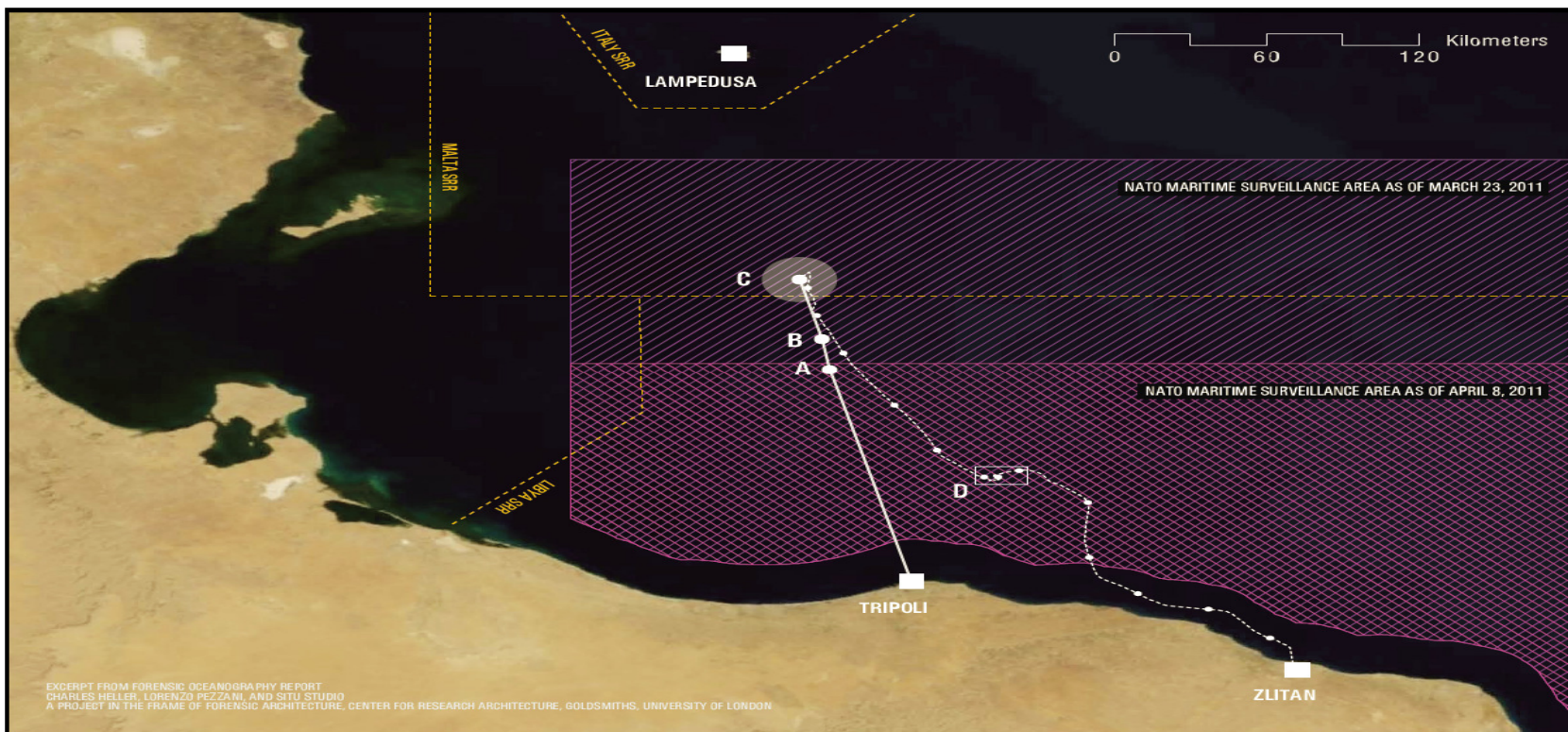


Reconstruction of the itinerary and of the drifting of the “left-to-die” boat¹

¹ FORENSIC OCEANOGRAPHY: Charles Heller, Lorenzo Pezzani and Situ Studio.

Drift Model: Richard Limeburner, Woods Hole Oceanographic Institution (WHOI).

This work is produced in the frame of the ERC funded Project “Forensic Architecture” – Goldsmiths, Centre for Research Architecture and towards a report that will be published in April 2012.

DRIFT MODEL CREDITS: Ocean currents were obtained from the MyOcean website

(<http://www.myocean.eu.org/index.php/products-services/catalogue>). MyOcean provides data mainly from EuroGOOS Regional alliances which have deeply contributed to structure the European Operational Oceanography community. The ocean currents were actually provided by the Istituto Nazionale di Geofisica e Vulcanologia (INGV) in Italy. INGV uses NEMO (Nucleus for European Modeling of the Ocean), a state-of-the-art modeling framework for oceanographic research, operational oceanography, seasonal forecasts and climate studies. See <http://www.nemoocean.eu/>. Wind data at the Lampedusa Island airport was obtained from EuroWeather (<http://www.eurometeo.com/english/home>). Weather data at Libyan meteorological stations was unreliable in early 2011.

FIGURE CAPTION:

Trajectory followed by the “left-to-die” boat with indication of key events:

- The migrant’s vessel leaves the Port of Tripoli between 00:00. and 02:00 UTC on 27th of March, 2011 with 72 people on board.
- **(A)** After proceeding in the direction of Lampedusa for 15-18 hours, the migrants place a distress call by Satellite phone. The GPS location of the vessel is located at 16:52 GMT on 27 March, 2011 at position LAT 33 58.2 N – LON 12 55.8 E by the Satellite phone provider Thuraya. Shortly following this call, the Italian Coast Guard publishes an Enhanced Group Call alert that a vessel is in distress and provides its geographic coordinates.
- **(B)** The boat proceeds for around 2 hours until it is overflown by a helicopter. After this encounter, the satellite phone is thrown into the water. The last signal detected by the Satellite phone provider is LAT 34 07.11 N – LON 12 53.24 E at 19:08 GMT on 27march 2011. This location thus presumably corresponds to that of the encounter with the helicopter. The vessel remains in approximately the same area for 4-6 hours before it is visited for a second time by a military helicopter that drops biscuits and water before leaving. Still without moving very much from the location of the last signal, the migrants encounter several fishing vessels, which do not provide assistance. They then decide to move again between 00:00 and 01:00 GMT and continue presumably NNW towards Lampedusa for 5 – 8 hours with an estimated speed of 4.43 kt (the average speed held during the navigation from Tripoli to point **A**).
- **(C)** The vessel runs out of fuel and begins to drift within a 8 nm radius (indicated with a white shade) of position 34 24.792 N – 12 48.576 E at approximately 07:00 GMT on March 28th.
- **(D)** The boat drifts (the estimated vessel drift was more strongly dominated by the southeastwards winds) and between April 3 and April 5th the migrants encounter a military ship that fails to assist them in any way.
- On the 10th of April, 2011 the boat lands back at Zlitan. Upon landing 11 migrants are still alive. 2 die shortly after landing.

APPENDIX 2

Selection of official replies sent to the Rapporteur

- NATO
- FRONTEX
- Ministers of Defence of
 - . Italy
 - . France
 - . Spain
- Ms Catherine Ashton, High Representative, Vice-President of the European Commission

**DEPUTY ASSISTANT SECRETARY GENERAL
OPERATIONS DIRECTORATE**

08 February, 2012
OPS(DASG-OPS)(2012)0004

Dear Ms Strik,

I am now in a position to respond to your letter of 8 December 2011, regarding the tragic loss of life in an incident that occurred in the Mediterranean Sea at the end of March and the beginning of April 2011.

Our military colleagues have carefully examined all available records. With the exception of the 27 March initial notification from the Maritime Rescue Coordination Centre Rome of a small boat probably in difficulty, they confirm that the relevant military headquarters have no record of any of the follow-on events mentioned in your letter.

Specifically, the NATO operational headquarters in Naples, which was responsible for the conduct of Operation Unified Protector (OUP), has no record, following the initial 27 March notice, of any further notifications from the Rescue Coordination Centre. Nor does it have any record of a phone call from Father Zerai on 28 March. With regard to the reported sightings of a helicopter and of the large military vessel, I can confirm that, again based on a review of existing records in NATO operational headquarters, there is no record of any aircraft or ship under NATO command having seen or made contact with the small boat in question.

Just to be clear, not all military ships in that part of the Mediterranean were operating under NATO command. As you requested, I have also asked our member nations if they had any ships or helicopters in the relevant area under their national command that may have come in contact with the small boat. They may decide to respond to you directly or do so through me, should they have any further information on either the reported helicopter or military vessel.

I can assure you that forces under NATO command and the navies of NATO member states are aware of their relevant obligations under maritime law, including those with respect to rendering assistance to persons or ships in distress. As we mentioned during our meeting with you in November and to which you referred in your subsequent letter, during the campaign NATO vessels actively assisted many vessels in distress.

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As we also discussed on the occasion of your visit, there is an outstanding question whether vessels responded appropriately to the March 27 Maritime Rescue Coordination Centre Rome notification, and specifically whether it should have been understood as a "distress call". (I enclose a copy of that notification for completeness.) The subject of the notification is 'Boat with approx 68 P.O.B. probably in difficult (sic) in pos (sic) ... '. The last paragraph gives no sense of urgency, and the only action requested is to advise of any sighting of the boat by NATO naval assets. The 27 March notice did not include the standard indicators that are found on "distress messages". Its text did not convey a sense of seriousness or urgency with respect to the vessel's condition. As I said above, NATO headquarters have no record of having received any follow-up messages. While we greatly regret the subsequent events, we cannot conclude that there was any error in the response by any forces under NATO command to this message.

I wish you all the best in your investigation and look forward to seeing your recommendations

Sincerely yours,

(signed)
Richard Froh



Warsaw, 16 February 2012
Our ref: 2629/16.02.2012
Please quote when replying

**Mrs Tineke Strik,
Member of the
Parliamentary Assembly
of the Council of Europe**

Dear Madam,

Please accept my apologies for the delay in replying to your letter. I used this time to verify all the details of joint operations that were taking place in the Central Mediterranean between 22nd of March and 10th of April, which you wrote was the period during which the boat was drifting in the open sea.

You will find the outcomes of our internal examination related to the deployment of assets in the two attached documents. The Agency will not be able to answer one of your questions in a precise manner. It is difficult to provide you with exact coordinates of the vessels between 22nd of March and 10th of April, as they were in constant motion. However we indicate precisely the operational area they were moving in.

Furthermore, I would like to use this opportunity to ensure you that one of the main objectives of all joint maritime operations coordinated by the Agency is to be ready to provide search and rescue (SAR). Hence all SAR cases are coordinated by a competent MRCC (Maritime Rescue Coordination Centre) according to internationally applicable SAR regime and procedures. In addition, at the EU level there were guidelines issued (Council Decision of 26th of April 2010 (2010/252/EU)) to the Schengen Borders Code.

Ultimately, as you precisely identified rescue of people in distress at sea were one of the key elements highlighted during the joint maritime operation EPN Hermes 2011. In 2011, there were 241 search and rescue cases and 23,192 migrants in distress were saved. It means that on average, Frontex coordinated assets were involved in saving 64 persons per day, the majority of them south of Lampedusa.

Also I would like to ensure you that FRONTEX has not used satellite imagery in the framework of its joint maritime operation EPN Hermes 2011.

To this end, I would like to confirm that in the framework of joint maritime operation EPN Hermes 2011 Frontex has operated only in Italy's and Malta's SAR zones.



I hope this answer will be of help in your examination of this tragic incident. I remain at your disposal for any further questions you might have.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Ilkka Laitinen".

Ilkka Laitinen
Executive Director

Enclosure:

1. Deployment of assets between 22nd of March and 10th of April 2011
2. Summary of maritime Joint Operations coordinated by Frontex

[UNOFFICIAL TRANSLATION]

COURTESY TRANSLATION

The Minister of Defence

Ms Tineke STRIK
Parliamentary Assembly
Council of Europe
Strasbourg

Dear Madam,

I refer to your letter of 26 October last requesting information on the position of Italian naval units in the area of the Mediterranean Sea from where a distress call was made by a boat "probably in difficulty".

Further to your request, I can inform you that Navy Command Headquarters has informed me that the boat concerned was never spotted by any of the units operating under national command in the periods and areas indicated.

With regard to naval units under NATO command (Operation Unified Protector), I would point out that any requests for information should be made to NATO headquarters in Brussels.

Yours faithfully,

Giampaolo DI PAOLA

[UNOFFICIAL TRANSLATION]

**MINISTRY OF DEFENCE
AND FORMER COMBATANTS**

The Minister

Paris, 5 March 2012
02339

Ms Tineke STRIK
Committee on Migration, Refugees and Population
of the Parliamentary Assembly of the Council of Europe
6 avenue de l'Europe
67075 STRASBOURG Cedex

Dear Madam,

I have given your letters of 26 October 2011 and 20 February 2012 my closest attention and now wish to reply to your questions.

I deeply regret the death of the migrants concerned.

First of all, I would underline that the French Navy is fully aware of the duty to assist persons in distress at sea, in accordance with international law and, still more, with the values of solidarity and mutual assistance championed by France. Every year, French warships regularly provide assistance to boats or vessels in distress, in accordance with the SOLAS (Safety of Life at Sea) Convention.

On the basis of the information provided to me by the General Headquarters of the Armed Forces, I can inform you that this scenario did not arise off the coast of Libya during the military campaign designed to protect the Libyan population and enforce the arms embargo.

It would appear that only one French vessel, the MEUSE supply tanker, passed a boat carrying migrants, on 28 March 2011. Located 12 nautical miles south of Malta, this boat, whose position did not correspond to that which you mentioned, was not in difficulty. In keeping with the applicable procedures, its position was reported to the Maltese authorities.

The other French vessels were operating in the Gulf of Sirte area on those dates. None was in the zones of 30-nautical-mile radius around the points mentioned in your letter. In particular, the aircraft carrier Charles de Gaulle, which was specifically named in the article in the *Guardian*, was never any closer than 150 nautical miles to Tripoli during that period.

Yours faithfully,

(signed)

G rard LONGUET



COURTESY TRANSLATION

Her Excellency
Ms. Tineke Strik
Rapporteur of the Parliamentary Assembly
of the Council of Europe
Senate.
Postbox 20017
NL-2500-EA
The Hague

Madrid, march 06, 2012

Dear Ms. Strik,

Once I have made the appropriate inquiries and after carefully examining all the available information, I am now ready to reply to your request for information concerning the tragic death of several people as a result of the incident occurred off the Libyan coast from March 27 to April 10. Hence, I am sure that the frigate "Méndez Núñez" never had any contact at all with vessel adrift.

In this sense, I wish to inform you that I have already forwarded this information to NATO's Deputy Assistant Secretary General, Mr. Richard Froh, in order to cooperate in the Atlantic Alliance's response to the request for collaboration of the Parliamentary Assembly of the Council of Europe.

As regards to the position of the frigate "Méndez Núñez" of the Spanish Navy on 26 and 27 March while participating in Operation "Unified Protector" under NATO command, I can confirm that it never was at the distance of 11 nautical miles to which you refer in your letter. While under NATO command, the organisation was always informed of its movements. Furthermore, I would like to stress that on March 26 and 27 the ship took part in two other search and rescue operations after receiving orders from the appropriate allied command.



MINISTERIO
DE DEFENSA

I also wish to ratify that this frigate did not receive any fax from MRCC Rome or any other communication regarding the matter you mention in your letter.

As regards to the helicopter that was seen from the boat in distress, I can confirm that the helicopter from the "Méndez Núñez" did not overfly, and consequently had no chance to provide any assistance to the boat.

I would like to conclude by assuring you that all the vessels of the Spanish Navy are aware and responsible of their obligations under the Law of the Sea, including providing assistance to people and vessels in distress. Such commitment was made evident during Operation Unified Protector, when the frigate "Méndez Núñez" provided assistance to several vessels at risk.

I hope I have been helpful and have duly answered your request for information. Wishing you all the best in your investigation.

Sincerely

Pedro Morenés Eulate

CATHERINE ASHTON

High Representative
Vice-President of the European Commission

Brussels, 19 March 2012
A(11)1268231 – (12)1388072

Mr Giacomo Santini
Chair of the Committee on Migration, Refugees and Displaced Persons
Parliamentary Assembly
Council of Europe
67075 Strasbourg
France

[Dear Giacomo Santini]

Your predecessor, Mr Choje, requested the support of the European Satellite Centre (EUSC) into the inquiry being conducted by the Committee on Migration, Refugees and Displaced Persons into the circumstances surrounding a tragic incident in the Mediterranean Sea involving boat people escaping from Libya.

I would like to take this opportunity to convey our appreciation of the commitment of your Committee to this issue and to the wider problem of the large-scale arrival of migrants, refugees and asylum seekers on Europe's southern shores.

I have asked the EUSC if archived products were available for the indicated area and the indicated time frame (27, 28 and 29 March and 4, 5 and 6 April). Unfortunately, there are no such products available as at that time the EUSC was monitoring the humanitarian situation at the borders with Tunisia and Egypt and around the harbours of Jazour and Tripoli.

Considering that the area of interest for which your requested imagery is located less than 130 km from the Libyan shores and that the period under investigation coincides with the NATO operation "Unified Protector", the envisaged investigation could involve classified "NATO CONFIDENTIAL" information. I would therefore suggest that the Committee requests assistance from NATO, including through the NATO Parliamentary Assembly.

Catherine Ashton