



Rescue Report No. 2

Humanity 1 at Sea

Rescue Rotation 2: 14.10.-08.11.2022





October 24th: SAR team of Humanity 1 during the second rescue. Photo: Max Cavallari

” It’s really not easy in Libya. I’ve been to prison three times. Prison is tough. Even when you haven’t done anything, people kidnap you in Libya, they lock you up, and you have to do everything in their compound. You can’t leave. And you don’t know anybody in Libya.”

Bakary¹, 16 years old, from Gambia

¹ Name has been changed.

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Intro

During SOS Humanity's second search and rescue rotation, the crew of the Humanity 1 rescued a total of 180 people in distress between October 22nd and 24th. Although the Humanity 1 kept the relevant authorities informed at all times about all phases of the search and rescue operations, the rescue coordination centres (RCCs) remained silent. Once again, European coastal states failed in their duty to coordinate.

Instead of assigning a place of safety – where legally a rescue operation is considered to terminate – Italy and Malta hindered the completion of rescue operations. After 12 days of waiting, the Italian government issued an illegal decree against the Humanity 1, on November 4th.

The decree provided the basis for a selective disembarkation of survivors in blatant violation of international law. In addition, the Humanity 1 was ordered to leave the port with the remaining 35 survivors, an illegal order with which the captain of Humanity 1 refused to comply. The remaining survivors had to wait two more days until they were finally allowed to disembark.

The decree by the Italian government violates both international and human rights law. SOS Humanity is taking legal action against the unlawful and inhumane treatment of people rescued at sea by the Italian government.

Humanity 1

 Disembarkation 06.11. & 08.11.2022, Catania



16 Days between 1st rescue and 2nd disembarkation



21 Requests for a place of safety



Medical evacuation

27.10.2022: 1 person (unaccompanied minor)



3 Rescue operations

22.10.2022 – 45 survivors
24.10.2022 – 113 survivors
24.10.2022 – 22 survivors



NO assignment of a place of safety

180 Survivors



Nationalities

Bangladeshi, Bissau-Guinean, Egyptian, Gambian, Ghanaian, Guinean, Malian, Pakistani, Senegalese, South Sudanese, Syrian



106 Minors

1 baby (<12 months)
105 unaccompanied minors, among which 3 are female



0 Women



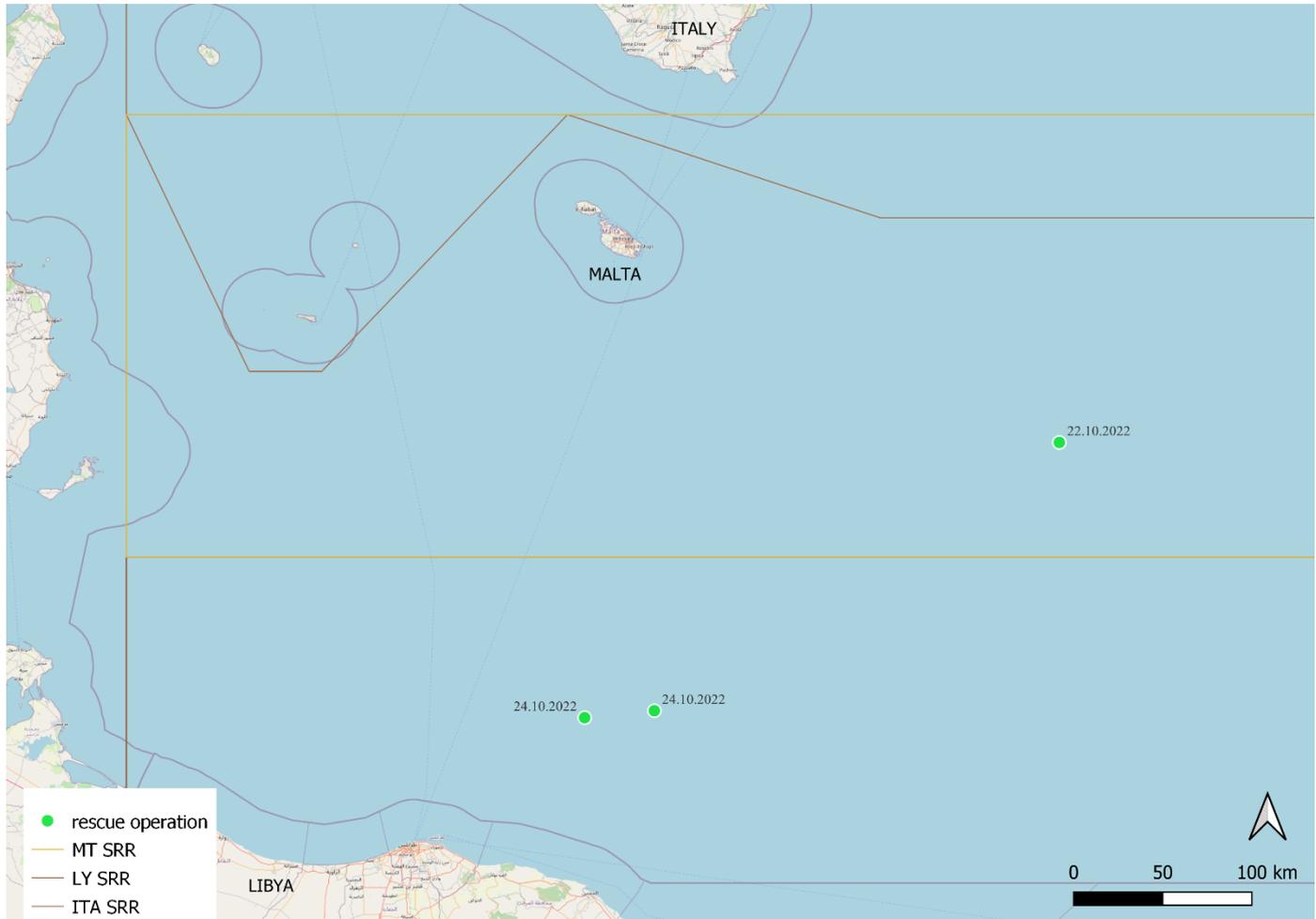
74 Men



Medical situation

Signs or reports of torture, body pain, flu, seasickness, scabies, fever, bacterial infections, psychological distress

Search and Rescue Operations



Rescue operations by Humanity 1

Chronology

22nd October Rescue operation 1

The crew of the Humanity 1 rescues 45 people from distress in international waters in the Maltese search and rescue zone (SAR-zone). The rescue takes place in the early evening. On October 22nd, the Sea-Watch civil aircraft 'Seabird 3' spots the vessel and informs Humanity 1 and the Maltese and Italian RCCs about the distress case. Humanity 1 replies to all recipients to acknowledge receipt of the distress alert and inform them about the search for the boat. However, during the search and rescue operation, Humanity 1 receives no answer from the Maltese or Italian RCCs, despite keeping authorities duly informed about all phases. Before Humanity 1 arrives on the scene, the Maltese RCC coordinates a US government ship and a merchant vessel to the boat in distress. The two vessels finally hand over on-scene command to Humanity 1 after its arrival.

The boat in distress is an overcrowded wooden boat with two decks and no lifesaving equipment on board. The boat departed from Libya several days previously. 45 survivors are safely taken on board Humanity 1.

24th October Rescue operations 2 and 3

Following information from a distress alert from Alarm Phone on the morning of October 24th, the crew of Humanity 1 rescues 113 people from an unseaworthy and overcrowded rubber boat, among them around 100 minors. Due to the rubber boat's unstable condition, several people fall overboard. However, all people are recovered safely from the water. After taking all survivors on board, Humanity 1 heads towards another distress case, which was reported via VHF radio by an unknown person, calling himself a

fisherman. The boat is located, and the crew of Humanity 1 rescues 22 people from another overcrowded rubber boat.

In total, 180 survivors are now on board the rescue ship. All have fled Libya. Some are suffering from injuries caused by physical violence. All survivors are exhausted and many show signs of psychological distress. The survivors of the second rescue, all of them unaccompanied minors, report that they had to watch friends and family members fall from the inflatable boat and drown.

27th October **Medical evacuation**

One unaccompanied minor has to be evacuated for medical reasons. 179 survivors remain on board while Humanity 1 is waiting to be assigned a place of safety.

4th November **Italy issues illegal decree against Humanity 1**

12 days after the first request for a place of safety to disembark the survivors, the Humanity 1 has still not received a positive answer. In the evening, weather conditions worsen. After informing the Italian RCC in advance, and in consultation with the port control, Humanity 1 enters Italian territorial waters off the coast close to Catania to seek shelter. A few hours later, Humanity 1 receives an inter-ministerial decree from the Italian government prohibiting the ship from staying in territorial waters longer than is “necessary to ensure rescue and assistance operations for people in emergency conditions and precarious health conditions”. It stipulates that all remaining persons must leave territorial waters on board Humanity 1.

5th November **Humanity 1 docks in Catania**

On November 5th, Humanity 1 is instructed to dock at Catania port for “rescue and assistance operations” as foreseen in the illegal decree issued by the Italian government. Humanity 1 arrives in Catania shortly before midnight.



22nd October: SAR team brings survivors aboard Humanity 1
Photo: Max Cavallari/SOS Humanity

6th November **Illegal selection of survivors for disembarkation and order to leave port with remaining survivors**

In the night from November 5th to November 6th, all minors are allowed to disembark. Subsequently, an arbitrary and unlawful triage of the remaining men takes place. Implementing the illegal decree, staff from the Italian public health administration go onboard Humanity 1 to evaluate who is “in emergency conditions and precarious health condition”. As a result, 36 people supposedly not meeting these criteria remain on the vessel. After receiving the information, one of the survivors subsequently collapses and has to be taken to hospital by an ambulance.

On the morning of November 6th, the captain of Humanity 1 is instructed to leave the port with the remaining 35 survivors on board. He refuses to follow this order since he legally cannot leave the port of Catania until all survivors are safely disembarked and the rescue operation is thus completed. Furthermore, all of the remaining 35 rescued people on board Humanity 1 are asylum seekers. SOS Humanity and the captain of Humanity 1 support the survivors in claiming their rights before the civil court in Catania.

8th November **Disembarkation of the remaining 35 survivors**

In the evening of November 8th, the Italian authorities start a psychological evaluation to reassess the survivors' vulnerability. Previously, the remaining survivors on board Humanity 1 had begun a hunger strike, which they make public on November 8th. Following the reassessment, all remaining 35 survivors are finally allowed to disembark in Catania.

An extensive chronology of all phases and communication with authorities during the three search and rescue operations can be found [here](#).



November 5th: Some of the remaining 179 survivors are already on board Humanity 1 for 14 days. Photo: Max Cavallari/SOS Humanity

Testimonies and Crew Stories

” In Libya, you can’t sleep at night. Sometimes, we slept on the bus, because sometimes people with guns would come to the place we slept. We had to run, not knowing where to go. We didn’t want to get caught. Because when they catch you, you have a problem, and they take you to prison.”

Bakary¹, 16 years old, from Gambia

” I’m just a seaman doing his job rescuing people in distress. [As captain, I am] responsible for the security of my ship. The decree, which prohibits me from disembarking the people here [in Catania], is illegal. By no means can I leave this port with these [35 rescued] persons still on board. I am urging to find a solution to get the people disembarked because that is their right and that’s my obligation to do at this port.”

Joachim, captain of Humanity 1

¹ Name has been changed.

Violations of International Law

Selective Disembarkation instead of Assignment of Place of Safety for 180 Survivors

No Coordination, no Assignment of a Place of Safety

National RCCs have the duty to coordinate search and rescue operations, from the distress alert to the assignment of a place of safety.

While Humanity 1 always kept all responsible RCCs duly and in real time informed about all phases of the three search and rescue operations, neither the Maltese nor the Italian nor the Libyan RCC fulfilled their legal duty to coordinate.

Neither the Maltese nor the Italian RCC assigned a place of safety, as prescribed by international maritime law, despite 21 requests by Humanity 1 between October 23rd and November 5th.

Illegal Decree: Selection and Announced Refoulement of Survivors

The Italian decree from November 4th violates international maritime law, the European Convention on Human Rights and the principle of non-refoulement inscribed in the Geneva Refugee Convention.

According to international maritime law, a rescue is only completed when the survivors are disembarked in a place of safety. It is therefore illegal to allow only some of the survivors to go ashore. Italy is legally obliged to assign a place of safety where those rescued from distress at sea can disembark.

Furthermore, the decree provides that all remaining survivors on board are to be turned back to international waters. This provision constitutes a form of collective refoulement and thus violates both the European Convention on Human Rights and the principle of non-refoulement of the Geneva Convention on Refugees.

Regardless of age, status or health condition, all survivors have the right to apply for asylum and receive an individual protection assessment on land once in Italian territory. All 180 survivors have fled from Libya, where many had been subjected to severe human rights abuses. All survivors were

in a vulnerable state, some visibly traumatised. Only on land could their physical and mental safety be ensured.

By not letting them disembark, the Italian authorities' decree also violated the survivors' right to a formal asylum procedure.



November 8th. The remaining 35 survivors onboard Humanity 1 in a hunger strike, demanding their disembarkation.

SOS Humanity demands that the Italian Minister of Interior revoke the illegal decree immediately. Italian authorities must comply with applicable law. As the coastal states responsible, Italy and Malta must assign a place of safety for people rescued in the Central Mediterranean without any delay.

Furthermore, the EU and its member states must ensure that applicable international law is consistently respected and implemented in the Central Mediterranean. This includes the duty to rescue at sea, national coordination of search and rescue operations and the fastest possible assignation of a place of safety for the survivors to disembark.

To prevent further loss of life at sea, the EU must urgently establish a European state-led, -coordinated and -financed search and rescue programme in the Central Mediterranean.

Finally, the work of non-governmental search and rescue organisations must not be hindered, so that they are able to continue saving lives at sea.

Overview of our Rotations since 2016²

	Rescue operations	Transfer operations	Total number of survivors	Men	Women	Minors
Humanity 1 (2022-today)	7	0	594	261	40	293
				Men and male minors	Women and female minors	
Ocean Viking (2019-2021)	62	1	5,108	4,584	524	1,629*
Aquarius (2016-2018)	177	62	29,523	24,829	4,694	6,502*
Total (2016-today)	246	63	35,225	-	-	8,424

² SOS Humanity was founded in 2015 as SOS Mediterranee Deutschland e. V. and deployed the rescue ships Aquarius and Ocean Viking from 2016 to 2021 together with the European SOS Mediterranee network, partly with one partner organisation (mainly MSF from April 2016 to July 2020). Since 2022, SOS Humanity has been independently operating the rescue ship Humanity 1 under a new name.

* The number of rescued minors is also included in the number of male and female survivors of Aquarius and Ocean Viking.

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