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EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية - المتوسطية لحقوق الإنسان

March 26, 2012

Pedro Morenés, Minister of Defense
Ministry of Defense
Paseo de la Castellana
109 28071-Madrid, Spain
Sent via fax: +34 91395 9170

Dear Minister Morenés,

We are writing to inquire about internal investigations into the fatal boat episode of March-April 2011, in which a disabled boat filled with migrants fleeing Libya drifted for two weeks in the Mediterranean before landing back in Libya on April 10, 2011. Sixty-three out of the 72 people on board died.

According to information gathered by the signatories to this letter and the Centre for Research Architecture (Forensic Architecture Project), the boat carrying 72 migrants left Tripoli in the night of the 26th to the 27th of March 2011. Towards the end of the day on March 27, 2011, the boat already faced difficulties and placed a satellite call to an Eritrean priest, Don Moses Zerai, based in Rome. Zerai says he called the Italian Coast Guard that day and the following. According to the Italian Coast Guard, it used GPS technology to locate the position of the satellite phone used to call Don Zerai, placing the boat, a 10-meter rubber Zodiac craft, at 16.52 GMT on March 27, 2011, at LAT 33°58'.2" N, LONG 012°55'.8" E in the Libyan search and rescue area. The Italian Coast Guard sent out a distress signal immediately after indicating the location of the boat and asking all ships in the Sicily Channel to report any sighting; this alert was sent out every four hours for ten days.ⁱ

The next day, March 28, 2011, the World Wide Navigational Warning Service (WWNWS) issued a Hydrolant Navigational Warning. This alert called on all ships to “*keep a sharp lookout, assist if possible.*”

As of the morning of the March 28, 2011, the boat was left without fuel and drifted until it was pushed back to Libyan shores where it landed on April 10, 2011. Survivors have stated that a military helicopter hovered above the disabled boat on March 27, 2011, following their distress call, and threw down water and biscuits. They also say they sighted one warship probably between the 3rd and 4th of April 2011, and attempted to attract the vessels’ attention.

We understand that the Spanish Air Defense frigate *Méndez Núñez* participated in Operation Unified Protector, NATO’s operation to enforce the arms embargo on Libya, from March 22, 2011, until June 23, 2011.ⁱⁱ We also understand the Spanish submarine *Tramontana* was deployed on March 21, 2011, and participated in NATO’s operation until the end of April 2011.ⁱⁱⁱ

We would be grateful for detailed information about these and any other Spanish assets patrolling NATO’s Maritime Surveillance Area (MSA) during the period of March 26-April 10, 2011, including the names of the vessels and their individual patrol zones. In particular we would appreciate the following information:

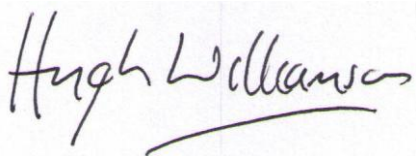
- Whether any Spanish Navy assets were in the MSA in the period of March 26-April 10, 2011.
- The patrol sector for any Spanish Navy assets in the MSA in the period of March 26-April 10, 2011.
- When any Spanish Navy assets in the MSA received the alert issued by the Italian Coast Guard on March 27, 2011.
- When any Spanish Navy assets in the MSA received the WWNWS alert issued on March 28, 2011.
- The name and location of any Spanish Navy assets within 100 nm radius of the position of the Zodiac boat as specified in the Italian Coast Guard alert on March 27, 2011, and the WWNWS alert on March 28, 2011.
- What action, if any, taken by any Spanish Navy assets in the MSA upon receiving the alert.
- Whether any Spanish Navy assets sighted the drifting boat at any point.

- Whether any Spanish helicopter came into contact with the Zodiac boat in question, whether any further action was taken.

We acknowledge that the Spanish frigate Juan de Borbón rescued over 100 migrants from a boat in distress in July 2011, and we know that other NATO warships in the Mediterranean provided assistance to boat migrants in some instances. Nonetheless, the shocking loss of life in the Mediterranean in 2011 – the United Nations High Commissioner for Refugees estimates that at least 1500 people died attempting the crossing last year – demands concerted efforts to investigate as well as to prevent such tragedies in the future.

We look forward to a response from your office to our questions, and to engaging in a constructive dialogue with you about these serious issues.

Sincerely,



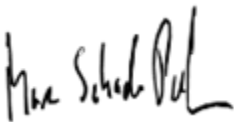
Human Rights Watch

Hugh Williamson, Executive Director
Europe and Central Asia Division



International Federation for Human Rights

Souhayr Belhassen, President



Euro-Mediterranean Human Rights Network

Marc Schade-Poulson



Migreurop

Olivier Clochard, President



Gisti

Stéphane Maugendre, President



Boats 4 People

Nicanor Haon, Coordinator



Acnur-Las Segovias

Magali Thill, Director

ⁱ Carlo Bonini, “Sessanta profughi alla deriva lasciati morire da navi Nato l’Alleanza replica : tutto falso”, *La Repubblica*, May 10, 2011, <http://ricerca.repubblica.it/repubblica/archivio/repubblica/2011/05/10/sessanta-profughi-alla-deriva-lasciati-morire-da.html> (accessed March 6, 2012).

ⁱⁱ NATO news release, http://www.manp.nato.int/news_releases/mcnaples/pressreleases11/NR_23b_11.html (accessed March 12, 2012).

ⁱⁱⁱ Spanish government news release, “The Work done by the ‘Mistral’ “will avoid more innocent deaths and will help build a future of justice and freedom”, says Charne Chacón, April 26, 2011, <http://www.lamoncloa.gob.es/IDIOMAS/9/Gobierno/News/2011/26042011CartagenaSubmarineBase.htm> (accessed March 12, 2012).