



Joint press release by PRO ASYL, borderline-europe and WatchTheMed/Alarm Phone

19 January 2023

## **Landmark court ruling on 2013 shipwreck: Italian coast guard and navy responsible for deaths of 268 refugees**

***Court of Rome ruling on the shipwreck of 11 October 2013: Italian coast guard and navy are responsible for the death of 268 refugees due to failure to provide assistance. The court confirms once again: People in distress at sea must always be rescued from drowning!***

The Court of Rome recently ruled that the Italian coast guard and navy were guilty of manslaughter and negligence resulting in failure to rescue, and were thus ruled responsible for the death of 268 refugees on the shipwreck that took place off Lampedusa in 2013. However, the three human rights organisations PRO ASYL, borderline-europe and WatchTheMed/Alarm Phone react with mixed feelings to this recent judgement. The two people accused, Captain Leopoldo Manna and Frigate Captain Luca Licciardi, were not convicted because the case was time-barred, as the trial was brought beyond the limitations period.

The judgement, which was issued on 16 December 2022, prompted PRO ASYL, borderline-europe and WatchTheMed/Alarm Phone to assess: "Distress calls at sea must be taken urgently and rescue operations must be launched without delay. This is the central message of this lawsuit, which is not only directed at the Italian coastguards but at all coastguards and rescue forces in the Mediterranean". In addition, it must now be examined whether the Italian state can be obliged to pay compensation to the victims in a civil law procedure.

"It has taken more than nine years to reach a judgement in this case of failure to provide life-saving assistance resulting in death. The accused persons, who were found responsible, could not be held accountable because of the time-bar. This remains a bitter experience for the relatives of the victims," the three organisations further emphasise.

### ***"Left to die": Refusal to rescue at sea cost 268 lives***

Background: Eight days after the more well-known tragedy that took place off Lampedusa on 3 October 2013, another accident in the same area caused the death by drowning of 268 refugees, including 60 children. On 11 October 2013, a boat carrying more than 400 Syrian and Palestinian people coming from Libya went into distress. The boat had previously been chased and shot by a Libyan speedboat. Over a period of five hours, the people on the boat sent desperate distress calls

via a satellite phone to the coast guards in Italy and Malta. An Italian naval vessel only 17 nautical miles away was deliberately ordered to not approach the scene by the Italian Maritime Rescue Operations Centre.

The situation could have been salvaged if the Italian authorities had initiated the sea rescue immediately; this was also the conclusion of the Italian journalist Fabrizio Gatti, whose research set the investigation and the years-long lawsuit in motion. The judgement of 16 December 2022 emphasises that the shipwreck could have been prevented if those responsible had fulfilled their duties and acted in accordance with international law.

### ***For five hours no help came for the drowning people***

The judges gave very detailed reasons for their judgement, in an 87-page document, and traced the detailed timeline of the shipwreck. The President of the Second Criminal Chamber Anna Maria Paziienza and the judges Maria Concetta Giannitti and Chiara Bocola concluded that the Italian Navy and Coast Guard were guilty of wilful failure to rescue. Their decision not to intervene has led to the death of a great number of women, men and children.

"Our clients, who saw their loved ones and their children drown during the five hours at sea waiting in vain to be rescued, have repeatedly asked us to ensure that what happened does not happen again. That is why they have taken on the torment of this long trial," said the lawyers of the survivors who brought the action after the verdict.

### ***Human lives at sea must always be saved***

The lawyers added: "We can now hope that this judgement will remind everyone of the constitutional and international legal obligations incumbent on those who are active in sea rescue. The Rome Court's judgment concerns not only the past, but also the present and the future: human lives at sea must always be rescued and no order can suspend this inescapable duty."

For Italy in particular, the new Italian government led by Giorgia Meloni should study this judgement carefully, and unconditionally recognise its responsibility for sea rescue. "We are currently witnessing how the acting Minister of the Interior, Matteo Piantedosi, and the Minister of Infrastructure, Matteo Salvini, are once again trying to make civil rescue operations more difficult with all possible means, and are thus accepting an increasing number of fatalities," said the three organisations PRO ASYL, borderline-europe and Alarm Phone.

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