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EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية - المتوسطية لحقوق الإنسان

March 26, 2012

Leon E. Panetta
Secretary of Defense
United States Department of Defense
1400 Defense Pentagon
Washington DC 20301-1400
Sent Via Fax: 703-571-3343

Dear Secretary Panetta,

We are writing to inquire further about internal investigations into the fatal boat episode of March-April 2011, in which a disabled boat filled with migrants fleeing Libya drifted for two weeks in the Mediterranean before landing back in Libya on April 10, 2011. Sixty-three out of the 72 people on board died.

In a letter dated July 8, 2011, Human Rights Watch urged you to conduct a full investigation to ascertain any responsibility of any US Navy ships in the Mediterranean for this tragic loss of life. We also urged you to cooperate fully with an inquiry into the incident by the Migration Committee of the Parliamentary Assembly of the Council of Europe (PACE). We regret that we did not receive a reply. In addition to the specific information we request below, we would be grateful to know what steps the US Navy has taken to conduct its own investigation and/or collaborate with the PACE inquiry.

According to information gathered by the signatories to this letter and the Centre for Research Architecture (Forensic Architecture Project), the boat carrying 72 migrants left Tripoli in the night of the 26th to the 27th of March 2011. Towards the end of the day on March 27, 2011, the boat already faced difficulties and placed a satellite call to an Eritrean priest, Don Moses Zerai, based in Rome. Zerai says he called the Italian Coast Guard that

day and the following. According to the Italian Coast Guard, it used GPS technology to locate the position of the satellite phone used to call Don Zerai, placing the boat, a 10-meter rubber Zodiac craft, at 16.52 GMT on March 27, 2011, at LAT 33°58'.2" N, LONG 012°55'.8" E in the Libyan search and rescue area. The Italian Coast Guard sent out a distress signal immediately after indicating the location of the boat and asking all ships in the Sicily Channel to report any sighting; this alert was sent out every four hours for ten days.ⁱ

The next day, March 28, 2011, the World Wide Navigational Warning Service (WWNWS) issued a Hydrolant Navigational Warning. This alert called on all ships to “*keep a sharp lookout, assist if possible.*”

As of the morning of the March 28, 2011, the boat was left without fuel and drifted until it was pushed back to Libyan shores where it landed on April 10, 2011. Survivors have stated that a military helicopter hovered above the disabled boat on March 27, 2011, following their distress call, and threw down water and biscuits. They also say they sighted one warship probably between the 3rd and 4th of April 2011, and attempted to attract the vessels' attention.

We understand from a United States Department of Defense briefing with Vice Admiral Gortney on March 24, 2011, that 38 military ships were patrolling NATO's Maritime Surveillance Area (MSA) or in its vicinity on that day.ⁱⁱ Of these, the following US Navy ships were in the MSA:

- *USS Barry*
- *USS Ponce*
- *USS Kearsarge*
- *USNS Lewis and Clark*
- *1 BN/2 MAR (-)*

The following US Navy ships were in the vicinity but outside the MSA:

- *USNS R P Peary*
- *USNS Kanawha*
- *USS Mt. Whitney*
- *USS Stout*

We would be grateful for detailed information about US ships patrolling the area where the disabled boat drifted for the period of March 26-April 10, 2011, including the names of the

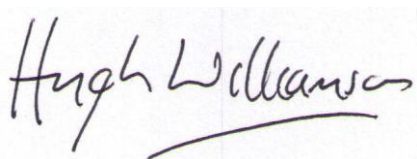
vessels and their individual patrol zones. In particular we would appreciate the following information:

- Which US Navy ships, either from the lists above or others, were in the MSA in the period of March 26-April 10, 2011.
- The patrol sector for each US Navy ship in the period of March 26-April 10, 2011.
- When US Navy ships in the MSA received the alert issued by the Italian Coast Guard on March 27, 2011.
- When US Navy ships in the MSA received the WWNWS alert issued on March 28, 2011.
- The name and location of US Navy assets within 100 nm radius of the position of the Zodiac boat as specified in the Italian Coast Guard alert on March 27, 2011, and the WWNWS alert on March 28, 2011.
- What action, if any, taken by US Navy ships in the MSA upon receiving the alert.
- Whether any US Navy ship sighted the drifting boat at any point.
- Whether any US helicopter came into contact with the Zodiac boat in question, whether any further action was taken.

We know that NATO warships in the Mediterranean provided assistance to boat migrants in some instances. Nonetheless, the shocking loss of life in the Mediterranean in 2011 – the United Nations High Commissioner for Refugees estimates that at least 1500 people died attempting the crossing last year – demands concerted efforts to investigate as well as to prevent such tragedies in the future.

We look forward to a response from your office to our questions, and to engaging in a constructive dialogue with you about these serious issues.

Sincerely,

A handwritten signature in black ink that reads "Hugh Williamson". The signature is written in a cursive style with a long horizontal flourish underneath the name.

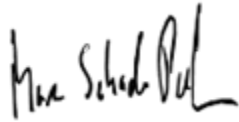
Human Rights Watch

Hugh Williamson, Executive Director
Europe and Central Asia Division



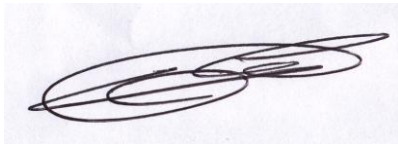
International Federation for Human Rights

Souhayr Belhassen, President



Euro-Mediterranean Human Rights Network

Marc Schade-Poulson



Migreurop

Olivier Clochard, President



Gisti

Stéphane Maugendre, President



Boats 4 People

Nicanor Haon, Coordinator

ⁱ Carlo Bonini, “Sessanta profughi alla deriva lasciati morire da navi Nato l’Alleanza replica : tutto falso”, *La Repubblica*, May 10, 2011, <http://ricerca.repubblica.it/repubblica/archivio/repubblica/2011/05/10/sessanta-profughi-alla-deriva-lasciati-morire-da.html> (accessed March 6, 2012).

ⁱⁱ United States Department of Defense New Briefing with Vice Admiral Gortney from the Pentagon on Operation Odyssey Dawn, March 24, 2011, <http://www.defense.gov/news/d20110324pptslides.pdf> (accessed March 6, 2012).