



Support for a co-ordinated Humanitarian Search and Rescue operation is denied. Does the Turkish Coast Guard hold responsibility for the deaths of two persons at sea?

A Joint Statement and Case Study by Sea-Watch, ProActiva Open Arms, WatchTheMed Alarm Phone, Human Rights at Sea and CADUS

BACKGROUND

On the 19th of March 2016, a group of people left the shores of Turkey, seeking to cross the Aegean Sea and reach the Greek island of Lesbos. They never made it that far. Still close to Turkish mainland, near the village of Küçükköy, the journey turned into a fatal distress case. Water spilled into their vessel and they sought urgent assistance from Search and Rescue (SAR) authorities. Two of the twenty-seven people, a young man and an eight year-old child fell into the sea and disappeared while nearby civil volunteer SAR assets were denied entry to Turkish SAR waters. The man's body was recovered on the 21st March 2016, while the body of the child remained missing for several days.

Sea-Watch, ProActiva and WatchTheMed Alarm Phone had been alerted to the incident. Sea-Watch and ProActiva were ready to intervene with their SAR assets at the maritime border between Greece and Turkey, but they were ordered by the Turkish Coast Guard not to cross into the Turkish SAR area.

Under the circumstances it is argued that had the civil SAR organisations been allowed to render urgent assistance to those reported in distress, the lives of the two people may have been saved. However, instead of utilising all available resources to rescue persons in distress, the Turkish Coast Guard denied critical humanitarian access and life was lost.

The fundamental question is 'Why?'

CORE ISSUES

- **Could the deaths of these two persons have been prevented by timely co-ordination?**
- **Why did the Turkish Coast Guard deny civilian SAR organisations access to the distress location in support an urgent rescue operation?**

CASE RECONSTRUCTION

On the 19th of March 2016, a few minutes after its departure, a boat entered a situation of distress. At 8pm (CET), one man on the boat alerted the Turkish Coast Guard about the distress situation by calling the 157 emergency number. He told them that two people had fallen into the sea, but during this call he was unable to pass on the boat's exact GPS-position. About 30 minutes later he was able to pass on the exact GPS position.

At 8.30pm (CET) the civilian rescue team of Sea-Watch learned about a distress situation off the coast of Turkey and received the GPS-position. At the same time an informant in Turkey made another call to the Turkish Coast Guard to alert them to the distress situation and to forward the GPS position.

In addition, the MSF team stationed on Lesvos repeatedly called the Turkish Coast Guard to offer their support in ongoing rescue operations. However, they had also been denied permission to enter the Turkish SAR area.

At 8.47pm (CET), the WatchTheMed Alarm Phone was contacted by two informants who told the Alarm Phone about the boat in distress (<http://watchthemed.net/index.php/reports/view/482>). When the Alarm Phone contacted the people on board that boat a minute later, all they could hear were background noises but no voices. One of the informants decided to notify the Turkish Coast Guard.

Within the following half an hour several SAR teams attempted several times to contact the Turkish Coast Guard including the WatchTheMed Alarm Phone.

At 9.00pm (CET), the Sea-Watch vessel left Tsonia harbour and was shortly after in stand-by mode at the borderline, joining ProActiva in the closest position to the distress location. Sea-Watch reported that a Turkish cargo vessel VEGA was close to the location of distress and asked its crew to contact the Turkish Coast Guard, but with no success.

In subsequent multiple contacts with the Turkish Coast Guards, both ProActiva and Sea-Watch crews were told not to intervene. According to the Coast Guard, there was no distress case and people had not fallen into the sea.

At 9.02pm (CET), the Alarm Phone received WhatsApp voice messages from the people on board, alerting them about the fact that two people had fallen into the water.

At 9.03pm (CET), the Turkish Coast Guard confirmed to the Alarm Phone that they knew of the case and had sent a rescue vessel to the location of the boat.

At 9.41pm (CET), nearly two hours after the Turkish Coast Guard had initially been alerted by the boat and nearly one hour after the TCG received the GPS-position, the Alarm Phone learned that the Turkish Coast Guard had reached the distress location. At 10.19pm (CET), the Turkish authorities confirmed that two people had gone missing. After various conversations with the Turkish Coast Guard, the Alarm Phone was notified at 7.53am (CET) the following day that 25 people had been rescued except for two people.

TURKISH FOLLOW UP

On the 22nd March 2016, at 8.50am (CET), the Turkish authorities confirmed to the Alarm Phone that they had recovered the body of one of the two missing persons and were able to identify

the dead person. In the evening, the Alarm Phone received a phone call from a person in Germany, a close friend of a man whose eight year old son had fallen into the water and was still missing. The Alarm Phone again reached out to the Turkish Coast Guard who responded that they had been unable to find the second person. They passed on the name of the dead person they had recovered and, in turn, the Alarm Phone passed it on to the friend of the man who confirmed that this was indeed the other person who had gone missing.

On the 23rd March, the Turkish authorities stated that they had closed the case.

In the aftermath of this case, the Alarm Phone tried to reconstruct the case and reached out to some of the initial informants, to a survivor, as well as to the different civil society actors operating rescue missions at the time and who had been involved.

KEY QUESTIONS TO BE ANSWERED

1. Why did the Turkish Coast Guard reject multiple offers of humanitarian assistance by professional civil SAR teams in support of the authorities, and instead deny permission for them to enter the Turkish SAR zone despite the fact that the civil rescue teams were fully equipped, professionally trained and were in the immediate vicinity of the incident?
2. Why did the Turkish Coast Guard initially deny that people had fallen into the water, despite their assets not being at the actual distress location and despite survivors, two informants, as well as the Alarm Phone team informing the authorities about two missing persons at sea? (By suggesting that nobody had fallen into the water and that there was no distress situation, the Turkish Coast Guard misled Sea-Watch and ProActiva SAR teams, impacting on their duty to render assistance under Article 98 UNCLOS 1982.)
3. Why did it take more than an hour for a rescue-vessel to reach the identified location, considering that that area is accessed not only by Turkish Coast Guard, but also by the Greek Coast Guard, NATO and Frontex maritime assets?
4. Where were the Turkish and Greek government, NATO and European assets at 8:35pm (CET) when the first distress call was raised by the boat in question and when the GPS-position was first forwarded to the authorities?
5. Why did a commercial vessel not stop to assist those in distress at sea?
6. Following accounts given by the survivors, why was a rescue operation not immediately started by the Turkish Coast Guard after it first arrived on scene at the GPS location?

ACTION DEMANDED

- We demand urgent answers from the Turkish authorities and relevant flag State as to the questions highlighted above.
- We demand a flag State investigation into the apparent avoidance of a commercial vessel to render assistance having been alerted to the fact that persons were in distress in the immediate vicinity of that vessel.

We denounce in the strongest possible terms the failure to allow civil society SAR organisations to intervene to save life. In such a situation, the duty to render assistance must always take priority in order to save life and we say that all available rescue means should have been mobilized and co-ordinated, without hesitation.

CONSEQUENCES OF INACTION

In this tragic case, a man and a child lost their lives in the search for safety and freedom in Europe only 15 km off the Turkish coast near Ayvalik and close to the sea-route routinely taken by ferries connecting the ports of Ayvalik and Mytilene.

These deaths could have been avoided had it not been for the failure to react in a co-ordinated humanitarian SAR effort between the Turkish Coast Guard authorities and the volunteer humanitarian rescuers engaged in professional SAR work. There is also a clear failure by a commercial vessel to undertake its maritime law duties to render assistance at sea.

The dead persons are now amongst the hundreds of people who have fallen victim of the reinforced European border regime in the Aegean that forces migrants and refugees to risk their lives their lives at sea on even more dangerous routes. These deaths at sea will not stop.

It is clear that the increasing prioritizing of migrant deterrence over rescue at sea, and the protecting of borders instead of people legitimately moving between States as a consequence of the new EU-Turkey deal, will result in more unnecessary fatalities in the future.

Finally, with civil rescue assets at sea and their ability to directly reach out to migrants and refugees in distress, our organisations will continue to counter the inaction and apparent impunity for failures to render assistance at sea.

We offer our sincere condolences to the relatives and friends of the deceased, and we continue to stand in solidarity with them and all those who seek to cross maritime borders as the only chance to reach to safety and freedom from war, economic deprivations and oppression in their home States.

Sea-Watch, ProActiva Open Arms, WatchTheMed Alarm Phone, Human Rights at Sea and CADUS

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CONTACT

Sea-Watch: www.sea-watch.org | presse@sea-watch.org

ProActiva Open Arms: www.en.proactivaopenarms.org | coordination@proactivaopenarms.org

Watch the Med Alarm Phone: www.alarmphone.org | wtm-alarm-phone@antira.info

Human Rights at Sea: www.humanrightsatsea.org | enquiries@humanrightsatsea.org

CADUS: www.cadus.org | info@cadus.org