

New Evidence Undermines EU Report Tying Refugee Rescue Group to Smugglers

[Zach Campbell](#)

April 2 2017, 2:50 p.m.

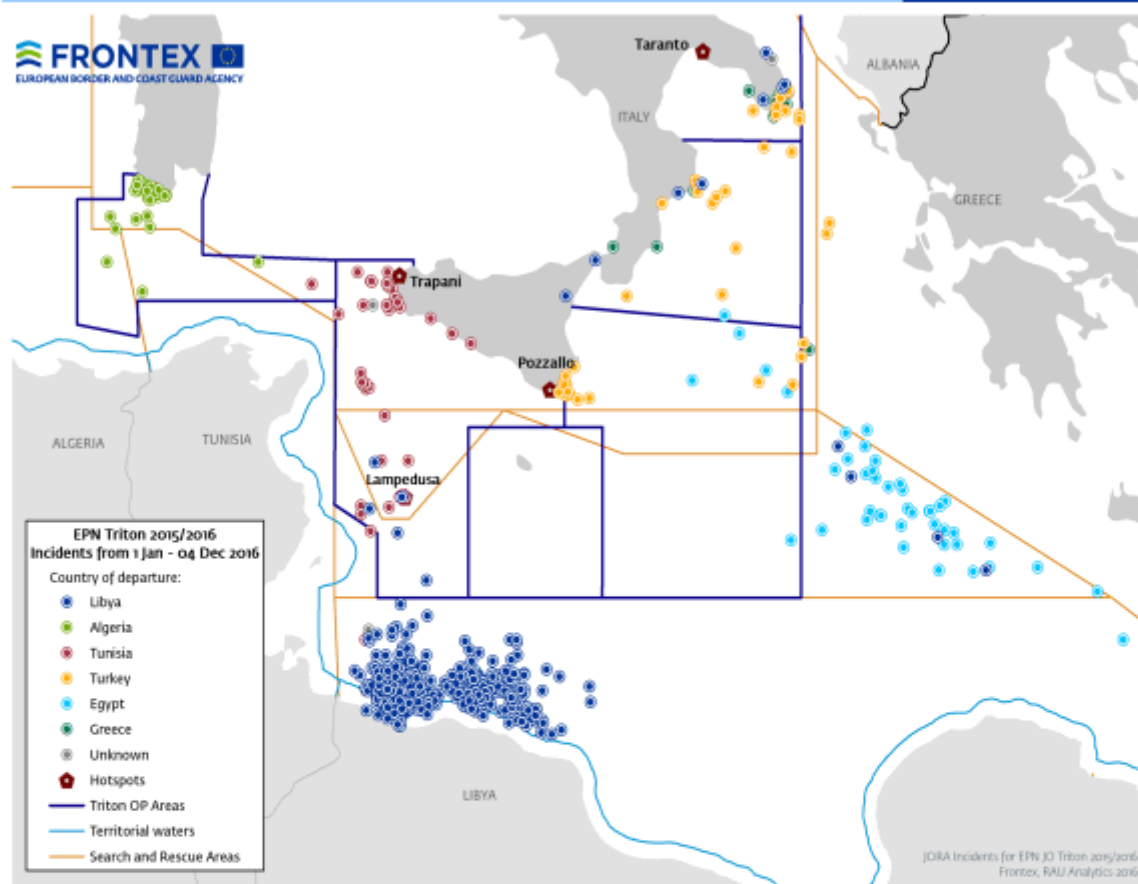
Last month, an Italian prosecutor opened an investigation into whether nonprofits working to rescue refugees in the Mediterranean had connections to smuggling operations.

“We want to know who is behind all these humanitarian groups that have proliferated in the last few years,” the prosecutor said, and “where all the money they have is coming from.”

The implication of the investigation is inflammatory: Why would humanitarian groups want to have anything to do with human traffickers or smugglers?

But the idea that nonprofits are directly involved in smuggling people into Europe has swept through conservative media in recent months, fueled by a news report that the European Union’s border agency, Frontex, had “accused charities operating in the Mediterranean of colluding with people smugglers.” The report, which appeared in the Financial Times in December, didn’t name any particular charities, and it quickly started to show holes; within a week, the paper issued a correction and Frontex distanced itself from the accusations.

Despite the walk-back, the story stuck, and the Italian prosecutor cited Frontex’s concerns about “collusion with smugglers” in announcing his investigation.



Key Points

- ◆ As of 4 Dec 2016, 172 229 irregular migrants have been intercepted in the Central Mediterranean, which represents a ~16% increase compared to the same period of 2015.
- ◆ Increasing number of arrivals in October and November compared to the same months in previous years.
- ◆ Most of the incidents involved rubber dinghies and small wooden boats coming from Libya.
- ◆ High number of Moroccans arriving in Italy in the reporting period.
- ◆ The number of arrivals from Algeria in one single week represents ~20% of the total of arrivals from this country in 2016. Simultaneous departures from Algeria suggest a higher level of complexity and coordination by smuggling networks operating in this country.
- ◆ Again the Libyan authorities are involved in smuggling activities.
- ◆ First reported case where the criminal networks were smuggling migrants directly on a NGO vessel



¹Limited: "Information which is sensitive and limited for use within the European Union Institutions, other offices and agencies established by virtue of or on the basis of the Treaties, EU Member States and public administrations; Distribution on a need to know basis. Not for public dissemination".



The Intercept has obtained a [full copy of the Frontex report](#) on which the Financial Times story was based. The report, along with video evidence and interviews with rescue workers who witnessed the incident described in it, further undermines the allegations of collusion. In the report, Frontex does say that people were smuggled to Europe via an NGO ship. But the report provides little evidence for the allegation, and what it does contain is contradicted by the rescue crew.

The confusion shows the fraught conditions of rescue work in the Mediterranean — where smugglers and opportunists do take advantage of refugees and their rescuers, but where the situation is not always so cut and dry. In dire rescues, if a nonprofit accepts help from nearby Libyan boats, they may have no idea who they are working with.

“It’s not us that force the people on the boats and cause them to be out there. But once they are out there, we all have to apply maritime law,” said Ruben Neugebauer, who works with the group Sea-Watch. “If there is a boat in distress, we are obliged to help, but also a potential smuggler is also obliged to help.”

Neugebauer, echoing others who were unwilling to go on the record for fear of jeopardizing their relationship with Frontex, said he believes that the leak to the Financial Times is part of a deliberate effort to move nonprofits out of the search and rescue area near Libya.

“The accusation that comes from Frontex, it’s no coincidence,” says Neugebauer. “We think it’s the start of a new strategy to criminalize NGOs, and to make a public picture of NGOs cooperating with smugglers.”

Frontex has [publicly put forward the position](#) that rescue patrols near the Libyan coast encourage the business of smuggling, but a spokesperson for the agency denied that it had accused nonprofits of working with smugglers. “No, we don’t [believe that] and we never said that,” said Ewa Monclure, a spokesperson for the agency, when asked about the leaked report.

[...]

Refugees sit on a rubber boat alongside a Libyan coast guard patrol. While the European Union is working to train the coast guard to catch people smugglers, Libyan authorities have also been implicated in smuggling.

Photo: Andreas Solaro/AFP/Getty Images

The Engine Fishers

The [confidential report](#) from Frontex’s intelligence-gathering arm, the Risk Analysis Unit, is dated December 9, 2016. It mentions only one nonprofit by name: LifeBoat, a small German organization dedicated to picking up refugees stranded at sea between Libya and Italy. The report describes one incident where two people were transferred to LifeBoat’s rescue ship, Minden, by “persons pretending to be fisherman” on a small boat flying the Libyan flag. It states that the two rescued migrants said that the crew of the Libyan boat were “people smugglers.” From this, Frontex asserts that this was “the first reported case where criminal networks directly approached an EU vessel and smuggled the migrants directly into Europe

using the NGO vessel.” (The report never outright accuses LifeBoat of colluding with smugglers.)

The sourcing is vague; at one point, the report cites “Italian authorities,” but it is not clear who, whether Frontex or Italian investigators, or both, actually debriefed the migrants, and when. Advocates have complained that these debriefings sometimes take place in coercive situations, and refugees feel pressured to name smugglers or inform on other refugees, believing that it would help their asylum petitions.

Members of the LifeBoat crew told The Intercept that the Libyan men were more likely locals known as “engine fishers,” who make a living scavenging the engines from refugee rafts.

Susanna Salm-Hain, the director of LifeBoat, said that it’s “quite a normal thing” to have engine fishers around during these rescues, most of which take place between 12 and 24 miles from the Libyan coast. The engine fishers wait for boats full of refugees to arrive in international waters and then steal their engines to sell back on land. (Traffickers don’t pilot the refugee boats themselves; usually, one of the passengers drives in exchange for a free ride.) According to crew from LifeBoat, Médecins Sans Frontières, Sea-Watch, and other nonprofits working in the area, when there are no refugee boats to scavenge, engine fishers are also often just out fishing, for fish.

When a migrant boat is sinking, said Christian Brensing, captain of the Minden, the engine fishers generally arrive much faster than the larger boats. They have helped to distribute life vests and, in a handful of cases, pulled people out of the water and transferred them to rescue ships.

“It’s not about working with engine fishers. It’s about accepting that they are helping,” Brensing explains, “because they are only helping when the people in the water are in distress — when they are already in the water.”

Adam Marlatt, a LifeBoat crew member, remembers the incident described in the Frontex report clearly. It was November 22, and LifeBoat had just finished its sixth rescue of the day. Marlatt, out in an inflatable raft used to transfer people from sinking vessels to a main ship like the Minden, came across a small vessel with five people aboard, flying the Libyan flag. Marlatt told The Intercept that he recognized the three crew of the Libyan boat from previous rescues and believes they are engine fishers.

In video from the camera mounted on Marlatt’s helmet, the crew of the Libyan boat flag him down, and the driver signals to two people sitting in the boat with him, looking huddled and wet. In broken English, he says that he found them in the water. Marlatt radios to the Minden for instructions and then takes the two men aboard his raft. Marlatt then drives off toward the Topaz Responder, the ship of another nonprofit, called Migrant Offshore Aid Station, or MOAS. Later in the video, the two men are seen boarding Topaz Responder — not the Minden, as the Frontex report claims. (It’s not clear how Frontex got the detail wrong; MOAS appears to have provided the agency with some information, as a photo sourced to the nonprofit appears in the report. Asked for comment, a MOAS spokesperson said that they did not have any information about the incident or the report.)

Marlatt said the engine fishers had clearly just pulled two people out of the water. “You could tell, one because they were soaked in water and two, because one of the guys had a severely dislocated shoulder. ... They had been trying to swim for a while.”

[...]

Refugees disembark in Italy from a rescue ship run by a nonprofit. Since 2014, an average of 3,500 people have died each year while trying to make the journey to Italy from North Africa.

Photo: Dan Kitwood/Getty Images

Ambiguous Allies

Whatever happened in this particular incident, the nonprofits are in a bind. Some charities, as well as the Italian coast guard, regularly receive calls from the Libyan coast, presumably from smugglers, to announce the departure of refugee boats, and they base their rescue operations on that information. Engine fishers, fisherman, and other locals will also often alert the nonprofits working at sea to refugee boats on their way from Libya.

In the sea near Libya, it's not always clear who is who. Martlett has seen engine fishers armed with automatic rifles, and his colleague Salm-Hain remembered seeing one wearing a Libyan coast guard uniform. Neugebauer, of Sea-Watch, recalled an incident where armed members of the Libyan coast guard ordered them to take two Libyan men aboard. In that case, the transfer had been approved by the Italian coast guard; he called it the Libyan coast guard's "luxury line to Europe." The Frontex report also states that "Libya's local authorities are involved in smuggling activities," citing the testimony of migrants, the Italian coast guard, and European military forces, all describing smugglers in police uniforms.

In the case of a direct transfer from a Libyan boat, the nonprofits argue that it's their duty to pick up all distress cases that they encounter, and that might mean working with whomever is nearby.

Neugebauer offered a hypothetical: "[Frontex] could then film us, or a smuggler boat, putting people on board of the Sea-Watch and they would have clearly cooperated with a smuggler," he said. "But in the same moment, we would have broken the law if we had not [saved them]."

Frontex's goals and those of charity operations off the Libyan coast are directly at odds. As [The Intercept has reported](#), Frontex keeps its patrols closer to the Italian coast, far from the zone where most shipwrecks actually occur. Frontex [maintains](#) that humanitarian rescue operations near Libya encourage smugglers to send them out in unseaworthy boats, counting on the fact that they will be picked up quickly.

Ewa Monclure, the Frontex spokesperson, argued that NGO presence increases migration flows.

"There were never more [NGO] boats closer to Libya," she said, "and the numbers of deaths are higher this year, by thousands."

Still, Monclure would not say whether Frontex wanted NGOs to stop patrolling the Libyan coast.

In its own operations, Frontex seems to face the same quandary as the NGOs. In December, Frontex [announced](#) that it would begin training the Libyan coast guard to go after smugglers. At the same time, in the internal report dated just days before, Frontex was circulating

allegations that Libyan authorities were working with the same smugglers the agency is now teaching them to catch.

Indeed, at sea, it's hard to know who you're working with.