

# RECAP MISSION 65



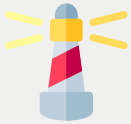
## BRIEFLY



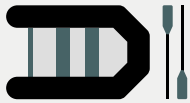
**3** RESCUE OPERATIONS



**163** TOTAL NUMBER OF PEOPLE SAVED



**83** PEOPLE DISEMBARKED



**40** PEOPLE EVACUATED



**27** MINORS DISEMBARKED BY PALERMO'S COURT RULING



**13** PEOPLE THAT JUMPED IN THE SEA SAVED BY ITALIAN COASTGUARD



### FIRST RESCUE CARRIED OUT

**55 people** rescued of which 39 are men and 16 women (of which 20 are minors, most of them unaccompanied)



### SECOND RESCUE CARRIED OUT

**69 people** rescued of which 53 are men and 16 women (of which 10 are minors, most of them unaccompanied)



### SITUATION ON BOARD: 124 PEOPLE

from Eritrea, Ethiopia, Egypt, Nigeria, Somalia, Ghana, Côte d'Ivoire, Sudan, Chad, Gambia, Mali, Guinea, Libya.

**From the very beginning they were showing symptoms of dehydration and physical and mental fatigue.**

Open Arms **sends a PoS (place of safety)** request to Malta and Italy. The former denied entry and the latter replied by redirecting the request to Maltese authorities

Italian authorities communicate, by email, **a decree banning entry in territorial waters**, dated August 1<sup>st</sup>, 2019. The measure enacted by the Ministry of Interior, in accordance with the Ministry of Defense and the Ministry of Infrastructure and Transportation, bans entry, transit, and stop *“in national territorial waters”*



**Evacuation of two pregnant women and a family member**



**RESCUED PEOPLE ON BOARD 121**

Open Arms **filed an appeal to Palermo’s Family Court and to the Minors’ Attorney General** to disembark all minors and to appoint tutors for those that are unaccompanied, in accordance with articles 6 and 11 of the Aja Convention



**RESCUED PEOPLE ON BOARD 121**

At this point there are about **28 foreign unaccompanied minors** onboard of Open Arms and others with their parents, and they are all showing clear signs of physical and mental abuses

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*Open Arms* Italy's law team sent a communication to the National defender of the rights of detained people or deprived of freedom urging to **act stating the rejection at the border of 28 unaccompanied minors**. A request to intervene was also sent to the National defender of children's rights, doctor Filomena Albano. In light of the precarious physical and mental conditions of the people on board, it was emphasized how **urgent it is to let people disembark on national territory as soon as possible**

By August 8th **we had found 89 adults onboard who wanted to fill in an asylum application**. The forms were then sent to the United Nations High Commissioner for Refugees and the MRCC in Rome as required by the UNHCR itself.

***The night of August 8th, the Viminale released a statement then published by LaPresse:***

*Open Arms has communicated to Italian authorities that 89 people have requested asylum status. This was made public by sources in the Viminale that explain how the ngo believes that "despite the ship being in international waters, in Maltese sar waters and in the vicinity of other sovereign states, the migrants must disembark in Italy". From the Ministry led by Matteo Salvini they replied: "Since the Open Arms is Spanish, based on the international conventions and the case law of the European Court, it is Spain's duty to take care of those that are on board since being picked up or transported in international waters: the Interior Ministry's experts are evaluating the possibility of calling on Spain - even in legal terms - to act upon the international obligation to take in the 89 people." At the Viminale it seems like they are thinking that "the ngo's only objective is to transfer these people to Italy, without taking in consideration the vessel's flag". And Salvini added: "we are not Europe's refugee camp".*

**The President of the Italian Republic** commented on maritime rescue missions in reference to the security decree bis becoming law.

[https://www.repubblica.it/politica/2019/08/08/news/decreto\\_sicurezza\\_mattarella\\_firma\\_ma\\_esprime\\_critiche-233188258/](https://www.repubblica.it/politica/2019/08/08/news/decreto_sicurezza_mattarella_firma_ma_esprime_critiche-233188258/)

**The President of the European Parliament**, David Sassoli, sent a letter to the leader of the EU Commission Jean Claude Juncker asking for a "rapid coordinated humanitarian intervention", with "an equal redistribution of migrants".

<http://www.europarl.europa.eu/news/en/press-room/20190808IPR58801/ep-president-calls-for-emergency-assistance-to-migrants-stranded-on-open-arms>

We submitted a complaint exposé to the public prosecutor’s office of Rome and Agrigento demanding a verification of the ongoing situation, asking if there is no violation of laws in the **forced prolonged stay on board of the 121 people rescued – 32 minors, 28 of which are unaccompanied.** And if they find any irregularities, we urge them to identify those responsible and to “take appropriate action” to end this situation of deprived liberty in which these people are now living in

Richard Gere and Chef Rubio **bring supplies on board of the Open Arms** with Oscar Camps, Riccardo Gatti, Alberto Mallardo and Valerio Nicolosi



### THIRD RESCUE CARRIED OUT

**39 people** from Algeria, Chad, Côte d’Ivoire, Egypt, Guinea Bissau, Liberia, Libya, Morocco, Nigeria, Tunisia, Syria, Sudan

**At 11am, press conference at Lampedusa’s airport**

Speakers:

*Oscar Camps*, Open Arms Founder

*Riccardo Gatti*, Open Arms Italia President

*Richard Gere*, Actor and human rights Activist

*Gabriele Rubini* (*Chef Rubio*), Cook and Photographer



**Evacuation on Lampedusa of one man suffering from tuberculosis**

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## Evacuation to Malta of two women accompanied by six other people:

- Person with brain tumor accompanied by two people
- Person affected by pneumonia accompanied by four family members

### First reply by the Minors Court and the public prosecutor's office of Palermo

*"as is well known the International Agreements that Italy adheres to and especially article 19 co. 1 Bis D Lvo 286/98 as integrated by article 3 of the law 47/17, require **the ban on refoulement at the border or on the expulsion of foreign unaccompanied minors**, instead recognizing their right to be welcomed in suitable facilities, assigning to each a legal tutor, and processing their visa."*

*"Obviously **all these rights are being eluded** by the minors' ongoing presence on board of the Open Arms, in the conditions of physical and mental discomfort as described by the doctor on board who has reported minors with burns, walking difficulties, and showing very serious psychological traumas as a consequence of the terrible abuses suffered during their stay in Libyan detention camps."*

As we have been saying for days, it is clear we find ourselves in front of a serious violation of minors' right, who are forced to remain on board of our vessel for almost 12 days without the possibility of reaching a safe harbor.

*"Indeed, it shall be highlighted how these minors are in the proximity of Italy's border, unable to enter the country because of a ban imposed on August 1st 2019 by Italian authorities to the captain of the vessel on which the minors are onboard and therefore **in a situation that amounts, in point of fact, to a refoulement or denial of entry at a border post.**"*

The Court has asked for clarifications from the Ministers in respect to a situation judged clearly unlawful and in violation of fundamental rights and asked, **"to know which measures the authorities will adopt in observance of the international and Italian norms mentioned above."**



**Evacuation to Lampedusa of a nine months old baby and his twin sister together with their parents, all rescued during the first rescue operation.**

**Appeal to the Lazio Tar against the deny to entry into territorial waters** presented, by email, on August 1st, 2019. The measure enacted by the Ministry of Interior, in accordance with the Ministry of Defense and the Ministry of Infrastructure and Transportation, bans entry, transit, and stop *“in national territorial waters”*



**Beginning of the collaboration with Emergency** and further checkups of the people onboard. Since the beginning it was stated that

**“a large number of the people onboard that have been through medical examinations are showing changes in the perception of oneself, mostly caused by continuous traumatic experiences (prison, torture, violence, abuses, shipwreck) that have negatively altered the emotively sense of one’s identity. Many show guilt, shame and think they are unwanted, weak, helpless and *damaged*”.**



The UNHCR replies to our request sent on August 7th, confirming that they will help lobbying the European Commission and the Member States to find a solution that would lead to the disembark of the people rescued and their placement among Member States

The President of the Lazio Regional Administrative Tribunal (Tar) ruled a decree that **suspends the deny of entrance in Italian territorial waters**

**The vessel travels towards Italy**



**Evacuation of 5 persons for psychological reasons with 4 caregivers.**

*It is the first time that psychological motivations are proposed - and accepted - in order to justify the request of disembarkation.*

**The vessel enters national water**

Right after entering territorial waters, at 2.42, IMRCC communicates to Open Arms that

**“the authorization to dock at the island of Lampedusa has to come from the local maritime authorities. Therefore, we communicate that, as of right now, you are prohibited from entering the port of Lampedusa.”**

At 13.20 another urgent request is sent to know what will be the final destination of the Open Arms vessel, namely to receive information on the Italian POS, flagging that

**“the situation onboard is critical, and it is therefore necessary to ensure as soon as possible to the 147 persons onboard the assistance and necessary medical treatments they need. We therefore are asking for an extremely urgent response.”**

Here’s the response:

**“Good morning, please be informed that your message has been forwarded to the competent Italian Authorities. Nevertheless, in case of necessity of medical evacuation, please be informed that this MRCC will follow the usual procedures.”**

We lodged a complaint to the Public Prosecutor of Agrigento for dereliction of duty and other offences happened after the entrance in Italian waters, asking for an immediate intervention to end the ongoing unlawful situation



**Medical evacuation of four people to Lampedusa: 3 people with health problems, one of whom is accompanied.**

With prot. note 03.03.01/4789/CO EV. 324-327-353/2019 of August 16th, 2019 the I.M.R.C.C. has communicated that there are **no hindrances to the entrance of Lampedusa's port** but that they are waiting to know the "intents" of the "NCC in charge"



**134 RESCUED PEOPLE ON BOARD**

Filed to the Public Prosecutor of Agrigento an **updated report on the situation onboard** that includes a report by the head of mission on the hygiene conditions, the sanitary report by the vessel's doctor and the one on the psychological conditions written by Emergency's psychologist



**Landing of 27 minors under the supervision of the minors' court and tribunal of Palermo**

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**107 RESCUED PEOPLE ON BOARD**



**Four people jumped into the sea with lifejackets trying to reach Lampedusa's coast. They were rescued by Open Arms' crew and were brought back on board**

**Offer of entry by the Spanish port of ALGECIRAS designated by the Spanish Government**

**Communication to:**

*Central Direction of Immigration and Frontier Police*

*To UCG Lampedusa port –*

*To the General Command of the Port Authorities Corps –*

*The Coast Guard also as responsible for coordinating the Maritime Rescue Coordination Centre – MRCC*

*To the Ministry of Infrastructures and Transportations*

*To the Ministry of Interior – Cabinet Office*

*To the Ministry of Interior – Head of Cabinet*

*To the Ministry of Defense*

*To the Ministry of Foreign Affairs – Secretary General of the Ministry of Foreign Affairs – Cabinet Office*

*To the Ministry of Foreign Affairs – General Direction of Political Affairs and Security*

*The Public Prosecutor of Rome*

*The Public Prosecutor of Agrigento*

**A request by the Captain to let the Open Arms vessel in the port and to begin all necessary procedures to promptly disembark all 107 people onboard**

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## Evacuation of nine people for psychological and sanitary reasons

Captain's report on the situation onboard Open Arms sent to the MRCC in which is noted that ***"The Open Arms vessel can no longer prolong navigation, not even for another hour, and that therefore if the Spanish port option is the only viable one it should be the Italian Coast Guard, which has already communicated its readiness "to transfer part of current migrant" to Spain, the one responsible for the transfer and safeguard all 107 people while they are still at sea"***

Communication to UC Lampedusa on the concrete possibility that some people, as already demonstrated, will jump in the sea to try to reach Lampedusa's coasts

Another deed of incorporation is filed to the Lazio TAR v. the Ministry of Interior, the Ministry of Defense, and the Ministry of Infrastructures and Transportations for standing against the motion of suspension of the cautionary decree of the President of the Lazio TAR Section I ter n. 5479/19 of August 14th, 2019, that has accepted FUNDACION PROA's (Pro-activa Open Arms) request of an urgent precautionary measure.

In the same document it is specified that "the crew of the said ship is not part of some para procedural strategy, but rather they were waiting for a dutiful action, of legal and humane responsibility, from Malta and/or Italy and more generally from Europe, repeatedly asking for a secure harbor to ensure the landing of the migrants", and that "the situation onboard has become unmanageable because of the continuous manifestations of discomfort by those people saved 18 days ago that have by now also attempted to reach the coast by jumping from the ship and swimming; the same people that are frequent victims of panic attacks caused by the tense and nervous atmosphere onboard".

And in which it was requested that "all necessary measures needed to ensure the landing of all migrants, even in the possibility that they were transferred to Spain or transferred to another proper vessel, also considering other European states' readiness to welcome the migrants and to formalize every request for international protection with all of its benefits".



**98 RESCUED PEOPLE ON BOARD**



**At 7 o'clock a Syrian man saved on August 10th tries to reach Lampedusa by swimming. He is saved by the Coast Guard and brought ashore by their vessel**

**Communication to UC Lampedusa (*Ufficio Circondariale Marittimo di Lampedusa Isola*) in which is signaled the presence of people in the water in serious difficulty trying to reach the coast.**

Following the morning news of the various people jumping in the sea, **the General Prosecutor of Agrigento goes aboard the Open Arms** for a medical inspection to verify the physical and mental conditions of the people onboard.



**Evacuation of a women accompanied by her sister**

**The Attorney's General Office of Agrigento orders the seizure of the ship resulting in the immediate disembarking of all the people onboard** for "security reasons and a situation that does not allow time to wait for a seizure request by a Judge, because the people aboard are in a precarious mental situation (...) that does not ensure the safeguard of the migrants, of the crew and the Police Forces that are monitoring the security in sea (...) therefore requesting the preventive seizure of the Open Arms vessel".

**The Office is also assessing if the public officials' failure to designate a port falls within an unlawful act under 328 comma I c.p. in relation to rejection and dereliction of duty.**



**Landing of the remaining 83 people onboard at the Port of Lampedusa**



The **Lazio Tar decree that rejects** the Ministry of Interior, the Ministry of Defense, and the Ministry of Infrastructures and Transportations' request to waiver **of the decree dated August 14th.**

**Open Arms arrives at Porto Empedocle**

The Port Authority inspects the ship and encounters some anomalies deciding therefore to move on with an **administrative seizure**

The GIP of Agrigento (Preliminary Investigations Judge) validated the preventive seizure requested by the PM and ordered the **release and return of the Open Arms vessel**

**RECAP  
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65**

