



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

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1. Political developments

Legal proceedings for Frontex not terminating operations in the central Mediterranean sea

The European Coast Guard Agency *Frontex* has operated in the central Mediterranean sea since 2014 and contributes to pullbacks to Libya with the use of its aircraft.¹ In May 2024, *Frontex*' Executive Director Hans Leijten was requested by the NGOs *Front-Lex* and *Refugees* in Libya to terminate its operations in the central Mediterranean, pursuant Art. 265 TFEU.² Since *Frontex* continued operating despite being aware of grave concerns and risks concerning the co-perpetration of crimes against humanity, *Front-Lex* and *Refugees* in Libya decided to take the European Coast Guard Agency to court on the 4th of October 2024, acting on behalf of a person in Libya. *Sea-Watch* supported the lawsuit by sharing expertise and by providing actual information based on its airborne operations.³

"Flussi" Decree-Law escalates ship detentions foreseen under the "Piantadosi" Decree-Law

As well as targeting civilian aircraft⁴, the Italian government added further elements to the "Flussi" Decree-Law during the parliamentary process, exacerbating the situation for NGO ships once again. From January 2023 until November 2024, the "Piantadosi" Decree-Law set up requirements - many of them violating international law - that civil Search and Rescue vessels have to comply with or be detained. The law entails an eventual confiscation of the ships after repeated violations, and its application has often happened arbitrarily. On the 4th of December 2024, with the "Flussi" Decree-Law,

¹ See: sea-watch.org/wp-content/uploads/2024/05/Frontex-Factsheet-2nd-Report.pdf, www.hrw.org/video-photos/interactive/2022/12/08/airborne-complicity-frontex-aerial-surveillance-enables-abuse

² See: www.refugeesinlibya.org/post/challenging-the-complicity-of-frontex-s-aerial-surveillance-activities-in-crimes-against-humanity

³ See: x.com/RefugeesinLibya/status/1843561810668245267, www.ilfattoquotidiano.it/2024/10/07/migranti-ong-control-frontex-la-corte-di-giustizia-ue-impe-disca-allagenzia-di-segnalare-le-imbarcazioni-all-guardia-costiera-libica/7721789/

⁴ In addition to the escalation of the "Piantadosi" Decree-Law, the "Flussi" Decree-Law also introduced a set of conditions for our aerial operations, copying the Piantadosi model to aerial assets. See the previous factsheet: sea-watch.org/en/quarterly-factsheet-july-september-2024/



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changes were introduced to the “Piantedosi” Decree-Law that prolong detentions and accelerate the process of escalating sanctions, **leading to a faster confiscation of rescue vessels and dramatically intensifying the systematic obstruction of civil search and rescue.** A change in procedure effectively allows Italian authorities to block NGO ships for 10 days after disembarking rescued people, even if there are no alleged violations of the law.

By setting conditions that are either unnecessary or in conflict with international law, the Italian government creates opportunities for detaining and potentially permanently confiscating civilian ships and aircraft, thus shutting down the only rescue assets and civilian eyes on the Mediterranean.

NGO ships have already been detained on 26 occasions under the framework designed by the “Piantedosi” Decree-Law. Many appeals against detentions and fines are pending. In a legal proceeding related to the detention of *Sea-Watch’s* vessel *Aurora*⁵ in June 2023, the court requested that the UNHCR provide an assessment regarding Tunisia and the question of whether it is a “place of safety”. The UNHCR postponed the deadline on two occasions, even mentioning “very initial and delicate stages of discussions with the Tunisian Government regarding the national asylum system and support measures for refugees” - irrelevant to the case - and taking in the end 9 months to submit their report.

The Italy-Albania Deal is illegal

While initially announced for spring, during the second week of October 2024 Italy started the deportation of people to prison-like centers in Albania for the first time, where persons were supposed to be locked up for the time of their asylum request and directly deported afterwards. In the first attempt to make use of the deal, 16 people were selected for transfer - however, despite previous assessments, four of them fell under the criteria of vulnerability and were therefore brought to Italy upon arrival. For the remaining 12 people, the competent court in Rome did not validate the detention orders and instead ordered transfer to Italy shortly after. A second attempt occurred at the beginning of November 2024, where 8 people were deported to Albania. Again in this case, the court did not validate the detention and ordered transfer to Italy. The same happened during a third attempt in January 2025.⁶

⁵ See the press release related to this case: sea-watch.org/en/sea-watch-ship-aurora-detained-on-fabricated-grounds/

⁶ See: www.euractiv.com/section/politics/news/melonis-migration-deal-with-albania-fails-once-again/



2. Updates on our aerial operations with *Seabird 1* and *Seabird 2*

Overview of boats in distress spotted

In October - December we conducted 25 operations with our aircraft *Seabird 1* and *Seabird 2*,⁷ with a total flight time of 128 hours, equivalent to 5 days and 4 hours. We spotted approximately 1.651 persons in distress aboard 40 different boats.

- 423 persons, on board 10 boats in distress, including 5 boats from the Maltese (!) and the Tunisian SAR zones, were intercepted by the so-called *Libyan Coast Guard* and pulled back to Libya
- 20 persons, on board 1 boat in distress, were pulled back to Libya by the *Libyan Stability Support Apparatus*⁸
- 44 persons, on board 1 boat, were rescued by the merchant vessel *Bos Triton*, and illegally returned to Libya
- 454 persons, on board 9 boats in distress, were rescued by the Italian authorities or arrived independently and disembarked in Italy
- 125 persons, on board 3 boats in distress, were rescued by NGO vessels and disembarked in Italy
- The outcomes for 587 persons, on board 16 boats in distress, remain uncertain.

From October – December, we must assume that the European Border and Coast Guard Agency *Frontex*⁹ was involved in the narratives for at least 629 persons on board 15 boats in distress sighted by *Seabird 1* and *Seabird 2*. Five of these boats in distress, with 218 persons, were rescued by the Italian authorities. The outcomes for 4 boats in distress, carrying around 128 persons, remain unknown. Finally, **6 boats, with around 283 persons, were intercepted and pulled back to Libya by the so-called *Libyan Coast Guard*.**

Details and outcomes of selected boats in distress

Between October and December 2024, *Sea-Watch's* aerial operations documented the systematic outsourcing of rescue operations by Italy and Malta to the so-called *Libyan Coast Guard*. This practice led to multiple interceptions, including in the Maltese (!) SAR zone, involving *Frontex*, and ultimately, resulted in a shipwreck. Furthermore, merchant vessels were either instructed not to rescue

⁷ Since 2017, together with the Swiss NGO *Humanitarian Pilots Initiative*, *Sea-Watch* monitors the central Mediterranean with its aircraft *Seabird 1* and *Seabird 2*.

⁸ 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: documents.un.org/doc/undoc/gen/n23/234/61/pdf/n2323461.pdf?token=na-599WvycDsuYhE-BRz&-fe=true

⁹ For more information on *Frontex'* activity in the central Mediterranean Sea: sea-watch.org/wp-content/uploads/2024/05/Frontex-Factsheet-2nd-Report.pdf



persons in distress, in violation of the duty to render assistance, or conducted a rescue to presumably transfer the survivors unlawfully to the-so-called *Libyan Coast Guard*.

The so-called *Libyan Coast Guard* intercepted persons deep in the Maltese (!) SAR zone, following mayday relays.

On the morning of the 1st of October, the civilian hotline *Watch the Med - Alarm Phone* received a distress call from a boat with 26 persons in the Maltese SAR zone and alerted the authorities and NGOs. Then, *Seabird 2* overheard two mayday relay calls¹⁰ from an unknown source, presumably the *Armed Forces of Malta*, and spotted the boat in distress. *Seabird 2* later overheard a mayday relay call from *Frontex's* aircraft *Osprey2*. A nearby Maltese fishing vessel alerted the port authorities of Lampedusa on the radio and reported that one person was in a critical health condition. *Seabird 2's* ground crew was in contact with both the Italian *Maritime Rescue Coordination Centre* (MRCC) and the Maltese *Rescue Coordination Centre* (RCC) about the boat in distress. Italy argued that the boat was in the Maltese SAR and therefore that they would not be responsible. The Maltese authorities said they were “working on” the case but did not confirm to have sent a rescue vessel and eventually hung up. *Seabird 2's* crew witnessed the interception of the 26 persons by the so-called *Libyan Coast Guard* around 40 nautical miles¹¹ from the SAR boundary deep within the Maltese (!) SAR zone, under Maltese responsibility.

The so-called *Libyan Coast Guard* intercepted persons in the Maltese (!) SAR zone following an orbit by *Frontex*, which never informed ships in the vicinity.

On the morning of the 12th of November, the civilian hotline *Watch the Med - Alarm Phone* was contacted by 23 persons in distress in the Maltese SAR zone and alerted the authorities and NGOs accordingly. The NGO ship *Life Support*¹² started heading to the boat in distress. Two hours later, *Seabird 2's* crew saw *Frontex's* aircraft *Osprey2* heading back to Lampedusa and asked them on the radio whether they had sighted any cases. After a silence, *Frontex's* aircraft shared the coordinates of the boat in distress. ***Seabird 2* immediately changed course to the given position and had to witness the interception of the persons by the so-called *Libyan Coast Guard* in the Maltese (!) SAR zone.** According to open sources, *Osprey2* had operated in the area of the boat in distress earlier in the morning. *Frontex's* aircraft never informed the nearby NGO ships *Life Support* and *Nadir*, but only *Seabird2's* crew, eventually and upon request.

10 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.

11 Nautical Miles (nm) is the unit of measurement used at sea. 1 nautical mile is equal to 1,852 kilometers. Therefore, 40 nm equals around 74 kilometers on land.

12 The NGO vessel *Life Support* is operated by the NGO *EMERGENCY*.



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Merchant vessel *Bos Triton* rescued and assumably illegally transshipped persons to the so-called *Libyan Coast Guard*, the *Farwah* platform and the *Libyan Navy* illegally asked *Seabird 2* to leave the area.

On 12th of November, *Seabird 2*'s crew overheard a source on the radio, assumed to be the offshore platform *Farwah* requesting the merchant vessel *Bos Triton*, flying the flag of Gibraltar, to rescue a boat in distress with 44 persons in their vicinity in the Libyan SAR zone. After the rescue, the offshore platform *Farwah* informed *Seabird 2* on the radio that the *Libyan Coast Guard* would send a patrol boat and the people would be brought back to Libya. *Seabird 2*'s ground crew contacted *Bos Triton*'s shipping company, which informed that a responsible person would call back. At some point, the *Farwah* platform and a source on the radio that identified itself as the *Libyan Navy* told *Seabird 2*'s crew to leave the scene, even claiming it was a "forbidden area" (which is not true). **Such statements contravene the freedom of overflight and requirements under the SAR convention** - since the people were still at risk and potentially exposed to violence,¹³ onboard an unsafe and unequipped ship, the *Bos Triton*. Authorities were informed of the risks of a transshipment to Libya, which is not a place of safety. After *Seabird 2*'s crew had to leave due to daylight restrictions, it must be assumed that the merchant vessel *Bos Triton* illegally transshipped the rescued persons to the so-called *Libyan Coast Guard* patrol boat, in violation with international human rights and maritime law.

Mayday relay from unknown station, Italian aircraft on-scene, a so-called *Libyan Coast Guard* patrol boat presumably intercepted persons although an NGO was able to support.

On the 19th of November, *Seabird 2* overheard a mayday relay on the radio from an unknown source regarding a boat in distress with around 30 persons onboard in the Libyan SAR zone. When *Seabird 2* arrived at the position of the boat in distress, the crew spotted an Italian *Air Force* aircraft already orbiting above the case. The Italian aircrew stated that they did not send out the mayday relay and did not know whether a rescue operation had been launched by the Italian MRCC. Eventually, the aircraft left the scene. The NGO ship *Humanity 1*¹⁴ then changed course towards the people in distress. Upon their arrival on-scene almost four hours later, the *Humanity 1* could only find an empty boat and a so-called *Libyan Coast Guard* patrol boat in the vicinity, which was heading away.¹⁵ Therefore, we must assume that the people were intercepted and pulled back to Libya - although an NGO vessel would have been available to assist.

¹³ See for instance: x.com/seawatch_intl/status/1838267250861563998

¹⁴ The NGO vessel *Humanity 1* is operated by the NGO *SOS Humanity*.

¹⁵ See: x.com/soshumanity_en/status/1859174807130054769



Merchant vessel MSC Lena was “not permitted” to rescue by its company, Italy denied coordinating a case but sent out an inmarsat¹⁶ on behalf of the so-called *Libyan Coast Guard*.

On the morning of the 13th of December, *Seabird 1*'s crew spotted a stationary fiberglass boat with approximately 28 people on board in the Libyan SAR. *Seabird 1* informed the merchant vessel *MSC Lena F*, flying the Portuguese flag, which was in the area and claimed that it would proceed to the boat in distress and would follow instructions by its shipping company and the Italian MRCC. Shortly afterward, **the merchant vessel informed that their company (!) would not allow the rescue of the people in distress** - which is contrary to its duty to render assistance - but instead that the vessel would only provide food and water. On the phone with *Seabird 1*'s ground crew, the Italian MRCC denied coordinating the merchant vessel *MSC Lena F*, arguing that the boat in distress was in the Libyan SAR and referring to the Libyan authorities. Instead, the Italian authorities sent an inmarsat message requesting all ships to head to the persons in distress, on behalf of the so-called *Libyan Coast Guard* and referring only to them for further coordination. Libya is not a place of safety according to international law. Eventually, the merchant vessel *MSC Lena F* continued its journey. It is unclear what happened to the people in distress. Once again, the Italian authorities outsourced their duties to the so-called *Libyan Coast Guard*, instead of coordinating the rescue of persons in distress to a safe place.

RCC Malta ordered the merchant vessel XT *Prosperity* not to rescue, the so-called *Libyan Coast Guard* intercepted people in distress in the Maltese (!) SAR, and did not recover the body of one person.

In the early afternoon on the 14th of December, *Frontex*' aircraft *Sparow1* was orbiting above around 20 persons in distress in the Maltese SAR zone. *Seabird 1*'s crew overheard *Frontex* aircraft referring the merchant vessel *XT Prosperity*, flying the flag of Liberia, to the Maltese RCC and the Italian MRCC. **The merchant vessel indicated that the Maltese RCC ordered the ship not to rescue persons in distress, although *Frontex* reported one person being in the water.** The merchant vessel *Haigui*, flying the flag of Liberia, was also on-scene. *Frontex*' aircraft stated that the merchant vessel *XT Prosperity* did not have “any authority to give advice” and to be “just an observer” and that RCC Malta was “aware of the situation and is coordinating something”. The so-called *Libyan Coast Guard* eventually arrived on-scene, leading persons in distress to jump into the water. **The merchant vessel XT *Prosperity* reported on the radio that one person had drowned.** The

¹⁶ An International Maritime Satellite (“Inmarsat”) is a satellite telecommunication system transmitting messages from ship-to-shore, shore-to-ship, and ship-to-ship. This system is particularly used by Rescue Coordination Centres and vessels in distress.



so-called *Libyan Coast Guard* intercepted the people in distress in the Maltese (!) SAR zone, without recovering the body of the drowned person, according to the merchant vessel *Hagui*. Malta is responsible for boats in distress in its SAR zone and still, persons were brought back to Libya - contravening the SAR convention and international human rights law.

¹⁷ See: x.com/alarm_phone/status/1869654395081970173

Shipwreck following Italy's systematic outsourcing of responsibilities to the so-called *Libyan Coast Guard* and Tunisian authorities.

Around noon on the 18th of December, *Seabird 1*'s crew overheard two mayday relays by *Frontex* aircraft *Eagle1* about a boat in distress with around 100 (!) persons in the Tunisian and Libyan SAR zones. When *Seabird 1*'s crew arrived on scene about an hour later, they tried to contact five closeby merchant vessels - *Ifrikia III*, *Maridive 51*, *Maridive 70* and *Bos Triton* without success. Only the merchant vessel *STI Finchley* responded that they were told by the port authorities of Lampedusa to contact the *Tunisian Coast Guard*, which they successfully did. In the meantime, the Italian MRCC issued an inmarsat message on behalf of and referring to the so-called *Libyan Coast Guard*, requesting ships to divert course towards the boat in distress. The civilian hotline *Alarm Phone* was informed about the boat in distress as well and alerted the authorities. According to them, the so-called *Libyan Coast Guard* intercepted 82 persons and pulled them back to Libya. **At least 15 persons are missing - because no one came to the rescue in a timely manner, as required by the law.**¹⁷

3. Updates on our operations at sea with the Sea-Watch 5 and Aurora

Between October and December 2024, *Sea-Watch* conducted 3 rescue operations with its ships *Aurora* and *Sea-Watch 5*. The crews were able to rescue 113 persons in distress from 3 boats and stabilized 2 more boats with another 140 people on board. After the rescue on the 23rd November of 49 people by *Sea-Watch 5*, Italian authorities ordered our ship to go to the port of Ravenna to disembark the people there - a port 1600 km away from our position at that time. Only after serious protest were the crew allowed to disembark the minors on board in Palermo. Later, all 49 people were allowed to disembark in Palermo. **Again, civil society fills the gap left by European authorities in the central Mediterranean sea.**