Saharan Africans have been attacked by young Tunisians who have broken down their doors and set fire to their building. Houses were ransacked.“

„Everyone who falls under the socially constructed category of ‘African’ – those with or without jobs, those with university classes to attend – are too scared to leave their homes because the racist violence has spread to every street in Tunisia.“ A law

from 1968 that criminalizes assistance to „illegal residence“ in Tunisia, is now being applied. Patricia Gnahoré explains „that the evictions started around February 9, when alarmist messages began circulating on social networks: landlords would be facing fines and prison sentences if they housed undocumented Sub-Saharan.“ While some people are being supported by friends and activists who try to organize support, many have no choice but to sleep outside, with more than 100 people camping at the International Organization for Migration and in front of different embassies.

„Guinea [and Mali] and Cote d’Ivoire are repatriating their citizens from Tunisia.“ „However, many people living irregularly in Tunisia have accumulated large sums of outstanding fees over the years, too much for them to pay. While Tunisian authorities are themselves pushing migrants to leave, they still insist on cashing in on those who desperately want to.“

The African Union highlights that they are in „deep shock and concern at the form and substance of the statement targeting fellow Africans, notwithstanding their legal status in the country.“ The events of the last days strongly impacted Tunisia’s image in the African continent and within the African Union. Furthermore, an „AU pan-African conference scheduled for mid-March in Tunis has been

postponed. Former Senegalese Prime Minister Aminata Touré even called for Tunisia’s AU membership to be suspended and for the country to be excluded from the Africa Cup.“

SOLIDARITY

Multiple protests have been taking place in Tunisia with demonstrators denouncing the racist and fascist violence. Already on February 25th „over 1,000 people marched through downtown Tunis to protest what they called Saied’s fascist overtures.“ „Henda Chennaoui, one of the principal figures in the country’s new Front Antifasciste [...] [highlights that this is], the first time in the history of the republic that the president used fascist and racist speech to discriminate against the most vulnerable and the marginalised.“ Protests in front of Tunisian embassies are being organized around the world, such as in Paris, Berlin as well as Canada.

In the Front antifasciste – Tunisie activists and associations gather to organize support for Black people in the country. „Tunisian and foreign volunteers brought donations of food, water and blankets, along with some tents to help those displaced. [...] [However,] associations collecting donations [for migrants] are receiving threats.“



Haifa Mzalouat, Demonstration in Tunis, 25th February 2023

POLITICAL LEVEL

President Saied is distracting from the political and economic situation in the country. He was elected in fall 2019 and his governing style has become increasingly authoritarian. „Over the last two weeks, a spate of high-profile arrests has rocked Tunisia, as over a dozen political figures, trade unionists and members of the media have been taken into custody on security or graft charges. Some have been dragged from their homes without warrants; others, put on trial before military courts, despite being civilians. Many are being held in what their lawyers say are inhumane conditions, crammed in cells with scores of prisoners and without beds.“ A terrorism law allows the authorities to hold people „for a maximum of 15 days without charge or consultation with a lawyer.“

In addition, „Saied has neutered parliament and pushed through a new constitution that gives him near-unlimited control and makes it almost impossible to impeach him.“ This was preceded and enabled by a very volatile situation in the country, as „there was increasing fragmentation within the executive branch, among state institutions, within and between political parties, within civil society, and even between regions of the country.“ The political and economic instability in the country, resulted in wide-spread support of his presidency, which has increasingly shifted to repressive centralization of power.

The statement and development are connecting to a growing populist discourse. „Saied’s crackdown on undocumented sub-Saharan immigrants has taken place in the context of the rise of the hitherto unknown Parti Nationaliste Tunisien, which has been pushing a racist agenda relentlessly since early February. The party has flooded social media with conspiracy theories and dubiously edited videos that have encouraged Tunisians to report on undocumented neighbours before they can ‚colonise‘ the country – the same conspiratorial language adopted by Saied.“

ECONOMIC LEVEL

Tunisia „is struggling under crippling inflation and debt worth around 80 percent of its gross domestic product (GDP)“. In addition, there is a shortage of basic foods such as rice, which is putting a lot of pressure on the population. ‘Les Africains’ are used as a scapegoat for the lack of products such as rice. „The rice-crisis is not the first time that populations racialized as ‘African’ are blamed for a social and economic disaster in Tunisia, which in reality is a

direct consequence of the state’s abandonment of marginalized communities and the pressures of global capitalism.“ However, since the racist tropes are connecting to a familiar discourse, the „crackdown on immigrants and Saied’s political opponents has [...] won him favour among many in his working-class political base, who have been at the sharp end of a dire economic crisis.“

The current events seem to have triggered international responses since Italy now supports Tunisia as it „is seeking to obtain a loan from the IMF due to a severe economic crisis.“ This is being explicitly connected to Europe’s border interests (see section on Externalization & Immigration).

Ultimately these actions are enhancing the dependencies to Europe and weaken pan-African ties. „Kais Saied’s economic incompetence – as well as the refusal of North African governments to prioritize regional and inner-African trade which would allow evading dictates from the Global North and its proxies such as the IMF more effectively – are now once more fueling dynamics that in fact counter pan-African cooperation.“ In fact, the „president’s comments could also have direct consequences for Tunisian companies, which have increasingly expanded into other African countries in recent years. Guinean media report that several wholesalers have suspended imports of Tunisian products. Senegalese and Ivorian importers want to join the boycott.“

In addition, according to Human Rights Watch „at least 40 students have been detained so far“. This will have a detrimental impact on the education market, since „[f]or Tunisian private universities, students from other African countries are an essential part of their business model.“

These factors might have contributed to the statement posted by the government on Facebook on March 5th, attempting to backpedal the racist campaign and highlighting their „astonishment“ about the violence in the last weeks. Apart from now emphasising „Tunisia’s African identity“ and the significance of the anti-discrimination law from 2018, it announces plans to enhance the legal security of African migrants in Tunisia. Whether and how the statement will be implemented remains to be seen, „[i]t appears likely that Tunisia is now also facing a considerable radicalization of its migration policies. [...] Saied’s future migration policies, however, are likely to go beyond the ongoing wave of arrests, and in a worst-case scenario, will go even far beyond.“

EXTERNALIZATION & IMMIGRATION

„While the European Union’s violent securitization apparatus is indeed responsible for the oppression and murder of sub-Saharan migrants (and Tunisians) in Tunisia, the Tunisian state also contributes to their oppression and murder.“ Many people try to travel to Europe via and from Tunisia. „Its proximity to the EU’s external border has made Tunisia a major hub for migrants. Italy’s coasts are only around 150 kilometers (90 miles) away. Tunisia relaxed visa requirements in 2015, allowing many sub-Saharan and North Africans migrants to move to the country and work. [...] Authorities frequently turned a blind eye to workers without permits who were saving for a journey to Europe.“ This renders Black migrants very vulnerable to exploitation as well as policy changes.

Already prior to the current escalation Black people experienced discrimination; Shreya Parikh highlighted in August 2022 that „Sub-Saharan women and men who depend on the labour market have spoken to me of persistent exploitation and racialised violence (both verbal and physical) at workplace.“ This is enhanced and enabled by the uncertain legal situation. „In the case of Tunisia, an im/migration non-policy is deliberately maintained by institutional actors at different levels (border police, internal affairs ministry, private legal agencies promising paper-work) because, among others, it is a lucrative site for corruption.“ This affects mostly Black people. „Most sub-Saharan migrants (like Western European migrants) enter Tunisia as legal migrants because of 3-month visa-free policies; but the Tunisian state forces all migrants to become illegal by its refusal to deliver legal documentation. This means that Tunisia also has European migrants living ‘illegally.’ But in the social and political construction of the ‘illegal migrant,’ white bodies never fit. It is the Black and dark-skinned bodies that are assumed to be illegal and criminal, as is clear from arrests of sub-Saharan migrants who carry residence permits, as well as absence of arrests of European ‘illegal’ migrants.“

The current developments have to be understood in the context of the externalization of the European

border. The Tunisian Forum for Social and Economic Rights (FTDES) highlights that the „European border outsourcing policies have contributed for years to transform Tunisia into a key player in the surveillance of Mediterranean migration routes, including the interception of migrant boats outside territorial waters and their transfer to Tunisia. Discriminatory and restrictive policies in Algeria also contribute to pushing migrants to flee to Tunisia. These policies deepen the human tragedy of migrants in a Tunisia in political and socio-economic crisis.“ Sofian Philip Naceur analyses that „[a]s Saieds government continues to play along as the watchdog for the European border regime, though not without ostentatiously displaying its self-interest in migration control, the Italian government is suddenly soliciting financial support for Tunisia’s deeply troubled public coffers from the EU and the International Monetary Fund (IMF). Interesting timing.“

So far, the President’s statement has only provoked supportive reactions from European politicians. The French far-right politician, Eric Zemmour, who is one of the most prominent supporters of the conspiracy theory of the „Great Replacement“, supported the statement on Twitter. And the Italian foreign minister Antonio Tajani expressed in a phone call with his Tunisian counterpart that „the Italian government is at the forefront of supporting Tunisia in its border control activities, in the fight against human trafficking, as well as in the creation of legal channels to Italy for Tunisian workers and in the creation of training opportunities as an alternative to migration“ without mentioning the current violence at all. Furthermore, Italy is sending 100 more pick-ups worth more than 3.6 million Euro to reinforce the Tunisian Ministry of the Interior in the fight against ‘irregular’ immigration.

Or how Le Monde summarizes: „[The chancelleries] have not reacted to the presidential charge against sub-Saharan migrants. And for good reason: Mr. Said is responding rather positively to calls from Europe – primarily Italy – to better lock its maritime borders in order to stem the flow of migrants across the Mediterranean.“

● TUNISIA WILL NOT BE FASCIST AS KAIS SAIED WANTS ●



“We, [...] consider that this inhuman discourse, which criminalizes a natural phenomenon inherent to human history and a universal human right, the freedom of movement - which capitalist globalization has made a privilege -, leads to discriminatory policies based on the externalization of European borders and immigration policy; strongly fractures the social fabric; exposes vulnerable migrants and Tunisians to the risk of racist attacks, similar to the risks that Tunisian migrants are exposed to elsewhere; and distorts the country's history.”

Excerpt from the solidarity statement published by the “**Front anti-fasciste tunisien**”
23 February 2023 (translation from Arabic)

● INTERVIEW WITH MOHAMED SALIH ADAM, “PROTECTION OF REFUGEES IN TUNISIA” ●

By Alarm Phone Tunis

Can you introduce the “Protection of Refugees in Tunisia” movement: when was it created? And why?

The Refugee Protection Movement was created in 2020 during the COVID-19 pandemic. Our aim was to

inform refugees and asylum seekers about their rights and denounce the lack of support from the United Nations High Commissioner for Refugees and its partners.



Picture “Protection of refugees in Tunisia”, March 2023

What is the situation of refugees in Tunisia?

The situation is really bad. All the rights of refugees are violated, there is no support provided to them and they are left to their fate. Many are forced to work very hard to cover their basic needs.

They are subjected to extortion and work long hours for low wages. The refugee status in Tunisia granted by the United Nations High Commissioner for Refugees (UNHCR) does not provide any protection. There is a lot of discrimination regarding the access to asylum in Tunisia, depending on nationality.

I was in Libya for two years and I think that Libya is not different from Tunisia, but rather the same thing. Everyone believes that Tunisia is a safe country, but they know the violations that happen to refugees and immigrants in general, such as exclusion and denial of all rights.

The fact that many people are taking boats to Europe from Tunisia is the biggest proof that Tunisia is not what everyone thinks. Tunisia is an unsafe country for immigrants and refugees. There is bullying and lack of acceptance of us by the Tunisian people.

How did the situation in Tunisia change for blacks after Kais Saeed's speech?

This is a purely racist discourse that negatively affects refugees and immigrants. I think that after the violent racist attacks, it is not possible to stay in Tunisia. We have been expelled from our homes and businesses and have become homeless. We are now calling for evacuation from Tunisia. There is a consensus on hatred of black people everywhere, in public transportation, in the streets, at work... Racism is very strong.

Following the racist declaration of the President, we are now sleeping in front of the UNHCR office in Tunis to demand evacuation. We also made statements to the press. Our sit-in in front of the UNHCR office was forcibly dispersed by the police.

I don't feel safe in Tunisia and fear criminalization because of my demands. I was already arrested and imprisoned in Abu Shusheh for political reasons. Now I am being watched by security personnel, they are following me everywhere. As many people here, I fear for my life in Tunisia. The situation in Tunisia is very bad and the refugee card does not give us any protection. This is why we demand evacuation from this country quickly.

● ALARMPHONE 9TH MARCH: "IN TUNISIA, BLACK PEOPLE ARE ATTACKED ON LAND AND AT SEA!" ●

 Alarm Phone @alarm_phone

sos ~200 people in distress off #Kerkennah!
We were informed that the Tunisian Coastguard attacked 5 boats trying to escape from #Tunisia and stole their engines. ~200 people are left adrift while the Coastguard is watching! In Tunisia Black people are attacked, on land & at sea!



 Alarm Phone @alarm_phone · Mar 9

Replying to @alarm_phone
The people in distress say: "This is how the Tunisians are treating us. They don't want us to stay but they don't want us to leave either. We are from Africa from different countries. It has been 8 hours that we are on the water and we are cold."

 1  13  24  1,149 

 Alarm Phone @alarm_phone · Mar 9

"We were born on the wrong side of the ocean and we are suffering. We have 6 month old babies with us. The Tunisian coastguard took the engines to sell them for money. They are here."

 2  16  29  2,000 

 Alarm Phone @alarm_phone · Mar 9

"We do not have home anymore, they expelled us. We lost our jobs. We have nowhere to sleep. No work, no money. Our only way is to leave. But the Tunisians don't want us to leave."

 1  12  31  3,329 

 Alarm Phone @alarm_phone · Mar 9

We have learned that the people in distress are back on land. They were brought there not by the so-called Tunisian coastguard but by fishermen who showed solidarity with the distressed. These inhumane border spectacles have to end!

 1  15  33  2,483 

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.

In the first two months of the year the weather conditions were fairly bad, while people on the move still use the short good weather windows in between. The civil fleet rescued 995 people from 16 boats in distress. Most of these departed from Libya, while it

remains difficult for civil actors to operate closer to the Tunisian shores where since the racist developments in Tunisia it again became clear how unseen and how unreported the violence of the Tunisian Coast Guard and Navy is.

JANUARY 2023

1 January

Alarm Phone forwards a distress case to authorities and NGO's. With the help of **Colibri 2 (Pilotes Volontaires)** the **Geo Barents (Médecins Sans Frontières)** is the only ship which responds and rescues the 44 people (1).

2 January

After **Alarm Phone** relayed the distress call from 41 people fleeing Libya a merchant vessel close by conducts the rescue. Later the better equipped **Geo Barents** takes over the people and gets the order to disembark the shipwrecked in Taranto, Italy, which is a 2 days journey away.

7 January

Following an alert from Alarm Phone, the **Geo Barents** rescues 73 people from an overcrowded rubber boat. The same day, the **Ocean Viking (SOS Méditerranée)** rescues another 37 people. Both ships were immediately ordered after the rescue to disembark at an Italian port 3-4 days of navigation away (2)(3).

24 January

Seabird 2 (Sea Watch) finds a 69 people on a rubber boat and relays the information to authorities and NGO's (4). **Geo Barents** arrives first and rescues the group.

The **Geo Barents** follows up on another 2 distress alerts from **Alarm Phone** (5)(6). With the help of **Seabird 2**, she rescues another 168 people.

25 January

A third boat in distress relayed by Alarm Phone gets rescued by the **Ocean Viking**. **Seabird 2** supports the rescue from above.



1



MSF Sea
@MSF_Sea

!! UPDATE

Following last night's rescue in which 41 people were recovered from the water, our team undertook a transshipment of another 44 people from a merchant vessel, as requested by the Italian Maritime Rescue Coordination Centre.

2



MSF Sea
@MSF_Sea

Following the rescue operation conducted earlier today, #Italy assigned us #Ancona as a place of safety while other suitable ports are much closer to our current location.

● Does this comply with international law?

3



SOS MEDITERRANEE
@SOSMedIntl

The #OceanViking rescued 37 people from an overcrowded small rubber boat in intl. waters off Libya. The unseaworthy boat with people on the sponsons was spotted via binoculars at dawn. @SOSMedIntl & @ifrc are taking care of survivors suffering from fuel intoxication & fuel burns.

4



Sea-Watch International
@seawatch_intl

We are happy to be back in the air, but our first flight was no reason to celebrate:

Of the three boats we spotted, we could only support the rescue of one of them by @MSF_Sea. The other boats were intercepted by the so-called Libyan Coast Guard.

5



MSF Sea
@MSF_Sea

! While heading north, our team received a distress alert by @alarm_phone. On the way, we came across another boat in distress and proceeded to the rescue. According to international law, rendering assistance to people in distress at sea is a legal obligation.

6



Alarm Phone
@alarm_phone

Thank you @MSF_Sea for living up to the duty to render assistance to people in distress! The people who called us were afraid of either drowning at sea or of being forced back to #Libya. We are relieved that they are now safe. #civilfleet

SEABIRD 2

Picture Sea-Watch international
@seawatch_intl

FEBRUARY 2023

2 February

Seabird 2 finds 31 people in distress and the **Sea-Eye 4 (Sea-Eye)** rescues the group. The boat departed from Tunisia and drifted at sea for 6 days before they were found. Unfortunately, 3 people didn't survive the journey. FRONTEX was also on scene, but didn't communicate with anyone in the vicinity about the boat.

3 February

Alarm Phone receives a distress call and forwards it to authorities and NGO's in the vicinity. The **Sea-Eye 4** rescues the 78 people. After the rescue, Italy orders the ship to disembark the survivors and the bodies on board 1000 km away in Northern Italy. At the captain protest, a port of 500 km distance gets assigned (7).

13 February

The **Geo Barents** spots a wooden boat carrying 48 people which departed from Libya. Everybody gets transferred on board safely.

14 February

The **Ocean Viking** rescues 84 people from a rubber boat. The group reached out to **Alarm Phone** earlier (8).

15 February

The **Aita Mari (Salvamento Maritimo Humanitario)** spots a group of 31 people fleeing Tunisia. **Alarm Phone** was alerted by worried relatives of the group about the boat (9). As in Tunisia satellite phones are illegal and forbidden to sell, people leaving Tunisia by boat normally don't have the chance to carry life-saving communication devices with them.

16 February

The **Life Support (Emergency)** rescues 46 people who departed from Libya in a wooden boat.

17 February

A second boat carrying 107 people gets spotted and rescued by the crew of the **Life Support** (10).

21 February

The **Aita Mari** rescues 40 people from an iron boat fleeing Tunisia.

26 February

A boat with more than 200 people capsizes 20 nautical miles off the coast of Crotona, Italy. 67 bodies were recovered while more remain missing. The Italian Coast Guard knew about the unseaworthy boat already the day before.

8



Alarm Phone
@alarm_phone

The #OceanViking of @SOSMedIntl responded successfully to an Alarm Phone alert this morning!
A boat in distress with 84 people was escaping from #Libya and called for help.
Thank you #civilfleet for supporting those fighting for freedom of movement.

9



maydayterraneo
@maydayterraneo

#Aitamari rescata 31 personas hacinadas en un pequeño bote de madera en grave riesgo. Entre ellas, mujeres embarazadas, niños y bebés de pocos meses. ¡¡Todas ellas se encuentran a bordo sanas y salvas!!

7



sea-eye
@seaeyoorg

Zunächst wies Italien den Überlebenden auf der #SEAEYE4 das über 1000 km entfernte Pesaro zu. Nachdem der Kapitän protestierte, ist es nun Neapel. Die Entfernung und die damit verbundene Dauer der Fahrt ist immer noch eine Zumutung für die Überlebenden! /1



109 Überlebende aus zwei Rettungen – darunter viele Kinder – werden auf der SEA-EYE 4 versorgt. Einige von ihnen waren sechs Tage auf einem hochseesuntauglichen Metallboot unterwegs und mussten den Tod von zwei Menschen miterleben. Alle Überlebenden müssen jetzt auf schnellstem Weg an Land!

10



EMERGENCY NGO
@emergency_ngo · Feb 17

Onboard EMERGENCY's ship #LifeSupportSAR there are 156 people from yesterday's rescues. An update on them from Emanuele Nannini, Project Coordinator.

ANALYSIS

ILLUSIVE RESCUE: MALTA, MIGRATION AND DEATH IN THE MEDITERRANEAN

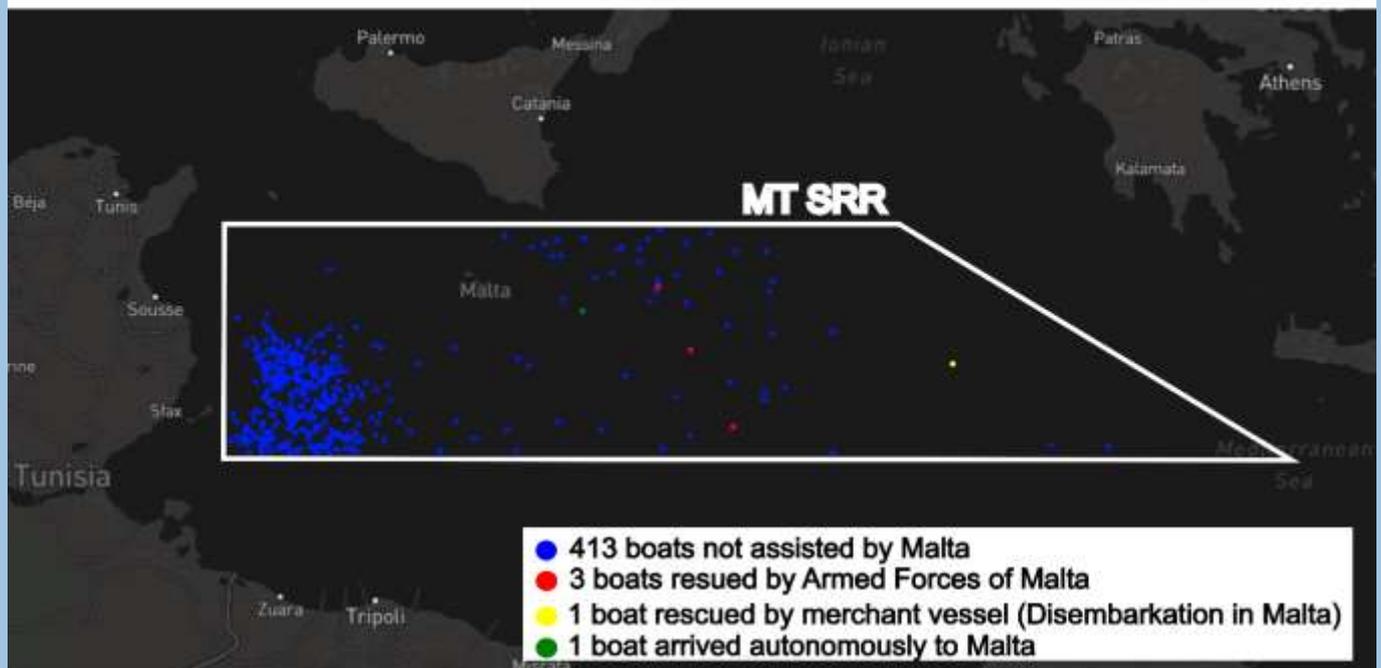
Ċetta and Daniel Mainwaring, in cooperation with the SARchive and documentation team of the CMRCC

“We suffer the consequences of policies drawn up in Europe with our lives, our blood, and our loved ones.” David Yambio, a young Sudanese refugee who founded the organisation Refugees in Libya, spoke these words at Baħar Ċimiterju (or Cemetery Sea) in Malta in February 2023. In parallel with CommemorActions occurring around the world, the protest commemorated the more than 1.400 people who died or disappeared last year in the Central Mediterranean, the world’s deadliest migration route. It also pointed to the complicity of Maltese authorities in rendering the Sea a cemetery by refusing to rescue people in distress. Indeed, throughout most of the 21st century, Maltese policymakers have constructed crises around migration and shirked their human rights obligations: abandoning people at sea, facilitating the forced return of people to warzones and marginalising and

criminalising them if they manage, against all odds, to arrive on the Maltese islands.

In line with the wider EU, Malta has chosen racist rhetoric, policies, and practices that kill people and undermine the right to asylum. At sea, Maltese authorities regularly abandon those in need of rescue. In 2022, they ignored more than 20.000 people in distress: 413 migrant boats in distress in Malta’s search and rescue (SAR) zone were not assisted and only three boats were rescued by the Armed Forces of Malta (AFM). Non-assistance is now a routine part of a suite of deadly measures aimed at reducing arrivals in Malta by deterring people from leaving Libya and encouraging those who do leave to disembark in Italy. Such non-assistance puts people’s lives at risk and leads to deaths at sea, as evidenced in the cases discussed in detail below.

Positions of known distress cases in MT SRR in 2022



This trend toward non-assistance coincides with a broad EU policy of preventing departures from Libya through cooperation with the Libyan Coast Guard (LCG). In the wake of a secret deal struck between Malta and Libya in 2018, Malta has followed the EU’s lead in externalising border controls through increased cooperation with the LCG to prevent

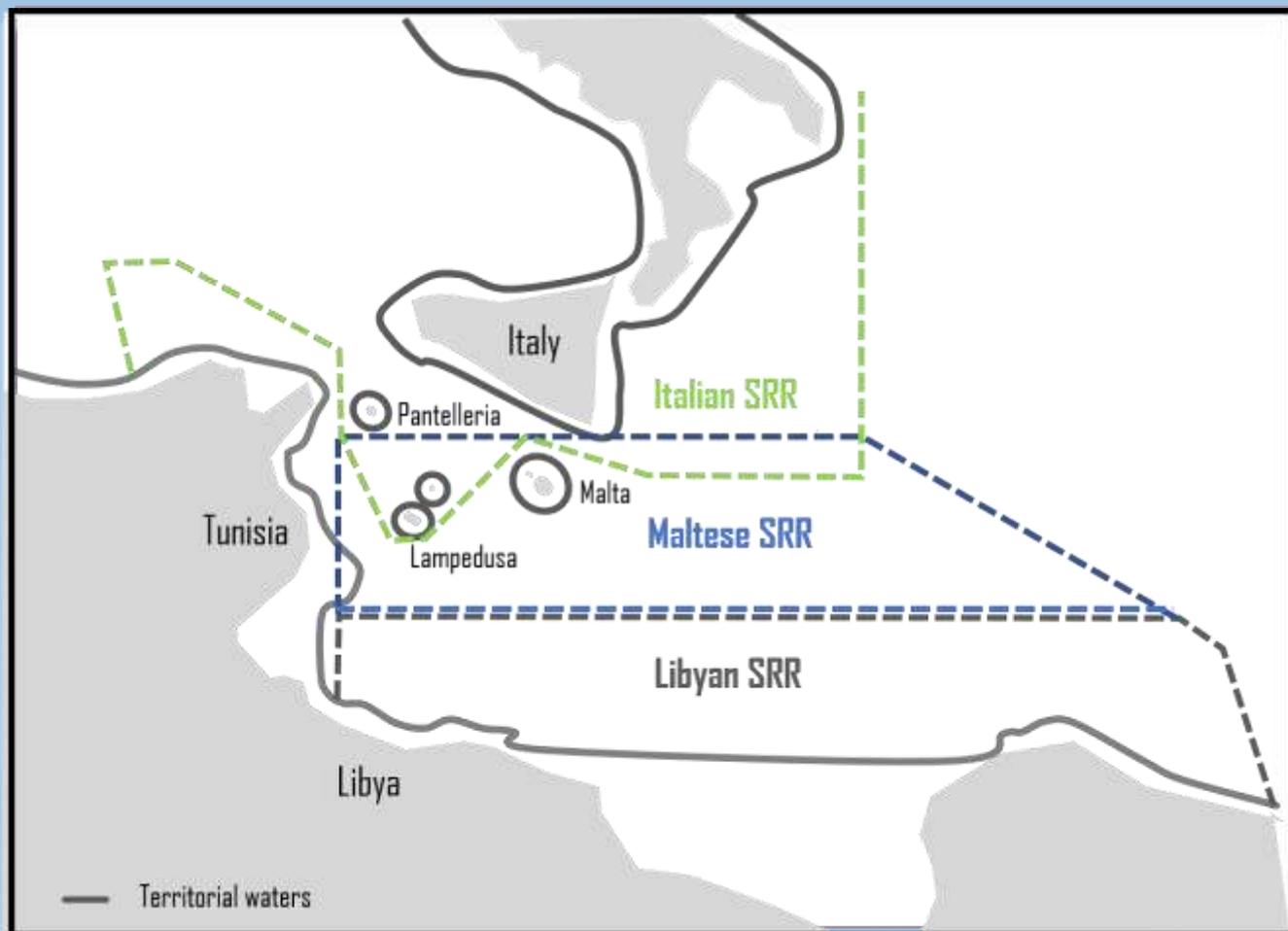
people leaving North Africa. In contravention of international law, the Maltese authorities have allowed the LCG to enter Malta’s SAR zone in order to intercept and forcibly return people to Libya. The violent conditions that migrants and refugees face in Libya are well documented: people are regularly subjected to rape, torture, extortion and other

inhuman and degrading treatment. In a preliminary assessment, the International Criminal Court said such abuses ‘may constitute crimes against humanity and war crimes’. Libya is not a safe place. Returning people there thus contravenes the principle of non-refoulement.

AVOIDING RESCUE AND FACILITATING FORCED RETURNS

Successive Maltese governments prioritise policies aimed at preventing the arrival of people by sea, policies that violate the laws of the sea, as well as the rights of asylum seekers and refugees, and render one of the world’s deadliest migration routes ever more dangerous. Over the past decade, the practices of ignoring distress signals and delaying rescue have resulted in the deaths of countless people in Malta’s SAR zone. Non-assistance at sea by the Maltese authorities involves both a failure to conduct search operations and the active obstruction of rescue through a number of different means, including: (1) ignoring distress calls and failing to coordinate rescue; (2) discouraging rescue by commercial vessel; (3) refusing to engage with other SAR actors; and (4) cooperating with the Libyan Coast Guard in order to deter departures from Libya and facilitate pullbacks to the country.

Malta holds responsibility for coordinating rescue in its SAR zone. Relative to its geographic size, Malta’s SAR zone is vast, a vestige of British colonial rule that stretches over 250,000 square kilometres across the central Mediterranean. As the map below shows, it encircles the Italian island of Lampedusa and, in the north, overlaps with parts of Italy’s SAR zone. Despite its clear legal and ethical responsibilities in the SAR zone, Malta continues to shirk its duties. This politics of non-assistance has taken different forms, from legal and diplomatic wrangling with Italy over responsibility to rescue and disembark, a common tactic between 2004 and 2013, to ignoring distress calls entirely, a practice witnessed in recent years. Indeed, the practice of non-assistance has contributed to the deaths of more than 26,000 people in the Mediterranean since 2014 and continues to endanger people every day. Such official figures on attempted crossings and migrant deaths are also underestimates of the actual death toll: many people whose bodies aren’t recovered are never counted.



Central Mediterranean SAR Zones, CMRCC

For example, on the 11th of October 2013, the distress calls from over two hundred people in Malta's search and rescue area were repeatedly ignored. Malta and Italy stood by while two hundred and sixty-eight people, including sixty children, drowned near their shores. In December 2022, the Court of Rome ruled that members of the Italian coast guard and navy were guilty of manslaughter and negligence for failing to conduct a rescue operation in that case (cf. Echoes #4). The court had no jurisdiction to prosecute Maltese authorities, however there is little doubt that they are guilty by extension. This case of non-assistance resulting in deaths within Malta's SAR zone is a notable one, but alas it is only one of many.

In light of such deadly delays to rescue, there have been calls for Malta to give up parts of its SAR zone. Yet the country has roundly refused: the region coincides with Malta's highly profitable Flight Information Region, where air traffic control charges are levied on all aircrafts, and which thus brings in millions of euros every year. The SAR zone may also be relevant to future fishing and oil exploration rights.

Alongside its refusal to fulfill its legal obligations regarding rescuing people in distress, the Government of Malta actively discourages merchant ships from rescuing people, thus further exacerbating death and suffering at sea. As a matter of standard practice, Maltese authorities fail to relay distress calls to vessels in the area that may be able to conduct rescues. Commercial ships have in several cases not received any instruction from the Maltese authorities when in the vicinity of migrants in distress, or instead have been told only to shadow a boat in distress from a distance. Rarely are commercial ships immediately directed to render assistance. Furthermore, in similar blatant disregard for international law, Malta occasionally instructs commercial vessels to intercept and forcibly return people to third countries that are not safe and do not have legal frameworks which provide for asylum.

In 2020, for example, the Maltese government contracted a fleet of three privately-owned vessels to forcibly return people from Malta's search and rescue area to Libya, by all accounts an unsafe, war-torn country. Twelve people died in that operation and the survivors were returned to Tripoli's Tariq al-Sikka, one of Libya's most notorious detention centres. Fifty-two of the survivors, along with relatives of the deceased, are party to an ongoing constitutional case against the Maltese government alleging a breach of their rights and a violation of the right to life.

Civil fleet vessels, operated by various non-governmental organisations, are similarly hampered in their efforts to rescue people in distress. The Maltese authorities actively conceal the presence of vessels in distress and refuse to engage with other SAR actors, especially search-and-rescue NGOs. When they manage to rescue people, civil fleet vessels are denied a safe port and the right to disembark those on board in Malta. Malta's policy of deterring disembarkation at all costs is borne out by the number of arrivals in 2022: 105.131 people arrived in Italy by sea, while only 433 arrived in Malta. In 2023, the government has thus far only allowed one person to disembark in Malta.

In a recent op-ed, Foreign Minister Camilleri unapologetically outlined Malta's policy of preventing migrant arrivals by sea. In "Defending Our Realm," the minister doubled down on this 'prevention policy' and stressed that cooperating with North African countries, Libya in particular, is essential to keeping the number of migrant arrivals down. There is no doubt that the Memorandum of Understanding signed between Malta and the Government of National Accord in Tripoli in May 2020, establishing coordination centres in Tripoli and Valletta to enhance cooperation on migration control, served to reduce the number of arrivals in Malta. Indeed, more than 24.500 people were intercepted at sea by the LCG in 2022 alone. However, Camilleri fails to inform his readers that this policy subjects people to well-documented human rights violations, rape, torture and enslavement.

Pullbacks from within Malta's SAR zone contributed to the 108.000 people intercepted at sea and forcibly returned to Libya by the LCG since 2017. The EU and its member states enable and encourage these pullbacks by providing the LCG with millions of euros in funding, training, and logistical support. Indeed, logistical support provided by Frontex, the European Agency for the Protection of External Borders, plays an essential role in the systematic return of people to Libya. For example, Frontex drones based in Malta and Italy surveil the Mediterranean, relaying information about migrant boats to Frontex headquarters in Warsaw, some of which is then relayed to the LCG. A study conducted by Human Rights Watch and Border Forensics found that thirty percent of people intercepted by the LCG in 2021 were initially spotted at sea by a Frontex aerial asset.

CASES OF DISTRESS

These different practices of non-assistance by the Maltese authorities - from failing to conduct search operations to obstructing rescue - contribute to deaths at sea and to the forced return of people to Libya. Here we outline three notable cases from 2022 to illustrate these deadly dynamics at sea.

On the 25th of August 2022, Loujin Ahmed Nasif, a four-year-old Syrian girl, boarded a wooden fishing vessel on Lebanon's coast with her mother and one-year-old sister, Mira. They set out across the sea with over sixty other people from Syria, Palestine, and Lebanon. Running out of basic provisions and taking on water, they began sending out distress signals on September 3rd. Those distress signals were

immediately relayed by the Alarm Phone to the Maltese authorities. For days, the AFM ignored the distress signal and NGO calls to heed it, as they have done with countless other migrant vessels in distress in conjunction with their drive towards non-assistance and the forced pushbacks of migrants at sea. For days, Loujin, her family, and their fellow travellers drifted in the eastern part of Malta's search and rescue region. Commercial vessels, such as the *STI Solace* and the *Uno* passed within eyesight multiple times. The AFM instructed none of them to intervene. Finally, on September 6th, the AFM instructed a cargo vessel, the *BBC Pearl*, to carry out a belated rescue. Loujin was unconscious when she was pulled onboard and died shortly after. Her last words were "Mother, I'm thirsty." Her death was wholly predictable and preventable.



The STI Solace and the MV Uno in close proximity to the distress case on September 4th and 7th respectively. Photos from VesselFinder.

A month later, on the 22nd of September 2022, the Maltese Rescue Coordination Centre (RCC) was informed of 23 people in distress in Malta's SAR zone. Over the course of the following four days, a number of commercial vessels such as the *Hafnia Targus* were ordered by the RCC to continue their voyage or stand-by and monitor the boat in distress rather than carry out a rescue. The authorities further obstructed rescue by instructing the *Hafnia Targus* not to engage

with any civil society actors. Finally on September 26th, the RCC instructed a bulk carrier, the *Shimanami Queen*, to intercept the vessel and forcibly return the twenty-three people to Egypt. The nearest safe ports in this case were in Italy and Malta, respectively 146 and 158 nautical miles from the point of rescue. However, in contravention of multiple laws of the sea, the authorities instructed the captain of the *Shimanami Queen* to take those aboard to Egypt, 760 nautical miles away. By forcibly returning people in distress from Malta's SAR zone to Egypt, a country that lacks a robust legal framework for the protection of refugees and asylum seekers, Maltese authorities once again violated the principle of non-refoulement.



Maltese authorities instructed the *Shimanami Queen* to forcibly deliver twenty-three people in distress from Malta's SAR zone to Egypt. Photo by @sea-watch.org

On the 25th October 2022, 70 people in distress in Malta's SAR zone were intercepted by the LCG patrol boat *Fezzan 658*. LCG personnel aboard the *Fezzan* threatened to shoot down the Sea-Watch aircraft *Seabird 3*, which had arrived to document the pullback, with surface-to-air missiles. All people on the vessel in distress were forcibly returned to Libya. There is growing evidence of European and Maltese complicity in facilitating pullbacks and pushbacks from Malta's SAR zone to North Africa in violation of the legal principle of non-refoulement. However, the authorities are reluctant to reveal the extent of their role and specific instances of forced returns from Malta's SAR are only documented through the efforts of civil society actors.



LCG pullback from Maltese SAR in October 2022. The entire video of the pullback including LCG personnel threats to shoot down the *Seabird 3* is available [here](#). Photo by @sea-watch.org

CONCLUSION

These detailed cases of distress, death, and forced return illustrate the broad policy towards non-assistance and externalised border controls adopted

by the Maltese government. They also indicate the extent to which, on an operational level, these policies entail sustained, real-time decision making that endangers human life. Faced with thousands of deaths in the Central Mediterranean, with a Baħar Ċimiterju, Maltese authorities choose to prioritise migration controls and their externalisation to North Africa, policies and practices that exacerbate violence and death in the Central Mediterranean, rather than prioritise human life.

As Maltese authorities neglect and erode migrant rights at sea, so too have they echoed these practices on land: the 433 people who managed, despite deadly migration controls, to arrive in Malta in 2022, face a hostile environment where migrants and refugees are subject to institutional racism and marginalisation. Maltese authorities have adopted practices, from detention to deportation raids, which criminalise people and fuel racism and violence.

Yet at sea and on land, people resist these violent borders. People continue to move across the Mediterranean and arrive in Malta and Italy, many autonomously. At the Baħar Ċimiterju CommemorAction, 47 local NGOs and many individuals stood in solidarity to commemorate those who died at sea and to demand that the Maltese authorities rescue those in distress. They include people born in Malta and those more recently arrived, people working in Malta to resist marginalisation and oppression, people working to turn Europe and the Mediterranean Sea from a cemetery into a space of welcome. In a multitude of ways, through rescue, documentation, protest, art, and the law, they work to resist the violence of borders and bordering and to enact a politics of care and rights.

LEGAL FRAGMENT

By Chiara Denaro and Lucia Gennari, CMRCC legal team

ON THE "ILLEGALITY" OF PIANTEDOSI DECREES

Reflections on the selective disembarkation strategy in light of the Catania Civil Court decision in the case of the Humanity 1.

A few weeks after its election, the new far-right Italian government led by Giorgia Meloni started

(again) to target civil society organizations involved in search and rescue activities in the central Mediterranean. Between the end of October and the beginning of November 2022, while four NGOs were operative in the central Mediterranean Sea after having rescued around 1,000 persons, the newly elected Italian Ministry of Interior Piantedosi - jointly with the Ministries of Defence and Transportation - started to implement different measures with the aim of preventing the NGOs from disembarking the survivors in Italy. In particular, after reaching out to the Norwegian and German embassies through two verbal notes with the aim of highlighting the flag State's responsibilities concerning SAR operations carried out in the central Mediterranean, the Italian

Government issued two almost identical decrees targeting two of the four NGOs which were at sea at the time, namely SOS Humanity (with vessel Humanity 1) and Doctors without Borders (vessel Geo Barents). These provisions - which were re-named as "illegal decrees" - were appealed in front of the Catania Administrative Court, which finally confirmed their lack of compliance with international maritime law, human rights and asylum law.

THE SELECTIVE DISEMBARKATION AS A DENIAL OF RESCUE

During the final week of October 2022, after rescuing more than 1,000 people, the ships Humanity 1 (NGO SOS Humanity, 179 survivors), Geo Barents (*Doctors without Borders / MSF*, 572 survivors), Rise Above (*Mission Lifeline*, 89 survivors) and Ocean Viking (*SOS Méditerranée*, 234 survivors) were left in standoff for several days. This was due to the refusal of the Italian government to assign them a Place of Safety (POS), where the rescue operations could have been considered concluded with the disembarkation of all the survivors. These four ships were "managed" differently: while the Rise Above was assigned Reggio Calabria as a POS and the Ocean Viking decided to go to France (despite a statement from the European Commission highlighting the risks to survivors from such a long journey), the Humanity 1 and Geo Barents were targeted with two decrees which stated the following:

"The ships were prohibited from stopping in national territorial waters beyond the time necessary to ensure rescue and assistance operations for people in emergency conditions and in precarious health conditions reported by the competent national authorities." And "[i]n any case, all the people who remain on the boat will be assured of the necessary assistance for exiting territorial waters."

From an operational perspective, these provisions were implemented through a "selective disembarkation" strategy, according to which those who were not considered to be vulnerable or sick enough were not allowed to disembark, and potentially subject to a *de facto* refoulement.

Against this strategy - which was based on an instrumental use of the notions of 'vulnerability' and related bio-medical health assessments as a key bordering tool to sustain the differential (de)valuing of human life - survivors, civil society organizations as well as doctors and psychologists put in place several actions of voice and resistance, which finally led to the disembarkation of all the survivors, as a last mandatory step to consider the rescue operations concluded.

THE LEGAL ACTION AND THE CATANIA CIVIL COURT DECISION

In parallel, NGO lawyers put forth different legal actions in order to both challenge the legitimacy of the decrees and elucidate their effects on rescued people.

In particular, the people rescued by the vessel Humanity 1 who were considered "not vulnerable" in the first instance, after receiving detailed information regarding their right to access asylum procedures and the rights connected to them, had expressed their willingness to seek protection, without this being followed by any reaction from the competent Italian authorities. On the contrary, they were prevented from disembarking for several days after they had formally and individually expressed their will to seek asylum in Italy.

By law, an asylum seeker is a person who has expressed a willingness to seek protection - without that expression having to follow any particular form - for as long as necessary for the final conclusion of the asylum procedure. Also, under Italian and European law, state authorities are obliged to receive every asylum application, provide reception to applicants and issue them with a residence permit valid for the duration of the procedure. Thus, regarding asylum seekers, states must abide not only by the prohibition of their removal from state territory, but also precise obligations regarding receiving them and ensuring their legal stay.

Due to the persistent refusal of the Italian authorities to disembark the asylum seekers, they approached the Civil Court of Catania to urgently request recognition of their right to leave the rescue ship in order to initiate the asylum procedure. The court ruled several weeks after their disembarkation, which had occurred after the health authority recognized their state of psychological fragility as shipwrecked and from Libya, establishing some important principles.

The Tribunal incidentally declared the illegality of the interministerial decree requiring the captain of the Humanity 1 to leave territorial waters after disembarking the first number of survivors for two sets of reasons, connected to the violation of international law of the sea and asylum law. First, the Tribunal reiterated that the obligation falls on the state to provide assistance to "every shipwrecked person without the possibility of distinguishing, as enshrined in the interministerial decree, applied in the circumstance, on the basis of health conditions,"

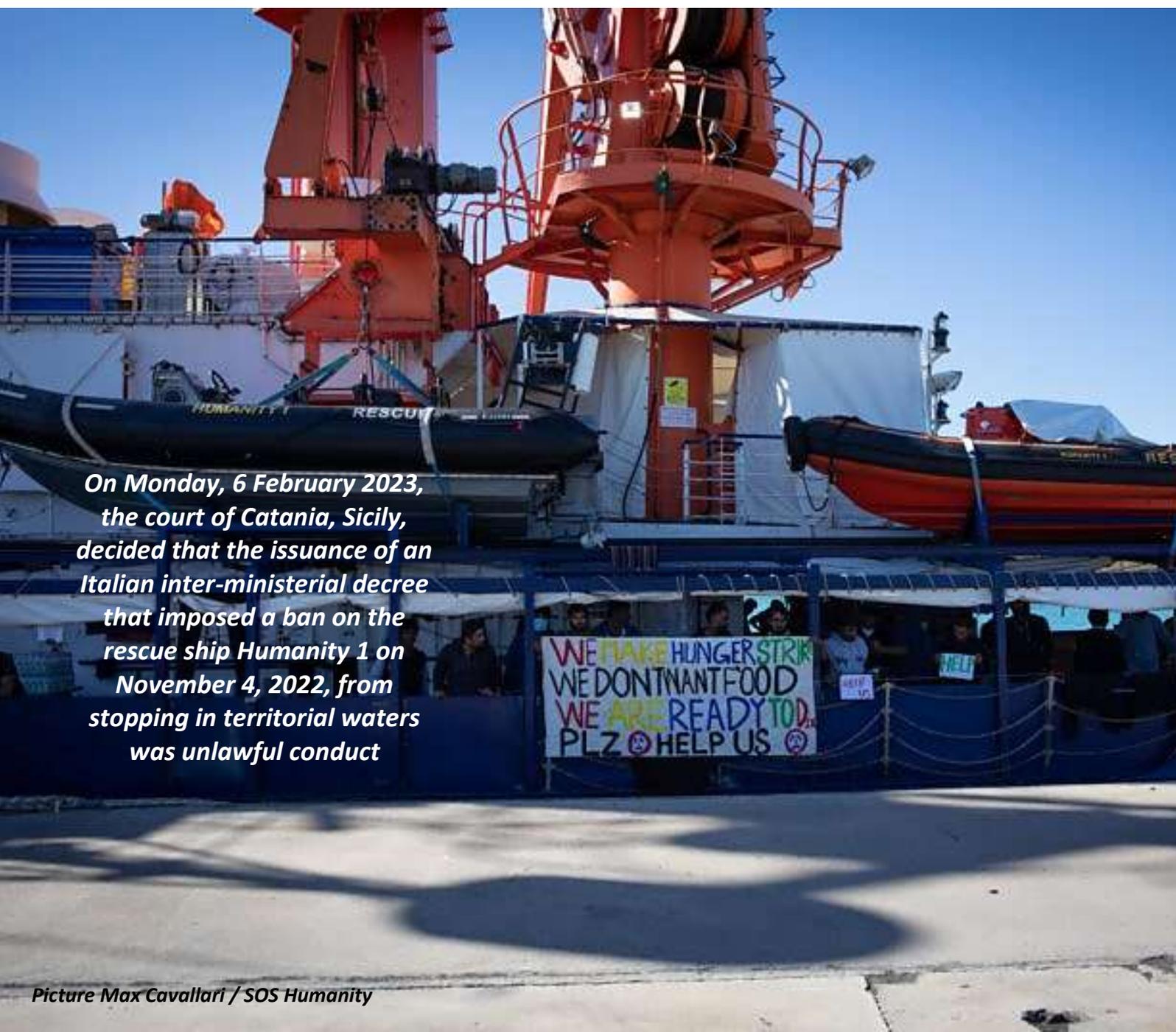
and that - quoting the Supreme Court in the Rackete case - "a ship at sea providing assistance does not constitute a 'safe place, except on a mere temporary basis, since it, in addition to being at the mercy of adverse weather events, does not allow for the respect of the fundamental rights of the rescued migrants, among which must be included their right to apply for international protection." Secondly, the Catania judge pointed out how the asylum rules preclude the prolonged denial of disembarkation since it effectively prevents the exercise of anyone's right to initiate the asylum procedure.

This preclusive effect on access to the asylum procedure, the Court clarified, violates not only Italian and EU rules on international protection, but

also the fundamental rights established by the European Convention on Human Rights, and, in particular, the prohibition of collective expulsions.

This practice would seem to have been immediately abandoned by the Italian government because of its manifest contravention of norms and principles derived from domestic and international law.

Nonetheless, even in light of the government's attempt to shift jurisdiction over the analysis of asylum claims to the flag states of the rescue ships, this decision appears important because it reaffirms, without ever questioning them, the asylum obligations of the Italian state as the disembarkation country of the rescued people.



***On Monday, 6 February 2023,
the court of Catania, Sicily,
decided that the issuance of an
Italian inter-ministerial decree
that imposed a ban on the
rescue ship Humanity 1 on
November 4, 2022, from
stopping in territorial waters
was unlawful conduct***

AMPLIFYING VOICES

„COMMEMORATIONS ON 6TH FEBRUARY 2023“

Around 6th February 2023, jointly coordinated, decentralised commemorative actions took place in many cities in North and West Africa as well as in Europe - CommemorActions. The occasion was the 6th February of 2014, when the Spanish Guardia Civil used rubber bullets and tear gas against migrants trying to swim from Tarajal in Morocco to the Spanish enclave of Ceuta, killing 15 people.

DOUALA/CAMEROON



„We continue to believe - despite the inhumane policies of northern governments towards migrants - in a society where freedom of movement for all is possible and remains a fundamental right. To migrate is a right!“

NOUADHIBOU/MAURITANIA

„Alarm Phone Mauritania in collaboration with the Association for the Protection and Reintegration of Women, the Association for the Protection of Migrants and the Association for the Platform of Civil Society organised in Nouadhibou, Mauritania, the Tarajal CommemorAction day. An action that was welcomed by all participants in the event with the intention to organise such an action every year.“



THIAROYE-SUR-MER, SENEGAL

„Migrate to live not to die - under this title on 6th February 2023, some 150 to 200 people gathered near the ocean, opposite the town of Thiaroye-sur-Mer, Senegal, to honour those who have disappeared or died along the migration routes, and to inform each other about the political background of these repeated tragedies.



The event was organised by Boza Fii, a solidarity organisation for returned migrants in Senegal, and by Alarm Phone Dakar in collaboration with AJRAP and the Association Ben Thiaroye-sur-Mer. Other associations participated and contributed in the spirit of building alliances against a murderous border regime. "Many people in Senegal don't really understand what is happening in the border regions," explained Saliou, the president of Boza Fii, later. "It was really important to show the video reconstruction of what happened during the Mellila massacre in June 2022," noted Ibrahim, one of the main organisers of Boza Fii.

The participants walked to the nearby beach to read the call for justice, truth and reparations before a series of CommemorAction events. A mother who lost her son in the borderlands explained how she had approached the responsible authorities to ask what had happened to her son. She launched a search request. So far they have found nothing.

In silence, everyone prayed according to their own beliefs. Together, the participants walked through flowers in the ocean and watched the waves wash them away. In a final statement it was said: "It was not an easy event. But we are already committed. The struggle continues."



TUNIS/TUNISIA

„In Tunis the CommemorAction was organised on February 4th by a large coalition of independent activists and civil society organisations, including Tunisian families of the disappeared and people from different countries residing in Tunisia who have lost their loved ones. In front of the municipal theatre of Tunis the fight against the murderous border system and the demands for truth and justice for the victims of irregular migration were affirmed.“

TANGER/MOROCCO

„We make a promise to ourselves: that we will not forget those who lost their lives and we will fight the borders that killed them. We offer a space of remembrance and we will collectively build something out of our grief. We are not alone and we will not give up. We will continue to fight for freedom of movement for all in our daily lives, we demand truth, justice and reparation for the victims of migration and their families.“



OUJDA/MOROCCO

„Simultaneously to the CommemorAction in Oujda by the association of support to migrants in vulnerable situations (AMSV), an open letter was delivered to the ambassador of the European Union in Rabat.“





LAAYOUNE/MOROCCO

„A Commemorative Action of solidarity took place with the families of the disappeared in Laayoune, Western Sahara, with the participation of the Presidents of Sub-Saharan Communities on 5th February 2023.“

TRIPOLI/LEBANON

„On 6th February, for the first time, a CommemorAction event took place in Tripoli, Lebanon. Survivors, family members, activists and human rights defenders came together for a symbolic gesture at Tripoli harbour to commemorate the 182 persons who disappeared or died in 2022 while trying to flee the country's crises in boats towards Europe. After the ceremony, a press-conference took place with the survivors, families, their lawyers and different activist groups who support the process of accountability and justice regarding the horrible shipwrecks of the last year.“



CommemorActions on 6th of February 2023 took place in:



CommemorAction in Malta

- Cameroon:** Douala; **Morocco:** Layoune, Oujda, Rabat, Tanger;
- Mauretania:** Nouadhibou; **Niger:** Agadez; **Senegal:** Dakar; **Togo:** Sokode;
- Tunisia:** Tunis, Zarzis; **Austria:** Vienna;
- France:** Brest, Briançon, Calais, Douarnenez, Lannion, Lyon-sur-mer, Marseille, Nantes, Paris, Redon, Renne, Toulouse; **Germany:** Berlin, Erfurt, Frankfurt, Leipzig, Magdeburg; **Greece:** Athens; **Italia:** Messina, Milano, Prato, Lampedusa; **Malta;** **Netherlands:** Nijmegen; **Spain:** Ceuta, Asturias, Barcelona, Bilbao, Irún-Behobia;
- Switzerland:** Zurich.

CRIMINALISATION

NOTES FROM TRAPANI

By *iuventa crew*

"I don't think we have any alternative other than remaining optimistic. Optimism is an absolute necessity, even if it's only optimism of the will, as Gramsci said, and pessimism of the intellect."

— Angela Y. Davis

As the preliminary hearings of the Iuventa case progress, more relevant issues begin to emerge. The last few months have been hectic, and although the case file itself has not yet been discussed, we have already felt the rising tension regarding facing a trial which, as we shall see, the Italian authorities themselves have defined as a "political trial" and a discursive battlefield. If on the one hand we have observed the power and violence of the political enemy, on the other hand we have also experienced our own powers: those of political legitimacy, solidarity and mutual support.

In the last months, three main issues have emerged: firstly the violation of our right to an adequate interpretation, secondly the intention by the Italian government to participate as joint plaintiff in the trial, and thirdly the criminal complaint filed by the Iuventa crew in order to identify those responsible for the abandonment and destruction of the ship, challenging their impunity. Let's take it one step at a time.

STEP ONE - #NOTTRANSLATIONNOJUSTICE

The interrogation that never took place, but happened three times

After the closure of the investigation in March 2021, all the accused had the right to be voluntarily questioned by the prosecution. Dariush, one of the Iuventa defendants, was denied this right due to procedural errors, so the defence requested a later opportunity. The interrogation was attempted on three occasions between October and December. After acknowledging the police inability to provide an adequate interpreter on the first two attempts, the prosecutor's office, responsible for the interrogation, took the task directly. Surprisingly, the interpreter summoned, a retired policeman, was the same person from the second interrogation! An

incomprehensible decision, as he had already proved himself inadequate.

None of the three attempts allowed Dariush to understand the basis of the accusations presented against him, preventing him from expressing his point of view on the matter and defending himself. The same opinion was shared by the four experts appointed by the court to assess the quality of interpretation, who concluded that the interpreters were unsuitable as essential elements could not be understood by the defendant. Surprisingly, at the 10th February hearing, the judge overruled the independent experts' opinion, affirming that although the interpreters made mistakes and errors, Dariush could understand the "essential content" of the interrogation.

There are several elements which show why the rights of the defendants with regard to interpretation and effective participation may ultimately be violated.

ECCHR, part of the trial monitoring group, highlighted after the last hearing that "judges in Italy possess a wide margin of discretion in determining what counts as "essential content" for a defendant to understand in order to effectively exercise their defence rights, as the term is not further elaborated in the Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings". Therefore, it seems clear that the European directive is unable to guarantee the defendants' fundamental rights. The implementation of the directive at the national level should be accompanied by mechanisms to ensure the minimum standards of interpretation and translation services as required by EU law.

The lawyers are also trying to challenge the completely inadequate translation of the files. Less than 3% translated of the approximately 27,000 pages cannot be considered sufficient. So far, we have received a translation of the indictment and a summary of the files from the public prosecutor's office. Most of the significant evidence, like protocols of testimonies or eyewitnesses, is not included in this document. Until now, the judge considered the summary to be sufficient.

Finally, the conditions for interpreters working in courts are appalling. Interpreters and translators in Italy earn only 10% of the European average. But according to EULITA, the European Association of

Legal Interpreters and Translators, this is actually a Europe-wide problem: "The ridiculously low pay keeps qualified interpreters away from the courtroom, with the consequent suspension of hearings, loss of time and increased costs."

We launched the #NoTranslationNoJustice campaign to shed light on the many cases in which interpretation services are inadequate for defendants, threatening their right to a fair trial. This is most often the case for people with fewer social and economic resources.

STEP TWO - "THIS IS A POLITICAL TRIAL"

At the 19th December hearing, both the Interior Ministry and the Prime Minister's office applied to be admitted as injured parties in the trial. According to the government, the Italian state had suffered considerable "financial and moral damages" as a result of the defendants' rescue activities at sea. As defendant Kathrin commented after receiving the news, "The investigations and the trial against us have always been politically motivated. Now this has been openly exposed". The conspicuous presence of police in and around the courtroom was evident. To the question of why there were so many police mobilised, an officer replied clearly: "this is a political trial".

At the following hearing on 10th February, the defence lawyers submitted a request against the participation of the two Italian authorities in the trial, stressing that their request was full of errors, both in form and content, and was therefore inadmissible. In fact, some errors were so serious that the defence lawyers threatened to file a counterclaim for defamation, as the motion also included extremely serious and false accusations for which the

defendants are not even charged, such as "belonging to a transnational crime organization dedicated to human trafficking", "organizing the transfer of migrants from Sudan and Libya to facilitate illegal entry into Europe", and "carrying out illicit money transfers through the hawala system".

The motion had nothing to do with either the indictment or the investigative files. This led to the government representative having to apologise and to delete entire sections of the application. The most plausible explanation is that the government copied and pasted two pages from another case file. A carelessness in the drafting of the deed which, as defence lawyer Francesca Cancellaro commented, shows little respect for the defendants and the court.

At the 25th February hearing, the judge announced the decision to reject the request of the Prime Minister's office to join as civil plaintiff, blocking Meloni's effort to access the courtroom. Instead, the court recognised an abstract right of the Ministry of the Interior to be a civil plaintiff, although neither its role in relation to the facts, nor the causation of damages, has yet been disputed.

STEP THREE - DESTROYING A LIFE-SAVING SHIP IS A POLITICAL CRIME

On 12th February we filed a criminal complaint requesting an investigation into the abandonment and destruction of the Iuventa. After almost 5 years in the custody of the Trapani Port Authority, which should have provided effective guarding and maintenance, the ship was abandoned, plundered and largely demolished. People had entered the ship, thefts and destruction had been committed and there had been people living inside the vessel. Despite



Picture iuventa crew

being informed, those responsible failed to take adequate measures. The report that followed the technical inspection carried out in October 2022 indicated that "the vessel has been in a state of total abandonment since the date of seizure" and that "no ordinary or extraordinary maintenance has been carried out".

The Italian state has not only reduced the capacity of the civil fleet by seizing the *Luventa*, but also abandoned the ship and contributed to the destruction of an asset that could have saved lives. The political connotation of such actions is unquestionable; it is another example of the disregard for the lives of people on the move and the continued obstinacy in preventing their survival. Sascha, part of the *Luventa* crew, explained how "In a context where the Italian government and state policies are obsessed with hindering the operations of the civil fleet, directly and indirectly violating the

fundamental rights of people on the move, including the right to life, we consider the confiscation of rescue assets and their destruction as part of the same strategy". In filing this criminal complaint, we join the forces of those who are challenging the impunity of the Italian authorities in obstructing civil fleet operations in the Central Med.

In memory of the people murdered by the European Border Regime. On 26 February at least 79 people were killed off the coast of Crotona (Italy). Just two weeks later, the Italian and Maltese authorities left 30 people to die at sea. Rest in Power.

Who detain rescue ships, leave people die! Free Geo Barents!

See article « *Luventa* trial: crimes of solidarity" in [Echoes #3](#)

FREE EL HIBLU 3 - DROP THE CHARGES!

Activities for the fourth anniversary on 25th and 27th March 2023

Saturday, March 25th at 11:00-12:00. EH3 Concert, Law Courts, Valletta:

Join us in Valletta in front of the Law Courts to celebrate the El Hiblu 3 and to protest the ongoing and unjust case against them! There will be speeches and music from ManaTapu members and others.

Monday, March 27th at 11:30 Press Conference, Law Courts, Valletta:

Join us for the 4th Anniversary Press Conference. Speakers will include Marie-Louise Coleiro Preca, President Emeritus of Malta; David Yambio, Refugees in Libya and others.

The mobilization on these days will also include a social event/party and a discussion meeting around the central question: How can we get Maltese authorities to drop the charges?

Background information and contact here:

<https://elhiblu3.info/>



MOBILISATIONS

OPEN LETTER TO FRONTEX DIRECTOR HANS LEIJTENS

This open letter was published on the 2nd March and signed by 20 NGOs engaged in or in support of search and rescue in the central Mediterranean Sea.

See: <https://sea-watch.org/en/open-letter-to-frontex-director-hans-leijtens/> (footnotes and signatories)

“Dear Hans Leijtens,

As of today, you are the new Executive Director of Frontex.

Your agency has been involved in countless scandals, entailing attempts to hide the agency’s involvement in innumerable violations of the human rights of people on the move. These scandals range from involvement in pushbacks in the Aegean, and exchanging Whatsapp messages with the so-called Libyan Coast Guard, to manipulating internal reports on human rights violations and lying at least 11 times to the European Parliament.

On the 19th of January 2023, you declared, during a press conference, that you are *“not the type of director who builds a fence around Frontex”*, but that you rather *“want to open the doors”*, and that *“NGOs were more than welcome to give their information to us”*. Furthermore, you claimed that *“we are going to restore trust by being very transparent about what we are doing and how we are doing it. We are going to do our jobs in accordance with the law and in accordance with what member states want. There should be absolutely nothing to hide”*.

We, civil organizations engaged in Search and Rescue (SAR) activities, seize this opportunity to ask you to live up to your promises. We thus demand replies to the following questions:

1) Since 2015, civil society has tried to fill the gap that was left by the competent authorities responsible for search and rescue in the central Mediterranean Sea. We have supported thousands of individuals in reaching Europe safely, to exercise their right to seek asylum. Still, in the majority of cases, your agency refuses to acknowledge the rescue capacities of the NGOs, and does not inform civil SAR vessels about individuals in distress. Instead, your agency directly coordinates pushbacks with the so-called Libyan Coast Guard, even using Whatsapp messages, while knowing perfectly well that Libya is not a place of safety.

Why do you not inform all the actors at sea who are in the vicinity of, and capable of carrying out rescues in accordance with international law, about distress cases? Which specific measures have you envisioned with an aim to ensure that civil society actors at sea are fully informed about boats in distress, in order to guarantee safe and swift rescue operations, in compliance with the international maritime and human rights law?

2) On 30th July 2021, the rescue vessel “Sea-Watch 3”, and the civil monitoring aircraft “Seabird” witnessed an interception of individuals in distress in the Maltese SAR zone. As thoroughly analysed by Human Rights Watch and Border Forensics, the “Heron” drone had sighted the distress case but never informed any civil or private assets operating in the area. The agency even refused to share the documents of that incident with Sea-Watch. Furthermore, Human Rights Watch and Border Forensics have demonstrated that other interceptions which occurred in the Libyan SAR zone were likely facilitated by Frontex, although the NGO vessels “Nadir” (operated by RESQSHIP), “Ocean Viking” (operated by SOS MEDITERRANEE), and “Sea-Watch 3” (operated by Sea-Watch), were operational on that day.

Can you confirm that Frontex operated the “Heron” drone and did sight distress cases on that day, but did not inform any NGO vessels which were in the vicinity and ready to rescue? Who took this decision, and based on what reasons? Do you consider the Frontex operation conducted on that day to be in accordance with international law? Why has Frontex refused to communicate transparently regarding this specific day and in particular regarding the boat in distress later intercepted in the Maltese SAR zone? Is this refusal to provide information in line with the promise of transparency you made before assuming office?

3) In December 2022, the European Centre for Constitutional and Human Rights (ECCHR) filed a communication to the Office of the Prosecutor of the

International Criminal Court, demonstrating that Frontex cooperation with Libyan actors with regard to interceptions at sea amounts to crimes against humanity.

Looking at Frontex' continuous and willful contributions to human rights violations in Libya, what kind of investigations will you initiate in order to ensure that Frontex officials will no longer be co-perpetrators of crimes against humanity?

4) It is widely documented that Libya is not a safe place for people on the move, and that Libya cannot be considered a "place of safety" according to international maritime law. Similarly, there is extensive documentation of Frontex involvement in human rights violations. On the 19th January 2023, you stated that you were "responsible for the fact

that my people don't participate in anything called a pushback."

Based on this statement, and your legal obligations according to Art. 46 Regulation 2019/1896, when do you plan to terminate current Frontex operations in the central Mediterranean?

As search and rescue NGOs, we demand that your agency lives up to your alleged three "guiding principles": "accountability, respect for fundamental rights and transparency".

In order to live up to these principles, as well as to comply with the legal framework governing your work, the first act of your agency should be to immediately terminate Frontex operations in the central Mediterranean.



END OF JUNE 2023 IN BRUSSELS: SOLIDARITY WITH REFUGEES IN LIBYA



After the action days in Geneva in December 2022, see <http://unfairagency.org/>, the Solidarity Alliance together with Refugees in Libya is planning another mobilisation to Brussels.

From 28th June to 1st July 2023, there will be talks with the UNHCR as well as with members of the EU Parliament, as well as protest actions and a conference, partly simultaneous to an EU-summit.

PRESS RELEASE: FOR THE IMPLEMENTATION OF FREEDOM OF CORRESPONDENCE WITH THE OUTSIDE WORLD AND PROVISION OF A WI-FI NETWORK AT THE LAMPEDUSA HOTSPOT

This joint statement (excerpts) was published on the 9th March 2023 and signed by 11 organisations.

We are organizations that for years have been involved in search and rescue at sea, in struggles for the rights of people on the move and the creation of support and solidarity structures with migrants.

After having approached the competent authorities - by means of a letter addressed to the Prefecture of Agrigento and for information to the Ministry of Interior - we intend to highlight the obstacles to the access to the freedom of communication with the outside world that people encounter during their stays at the Lampedusa hotspot and, at the same time, to urge an intervention to guarantee the exercise of this right, through the provision of a freely accessible Wi-Fi network.

Communicating is for each of us an essential need in current times, which becomes fundamental in situations involving limitations on personal freedoms. This is the case for the people who pass through the Lampedusa hotspot after surviving crossing the central Mediterranean, an extremely dangerous journey, during which they lose all contact with their families and friends. (...)

Being able to communicate with the outside world in this context becomes indispensable. Yet on Lampedusa, not only is it not possible to leave the center, it is also impossible to communicate with the outside - something which should be guaranteed by the hotspot's internal regulations, and by the convention between the Prefecture of Agrigento and

Badia Grande, the cooperative society that manages the center.

Having access to an internet connection, on the other hand, would be a healing tool, capable of providing momentary relief to people still traumatized by the crossing. An exchange of messages on instant messaging apps or a brief video call with friends and relatives to communicate that they have arrived could significantly improve people's psychological wellbeing and help them to move on despite the difficulties they are going through. For shipwreck survivors, who have also had to endure the trauma of the deaths of friends or relatives, being able to talk with or see their loved ones or the loved ones of the deceased can be of enormous help.

Access to an internet connection would also be essential for contact with civil society and/or legal advisors, and thus to be informed about one's rights, including the right to asylum, in a context where the information received is often limited and/or only partial, and the cultural mediation service often appears to be insufficient or guaranteed only in vehicular languages. Lack of information in this regard can determine the outcome of the migration path or jeopardize the possibility of remaining in Italy altogether. (...)

What the signatories of the communiqué are asking the competent authorities to do - set up a Wi-Fi network at the Lampedusa hotspot - is a measure that could be easily implemented, even at a modest cost, but which would bring about a significant improvement in the protection of people arriving on Italian soil.



FATAL DELAYS: 30 LIVES - LOST DUE TO EUROPEAN NON-ASSISTANCE

Joint Statement by Alarm Phone, Mediterranea Saving Humans and Sea-Watch

March 13, 2023

On Saturday, 11th March, just two weeks after at least 79 people drowned in a shipwreck off the Italian coast, **Italian and Maltese authorities left once again people dying at sea**. This time, their politics of non-assistance and the delegation of their duties to the so-called Libyan Coast Guard led to the death of 30 people who were on a boat in distress in international waters, in the contested Libyan Search-and-Rescue (SAR) region. The boat carried 47 people and was adrift at sea.

Of these, only 17 people survived due to the intervention of a merchant vessel. **The 30 people who died could be still alive, if only the Italian and Maltese authorities had decided to immediately coordinate a proper rescue operation.**

These deaths are not the result of an accident. They are the consequence of deliberate political choices. Italian and Maltese authorities could have intervened immediately. Instead, they chose to wait for too long

and referred to the so-called Libyan Coast Guard as the responsible and 'competent' authority, thereby wasting the time that was needed to save all of the distressed.

The Italian, Maltese, as well as the Libyan authorities were first informed about the distress case on March 11 at 2:28h CET (see timeline below) by the Alarm Phone. The Oil Tanker **AMAX AVENUE**, and some time later the merchant vessel **GAMMA STAR**, were in the vicinity of the distressed boat but passed by. Several hours later, another merchant vessel, the **BASILIS L**, finally directed itself towards the position of the boat in danger. Waiting for a better equipped vessel for a rescue operation, it monitored the boat in distress. The Italian and Maltese authorities decided to wait, in vain, for the so-called Libyan Coast Guard to launch its patrol boats, in order to illegally pull all people back to Libya instead of rescuing them to an European port.



Picture: sea-watch.org, Christian Gohdes

Despite the extremely challenging maritime conditions and the desperate state of the stranded boat, neither the Italian, nor the Maltese or the Libyan authorities activated their resources for a rescue operation – for over 30 hours after the first alert by Alarm Phone. In the past, the Maritime Rescue Coordination Center Rome already conducted coordination of merchant vessels in other cases outside their Search and Rescue area[1].

Moreover, the location where the shipwreck occurred was in international waters, outside of Libyan territorial waters. The boat in distress was within the area of operations of the European mission EUNAVFORMED IRINI and the Italian ‘Mare Sicuro’ mission, with both Italian and European military assets continuously present.

None of these assets replied to the call for help sent out by Seabird, a monitoring aircraft operated by Sea-Watch, on the radio; nor were they engaged in the rescue operation by the well-informed Italian or Maltese authorities. **The Italian authorities delegated the rescue to merchant vessels instead** that were not equipped for rescue operations.

Both, delaying rescue and delegating rescue responsibility to merchant vessels not equipped to rescue, are part of a political strategy that focus delivering people in the hands of Libyan militias or abandoning them at sea, causing their death. For the deaths of 30 people, as well as the deaths of innumerable others at Europe’s maritime borders, Italy, Malta and other EU member states bear primary responsibility.

As Alarm Phone, Mediterranea Saving Humans and Sea-Watch, we denounce and urge European member states, primary Italy and Malta, as well as the European Union, **to end their border externalisation policies and the delegation of duties to Libya.**

Both have been central factors leading to the death of the 30 people in distress, as well as thousands of others before.

The Italian and Maltese authorities must cease to refer distress cases to the so-called Libyan Coast Guard, which has an appalling human rights record and has forcefully returned over 100.000 people to inhumane conditions in Libya. Moreover, the contested Libyan Search and Rescue region cannot be viewed as under the exclusive responsibility of Libyan authorities. Moreover, the Italian and Maltese authorities also have to end their reliance on merchant vessels alone to fulfil their duty to rescue.

Many questions remain open and still need to be answered: Why did the Italian and Maltese authorities fail to intervene and rescue the persons in distress? Why has no EUNAVFOR MED asset reacted to the mayday relay by Seabird? All of these authorities need to provide an account of their role in this case and their failure to act.

We urge the European Union **to ensure safe and legal pathways to Europe** and engage in coordinated Search and Rescue operations, instead of financing and equipping the so-called Libyan Coast Guard, supporting pullbacks illegal under international law.

[1] Examples of such cases of rescues by merchant vessels in Libyan SAR coordinated by MRCC Rome:

- <https://twitter.com/scandura/status/1586442702068994048?s=20&t=678YEH1wW4VABZZ59-eg>
- https://twitter.com/alarm_phone/status/1588249230438584320
- https://twitter.com/alarm_phone/status/1616089062678450177

Reconstruction available on the Alarm phone, Mediterranea Saving Humans or Sea Watch’s websites.



CONTACTS

Website - <https://civilmrcc.eu/>
Email - political-moderator@civilmrcc.eu
Echoes - civilmrcc.eu/echoes-from-the-central-mediterranean/

EDITING TEAM

Sophie-Anne Bisiaux
Hagen Kopp
Yanek Lebrun
Maro Lazarou
Reece Marlowe