

1 YEAR LATER, STILL NO JUSTICE FOR THE LIVES LOST IN THE 11.10.2013 SHIPWRECK

One year ago to the day, on the 11th of October 2013, and only days after the shipwreck of the 3rd of October near Lampedusa, more than 200 people died on their journey to Europe when their vessel capsized in the Mediterranean Sea, in the Maltese Search and Rescue zone. Testimonies of survivors, most of whom were fleeing the war in Syria, and research conducted by investigative journalist Fabrizio Gatti (*L'Espresso*) revealed that the rescue operations by Italian and Maltese assets had been gravely delayed so that hundreds of lives were unnecessarily lost. While the shipwreck of the 3rd of October had been widely publicised and debated, the second tragedy in October 2013 and its victims were largely ignored by the media and political authorities. Watch The Med investigated the case, gathered further technical evidence, and published a report confirming the allegations voiced by the survivors and journalist Gatti against Italian and Maltese rescue services (*see <http://www.watchthemed.net/reports/view/32>*).

With the evidence at hand, Watch The Med was able to reconstruct the case. It showed how the migrant vessel first escaped a Libyan vessel flying the Berber flag which chased after them and shot repeatedly at them, causing damage to the vessel and injuring several passengers. With water entering the vessel, Dr. Mohanad Jammo, one of the passengers of the vessel, repeatedly called the Italian rescue services from a satellite phone. In one of the phone calls, confirmed by the *Maritime Rescue Coordination Centre* (MRCC) Rome, Dr. Jammo was told by the Italian authorities that, since the vessel was not in Italian but Maltese waters, he should call the Maltese Navy. The MRCC Rome handed over responsibility to the *Armed Forces of Malta* (AFM) and claimed to have provided the identity of the closest assets to the vessel in distress. Nonetheless, the Watch The Med analysis of the data of the Automated Identification System (AIS) shows that none of the vessels nearby directed themselves toward the position of the migrant vessel in distress until after it capsized hours later. Finally arriving at the scene of distress, the AFM rescued 147 people and Italian assets 65 people. Since it is believed that more than 400 people were on board, at least 200 passengers have presumably died.

The reconstruction of the case clearly shows how the loss of these lives could have been prevented had the vessels in vicinity reacted to distress calls and had the Maltese and Italian authorities acted quickly and decisively instead of denying and passing on responsibility, seriously delaying rescue efforts.

A year has passed since the shipwreck of October 2013. Dr. Jammo, who lost two sons in the shipwreck, authored a report with lawyer Alessandra Ballerini and submitted it to the public prosecutor in Palermo in April 2014 which is verifying the provided facts at the moment. Neither in Italy nor in Malta have state authorities launched investigations into the circumstances of the shipwreck and the delayed responses to distress calls. The AFM has not disclosed the position of its assets on the day of the shipwreck and Maltese authorities refuse to provide further information on the case.

Journalist Gatti, whose investigative research was pivotal to uncover the delayed rescue operations of Italian and Maltese authorities, received a human rights award by Pro Asyl in September 2014. In his acceptance speech, Gatti commemorated the victims of the shipwreck, criticised the dehumanisation of those fleeing conflicts, wars and poverty, and denounced the EU's collaboration with "the worst Northern African regimes" in order to protect its borders from migration movements. Despite the shipwrecks of October 2013, so Gatti, "no humanitarian corridor has been opened toward Europe".

In the report *'Lives Adrift'*, published in September 2014, Amnesty International reconstructs the case and calls the shipwreck of the 11th of October "a foreseeable disaster" (*see source below*). Amnesty argues that while both Italy and Malta claim to have acted in compliance with the 1979 SAR Convention, several breaches of SAR obligations can be found. In their report, Amnesty states: "The obligation to protect life at sea is enshrined in international maritime law, international human rights law, as well as in the national laws of both Italy and Malta. The death of about 200 people, mostly refugees fleeing war, in an area of sea where rescue was available and had



been repeatedly requested, demands accountability (p. 52)". Amnesty calls for an independent inquiry investigating the case in both Italy and Malta and suggests that the victims of the incident and their families are entitled to reparation.

In an interview with the Malta Independent, shipwreck survivor Dr. Ayman Mostafa says that "there is no excuse for those who knew we were going to die and failed to come and save us" (see source below). He lost his wife and his three-year old daughter in the tragedy. Months later he can, nonetheless, find forgiveness for those who made mistakes and failed to live up to their responsibility. He is glad that more rescue efforts have been launched since: "Every time I hear that the Maltese or Italian governments have saved people in the sea I am happy because that means that our families did not die for nothing. Something changed after our story."

When Dr. Mostafa gave the interview in July 2014, the rescue operation 'Mare Nostrum' by the Italian navy was effectively rescuing thousands of lives in the Mediterranean Sea. Despite these rescue efforts, more than 3000 migrant deaths have been registered in 2014 already, with the dark figure presumably being much higher. The Italian government has announced that it will gradually retract Mare Nostrum. At the same time, EU authorities are unwilling to adequately replace the operation, which Amnesty denounced as 'shameful'. In the light of this, the decision made to end the Mare Nostrum operation means that the mass dying in the Mediterranean Sea will continue.

Fabrizio Gatti, Human Rights award speech, see: <http://gatti.blogautore.espresso.repubblica.it/2014/09/14/human-rights-award-to-%C2%ABlespresso%C2%BB-fabrizio-gattis-address/>

Amnesty International, 'Lives Adrift', see: <http://www.amnesty.org/en/library/info/EUR05/006/2014/en>

Interview with Ayman Mostafa, Malta Independent, see: <http://www.independent.com.mt/articles/2014-07-20/news/they-tried-to-help-us-and-made-a-big-mistake-but-i-forgive-them-5900992513/>