



This factsheet outlines a summary of political developments and operational updates regarding our ships and aircraft.

1. Political developments

The “Flussi” Decree-law, a new attempt to hinder our aerial operations

On October 11th, the Italian Government officially published the “**Decreto Flussi**”, with the aim to target civil airborne operations, including our monitoring aircraft *Seabird 1* and *Seabird 2*. Like all other aircraft flying over international waters, we enjoy the freedom of overflight. In cases of spotting boats in distress, the UNCLOS and the Chicago Convention (Annex 12) provide regulations to which we strictly adhere at all times. With the Decree-Law Nr. 145, the Meloni government now aims to restrict our freedom of overflight, and ultimately, our operations. This new attempt follows exactly the drive of the Piantadosi-Decree for NGO ships: abide by a set of conditions¹, or the asset will be detained.

While these conditions are already implied within international law, the decree now allows Italian authorities to misuse them, and force us to abide by illegal orders towards disregarding our duties under the search and rescue framework. When persons are in distress, as a civilian aircraft, we are legally bound to provide assistance by all means. This includes remaining on-scene in order to relay updated positions to other maritime assets. If the *Joint Rescue Coordination Centre* (JRCC) Tripoli or a so-called *Libyan Coast Guard* patrol boat orders us to leave the area, we now face a dilemma: to stay, as required under international law, or comply with the Italian Decree-Law and leave, otherwise facing detention of the aircraft and a fine upon landing in Italy – even though an Italian court recently questioned the legitimacy of both the so-called *Libyan Coast Guard* and the Libyan JRCC.²

Violating the Decree-Law results in fines, detentions and after a third violation even aircraft confiscation³, effectively ending our monitoring operations. Without a civil eye over the central Mediterranean, the public is blind to human rights violations occurring

- ¹ The new Decree-Law foresees the following conditions: 1) NGO aircraft must inform “immediately and as a priority” rescue coordination centers (RCCs) responsible for the area in which there is a boat in distress, together with neighboring RCCs and the Italian aviation authority; 2) Pilots are required to follow operational instructions from RCCs.
- ² See: sos-humanity.org/en/press/final-court-decision/
- ³ The owner, operator will be fined from €2,000 to €10,000 and the aircraft will be detained 20 days, 2 months and in case of violation a third time, the aircraft will be confiscated.



there and persons are left to die at sea. **We therefore urge the Italian State to revoke the decree-law and stop hindering NGO ship and aircraft operations. Instead, the Italian State must comply with its duties enshrined in international human rights and maritime law.**

Tunisia is not a place of safety

Ahead of the Tunisian presidential election on October 6th, numerous human rights organizations, including *Human Rights Watch*, *Amnesty International*, *Sea-Watch* and Tunisian organisations such as FTDES, published **a statement stressing that Tunisia is not a place of safety** for people rescued from distress situations. With an MoU and the implementation of a Tunisian search and rescue (SAR) zone, the EU and its partners have copied the Libyan model, in which people in distress are routinely intercepted and deported back to Libya - where they face torture and inhuman and degrading treatment. While the situation in Tunisia is different to the one in Libya, it is nevertheless clear that Tunisia is also not a place of safety, and therefore that disembarking people rescued from distress there is against international and maritime law. President Kais Saied is increasingly autocratic. Political opponents as well as critics within civil society face oppression and arbitrary detention, while the queer community is subject to repression. There is no national asylum system providing a framework of protection. Black people in particular are targeted, their houses raided, and they are rounded up and deported to remote desert regions to be left there with no means of survival.

2. Aerial Updates

Overview of distress cases and empty boats spotted

In July - September we conducted 51 operations with our aircraft *Seabird 1* and *Seabird 2*,⁴ with a total flight time of 297 hours and 22 minutes. We spotted approximately 4,645 persons in distress aboard 91 different boats:

- 907 persons, on board 15 boats in distress, including 2 boats in the Maltese (!) and the Tunisian SAR zones, were intercepted by the so-called *Libyan Coast Guard* and pulled back to Libya
- 1,173 persons, on board 22 boats in distress, were rescued by the Italian authorities or arrived independently and disembarked in Italy
- 1,191 persons, on board 20 boats in distress, were rescued by NGO vessels and disembarked in Italy
- 15 persons, on board 1 boat in distress, were intercepted by the *Tunisian Coast Guard* and pulled back to Tunisia
- 28 persons, on board 1 boat in distress, were shipwrecked, where 21 persons went missing
- The outcomes for 1,331 persons, on board 32 boats in distress, remain uncertain

From July – September, we must assume that the European Border and Coast Guard Agency *Frontex*⁵ was involved in the narratives for at least 1,314 persons, on board 23 boats in distress sighted by *Seabird 1* and *Seabird 2*. Four of these boats in distress, with 226 persons, including one deceased person, were rescued by the Italian authorities. NGO ships also rescued 6 of these boats in distress, carrying 325 persons. The outcomes for 6 boats in distress, carrying around 321 persons, remain unknown. Finally, **6 boats, with around 427 persons, were intercepted and pulled back to Libya by the so-called *Libyan Coast Guard* and 1 boat, with around 15 persons, was intercepted and pulled back to Tunisia by the *Tunisian Navy*.**

Details and outcomes of the distress cases

10.07, distress case A, 87 persons: **A rescue operation by the *Geo Barents*⁶ is interrupted by the Libyan militia *Stability Support Apparatus*⁷, leading to people falling into the water.** On the morning of July 10th, the civilian hotline *Watch The Med – Alarm Phone* received

⁴ Since 2017, together with the Swiss NGO *Humanitarian Pilots Initiative*, *Sea-Watch* monitors the central Mediterranean with its aircraft *Seabird 1* and *Seabird 2*.

⁵ For more information on *Frontex*' activity in the central Mediterranean Sea: <https://sea-watch.org/wp-content/uploads/2024/05/Frontex-Factsheet-2nd-Report.pdf>

⁶ The *Geo Barents* is operated by the NGO *Médecins Sans Frontières*.

⁷ The *Libyan Stability Support Apparatus* is a militia which the UN Security Council panel of experts on Libya described as following a "plan of gaining substantive financial and other assets" namely by "extorting money from detained migrants under their control through acts of brutal mistreatment; exploiting detained migrants under their control by deploying them as forced labour force to carry out construction work at boat factories, households and other facilities owned by the Network". See final report of the UN Security Council Panel of Experts on Libya, § 60: <https://documents.un.org/doc/undoc/gen/n23/234/61/pdf/n2323461.pdf?token=na-599WvycDsuYhEBRz&fe=true>



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information about a boat in distress with 87 people on board within the Libyan SAR zone, and informed the authorities as well as any NGO vessels able to assist. When *Seabird 2* arrived on scene, the NGO vessel *Geo Barents* and the Libyan Stability Support Apparatus patrol boat *Al Qyaid Saqar* were already present. While two RHIBs from the NGO ship were engaged in the rescue operation, the Libyan patrol boat undertook dangerous maneuvers close to the boat in distress, causing panic on board. At least 6 persons jumped into the water.⁸ Despite the life-threatening situation created by the patrol boat, the NGO ship was still able to recover all people from the water and successfully conclude the rescue operation. The people were disembarked on July 13th in Salerno, northern Italy.

13.07, distress case B, 15 persons: **11 hours of delay to rescue persons in distress in the Maltese SAR zone, a merchant vessel is ordered to stand-by.**

On the morning of July 13th, the *Alarm Phone* was contacted by people in distress in the Maltese SAR, and informed the competent authorities as well as *Seabird 2*. Before later arriving on scene, *Seabird 2*'s crew sighted an *Armed Forces Malta* patrol boat approximately 60 nm away from the boat in distress. *Seabird 2* arrived on scene at noon around four hours after the initial alert and contacted the merchant vessel CL *Heidi*, flying the Liberian flag, which was in the vicinity. The merchant vessel altered its course and proceeded towards the boat in distress, but was then instructed to stand-by and later released from duty by the RCC Malta, and consequently ceased responding to communications by *Seabird 2*'s crew. Some radio communications from a "European military aircraft" with another nearby merchant vessel were also overheard. On the phone, the Maltese RCC hung up on *Seabird 2*'s ground crew. The *Italian Coast Guard* eventually rescued the people in distress, **11 hours after the initial alert. The Maltese patrol boat spotted mid-morning never attempted to respond to any of the alerts, nor were they sighted again that day by *Seabird 2*.**

20.07, distress case C, around 15 persons: **The Tunisian Navy intercepts persons in distress after a mayday relay⁹ by *Frontex*.**

On July 20th, *Seabird 2*'s crew overheard a mayday relay by *Frontex* aircraft *Sparow4*, and soon after spotted the approximately 15 people in the newly established Tunisian SAR zone. The NGO ship *Trotamar III*¹⁰ then began searching for the boat. After a second mayday relay by *Sparow4*, which was acknowledged by the Italian authorities, *Seabird 2*'s crew

⁸ See some footage available at: https://x.com/seawatch_intl/status/1811460663325184316
https://x.com/MSF_Sea/status/1811016718816288773
and https://x.com/MSF_Sea/status/1811101993449976253

⁹ A "mayday relay" is an emergency procedure that provides information about a boat in distress via maritime or aerial radio, requesting any asset in the vicinity to assist.

¹⁰ The *Trotamar III* is operated by the NGO *Compass Collective*.



spotted the Tunisian navy patrol boat *Dougga* heading in the direction of the boat in distress – which later intercepted the people in distress – even though an NGO asset was in the vicinity and able to assist.

03.08, distress case D, around 80 persons: **The so-called *Libyan Coast Guard* leaves behind 2 dead bodies after an interception.**¹¹ On August 3rd, the civilian hotline *Alarm Phone* was contacted by people in distress in the Libyan SAR, consequently alerting the authorities and any NGOs able to assist. Once *Seabird 1* arrived on scene, the crew saw that the so-called *Libyan Coast Guard* had already started an interception. Almost a dozen people had fallen into the water and the rubber boat had taken on a significant volume of water. While orbiting the scene, *Seabird 1*'s crew sighted **2 dead bodies in the water, which were not retrieved despite several attempts to contact the so-called *Libyan Coast Guard* patrol boat via radio, as well as a follow-up email sent to authorities to request that the bodies be retrieved.** *Seabird 1*'s crew was not able to find any further casualties, though was unable to verify if further loss of life had indeed occurred.

08.08, distress case E, around 65 persons: **The merchant vessel *Janaki* refuses to rescue persons in the water, illegally transships 2 persons to the so-called *Libyan Coast Guard*.** On the early afternoon of August 8th, the civilian hotline *Alarm Phone* alerted authorities and NGOs able to assist a boat in distress located in the Libyan SAR. Shortly afterward, *Seabird 1*'s crew sighted the people in distress, where at least 2 persons were in the water. *Seabird 1* sent out a may-day relay, which was acknowledged by the Lampedusa radio. The merchant vessel *Janaki*, flying the flag of Liberia, was in the vicinity and upon information by *Seabird 1*'s crew headed towards the people. Several people – at least 10 – began swimming towards the merchant vessel. **On the radio, the captain of the merchant vessel then refused to take more than two people on board, arguing that those in the water had life rings.** In the late afternoon, a patrol boat from the so-called *Libyan Coast Guard* arrived on scene, and started intercepting the persons in distress. The Italian *Maritime Rescue Coordination Centre* (MRCC) refused to intervene since the boat was not in the Italian SAR and no Italian ship had people on board. The *Janaki* eventually also handed the 2 persons over to the so-called *Libyan Coast Guard* – even though an NGO ship, the *Humanity*¹², was able to assist. Open sources show that *Frontex*'s aircraft *Eagle 1* was also on scene at the same time as *Seabird 1*, without either informing merchant vessels

¹¹ Footage is available at: https://x.com/seawatch_intl/status/1820052163621519679

¹² The *Humanity 1* is operated by the NGO *SOS Humanity*.



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or the *Humanity1*. Furthermore, *Eagle1* left the scene when the so-called *Libyan Coast Guard* arrived – although persons in distress were still at risk. **Frontex's active role in the transshipment remains unclear to this day.**

02.-04.09, distress case F, 28 persons: **At least 21 persons missing because of the criminal non-assistance of the Italian and Maltese authorities.** On September 2nd, *Seabird 2's* crew spotted a distress case carrying around 30 people within the Maltese SAR, and alerted the Italian and Maltese authorities. During the following three hours, the crew sent two additional email updates. The last time *Seabird 2's* crew sighted the persons in distress, they were only 26 nm from Lampedusa. Meanwhile, the civilian hotline *Alarm Phone* also alerted the Italian and Maltese authorities regarding a boat in distress that fit with *Seabird 2's* sightings. Despite continuous information, **the Italian Coast Guard only launched a rescue operation two days later, when all but 7 persons from the boat had already vanished at sea.**

On November 12th, **Ibrahim Hsian** (son of Mohammad Hsian, who drowned in the shipwreck), **three survivors, and Sea-Watch filed a criminal complaint in front of the Prosecutor of Agrigento** in Italy. They request the public prosecutor's office to investigate if crimes, such as shipwreck and multiple manslaughter due to negligence, failure to provide assistance, or refusal to perform official duties, were committed by the Italian authorities and other actors potentially involved.¹³

08.09, distress case G, around 50 persons: **The merchant vessel *Hermes* probably returns persons to Tunisia, although Tunisia is not a place of safety.** On September 8th, the civilian hotline *Alarm Phone* was contacted by persons in distress and informed the authorities and aerial NGOs able to support. Open sources show that *Frontex* aircraft *Osprey2* was on scene around two hours later. Later, when *Seabird 2* arrived on scene, the crew sent out a mayday relay via radio, which was acknowledged by the Italian authorities. On open radio channels, *Seabird 2's* crew overheard communications between the *Tunisian Coast Guard* and *Hermes*, as well as an unknown actor, regarding the boat in distress. The merchant vessel later informed *Seabird 2's* crew that it was heading to Sfax, despite reminders that Tunisia was not a place of safety according to international law. *Frontex* aircraft *Osprey2* was later on scene, according to open sources. Eventually, *Hermes* reported to *Seabird's* crew that it was coordinating the rescue with the *Tunisian Coast Guard*. It is unclear what happened to the people, but they were probably intercepted and brought to Tunisia¹⁴ - which is not safe for people rescued at sea.

¹³ See our press release: <https://sea-watch.org/en/sea-watch-files-charges-against-italian-authorities/>. Read the testimony of a survivor: <https://sea-watch.org/en/i-accepted-the-risk-of-dying-on-this-journey/> and of the relative: <https://sea-watch.org/en/my-father-was-a-unique-irreplaceable-person/>

¹⁴ According to journalist and UNHCR: <https://x.com/Ele-anaElefante/status/1833131649585893851?t=D47yTFF78rQ1xY1F0a-bl9g&s=09>; <https://x.com/cochetel/status/1833150591335309752>.



19.09, distress case H, 109 persons: **The so-called *Libyan Coast Guard* threatens an NGO rescue operation, and ultimately the NGO vessel is unlawfully detained by Italian authorities.** On the morning of September 19th, *Seabird 2* spotted a boat in distress in the Libyan SAR zone. In response to *Seabird 2*'s alert and with the go-ahead from the Italian MRCC, the NGO vessel *Geo Barents* headed towards the people in distress and upon assessment, the crew proceeded with the rescue of the people. At the end of the rescue, the so-called *Libyan Coast Guard* patrol boat *Gharyan* arrived on-scene, threatened to use firearms and performed dangerous maneuvers around the people in distress in an attempt to intimidate the people as well as the crew of the NGO ship. Upon the disembarkation of the survivors in Genoa, the *Geo Barents* was detained - in particular for having "failed to comply with instructions of the *Libyan Coast Guard*" based on the "Piantadosi" Decree.¹⁵ **NGOs are sanctioned for filling the gap left by the Italian authorities in the central Mediterranean!**

¹⁵ For more information: <https://www.msf.org/italian-authorities-punish-geo-barents-rescue-ship-two-detention-orders>

¹⁶ A thorough reconstruction of the case is available here: https://www.publico.es/sociedad/milicias-disparando-migrantes-nueva-ruina-fronteras-europa.html?utm_source=twitter&utm_medium=social&utm_campaign=web. See the footage: https://x.com/seawatch_intl/status/1838267250861563998.

21.09, distress cases I and J, respectively around 55 and around 40 persons: **The so-called *Libyan Coast Guard* fires upon people in distress.** On September 21st, *Seabird 2*'s crew sighted an interception in the Maltese (!) SAR zone by the so-called Libyan patrol boats "*Murzuq*" and "*Gharyan*". Both were later sighted pursuing a boat in distress within the Libyan SAR zone, at the boundary with the Maltese SAR zone. While *Seabird 2* was on scene, the crew of the so-called *Libyan Coast Guard* patrol boat *Murzuq* fired shots at the boat in distress – before intercepting the people.¹⁶ **Frontex was on-scene with both boats in distress – we demand transparency over Frontex's role in both interceptions.**

3. Ship Updates

Between July and September 2024, *Sea-Watch* conducted 3 operations with its ships *Aurora* and *Sea-Watch 5*. The crews were able to rescue 516 persons in distress from 5 boats. **Again civil society fills the gap left by the European authorities in the central Mediterranean sea.**

On July 20th, *Sea-Watch*'s fast rescue asset *Aurora* rescued 71 persons together with the NGO ship *Trotamar 3* within the Tunisian SAR zone. One person had to be evacuated during the night. The remaining 70 people were disembarked in Lampedusa, Italy, as assigned by Italian authorities.



On July 25th, *Sea-Watch*'s larger ship *Sea-Watch 5* rescued 156 persons from two boats in the Libyan SAR zone, after a first sighting of the first boat by *Seabird 2*. The people were safely disembarked 4 days later in La Spezia as assigned by the Italian authorities, a port 1,100 km away from where the people were rescued. **The assignment of such distant ports to disembark persons rescued at sea represents unnecessary delays and endangers the lives of the persons rescued.** The aim is clear: to keep all civilian capacities away from the central Mediterranean sea, even if this means to restrict our freedom of association and expression.

¹⁷ See: <https://sos-humanity.org/en/press/final-court-decision/>

On August 31st, the *Sea-Watch 5* rescued 289 persons in distress from 4 different boats in the Libyan SAR zone. The Italian authorities assigned the port of Civitavecchia to disembark the persons in distress – which was almost 1000 km away from the location of the *Sea-Watch 5* at the time. One person had to be medically evacuated by the Maltese authorities. Upon the disembarkation of the 288 remaining rescued persons on September 3rd – after 4 days of transit - the Italian authorities detained the *Sea-Watch 5* based on the “Piantedosi Decree” and imposed a fine of up to €10,000. The Italian authorities accuse *Sea-Watch* of having rescued persons in distress without the permission of the Libyan authorities, despite the fact that the coordination centre in Libya does not meet the necessary international standards. An Italian Court even recently ruled that the Libyan authorities were not carrying out search and rescue operations, as they are violating the rights of persons on the move on a daily basis.¹⁷ *Sea-Watch* has appealed against the detention and the fine, where proceedings are ongoing. **The Italian authorities must stop hindering NGO operations and instead fulfill their duties under international maritime and human rights law.**