



Strasbourg, 23 May 2012

Dear Minister,

I acknowledge receipt of your letter dated 6 March 2012 and I would like to thank you for the information you gave concerning the MENDEZ NUNEZ. As you will know, I have taken this into account in my report.

Notwithstanding that the Parliamentary Assembly has adopted a Resolution on the matter in April this year, under Rule 49.1 of the Rules of Procedure of the Assembly I remain in charge of the follow-up to my report for a term of one year after the adoption of the text by the Assembly.

In your letter, you stated that the MENDEZ NUNEZ never received any communication regarding the matter mentioned in my letter. This however contradicts the message I received from NATO in which they assured me that the relevant distress message sent by Rome MRCC was forwarded to NATO Task Force units under its operational control.

There is a further contradiction in the information I have received, namely from the Spanish Delegation to the Parliamentary Assembly of the Council of Europe during the debate on my report in the Parliamentary Assembly in Strasbourg. This information was that a message was forwarded to the Mendez-Nunez following an 18 hours delay, by which time it was alleged that the location was too out of date to be of use in rescuing the boat in distress.

I would be grateful if you could clarify this matter by providing me with copies of any relevant messages received by the MENDEZ NUNEZ from NATO, with details of where and when they were received.

I would also like to know exactly what action was undertaken by the MENDEZ NUNEZ upon receipt of the distress message.

Furthermore, the Spanish delegation claimed that military vessels such as the MENDEZ NUNEZ are not equipped to receive the other types of distress messages sent out in the area by Rome MRCC. Both Inmarsat and Hydrolant messages were sent out (copies of which are attached). It is my understanding that the Inmarsat system is part of the obligations enshrined in the SAR Convention.

I would therefore be grateful if you could provide me with clarification on this technical matter, namely whether the MENDEZ NUNEZ, and other Spanish military vessels were equipped to receive these messages? If so, were the messages received? If not, why not? Finally, what other types of message are the military vessels equipped to receive?

As already asked in my previous letter, I would also be grateful if you could provide us with the logs of the helicopter(s) attached to the MENDEZ NUNEZ for the 27 March 2011, including its (their) loading or unloading of materials and goods.

Mr Pedro Morenés Eulate
Minister of National Defence of Spain

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For your information I am attaching a link of my report and the Resolution adopted by the Parliamentary Assembly in April.

For the report:

<http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=18095&Language=EN>,

For the Parliamentary Assembly Resolution:

<http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=18234&Language=EN>

I understand the sensitivity of providing military information, but I hope your authorities will be able to provide me with full information on this matter.

I would like to thank you in advance for considering this request and I naturally remain at your disposal for any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tineke Strik', written over a faint circular stamp or watermark.

Tineke Strik
Rapporteur

Encl:
Appendix

Summary of the incidents

A rubber boat, around 12 meters long with 72 persons on board, was left to drift in the Mediterranean between 26 March 2011 and 10 April 2011. When it was washed up on the Libyan coast near Zlitan, there were only 11 survivors and two of these persons subsequently died.

On 26 March 2011, Father Mussie Zerai (an Eritrean Priest living in Rome) received a satellite call from the boat in distress. He followed up immediately informing the Maritime Rescue Co-ordination Centre in Rome. The boat was located by the Satellite provider Thuraya, and the Maritime Rescue Co-ordination Centre in Rome issued a distress call on 27 March 2011 to all ships transiting in the Sicily Channel. The call indicated that a boat with approximately 68 persons on board (there were in fact 72 persons on board) was in distress giving its exact location (LAT 33°58.2'N – LONG 012°55.8'E).

This call was repeated every 4 hours between 27 March 2011 and 7 April 2011.

The testimony of the nine survivors are coherent and consistent on several points of major concern.

Firstly, shortly after Father Zerai informed the Maritime Rescue Co-ordination Centre in Rome, one helicopter appeared and circled around the boat before leaving. Shortly after this, another (or possibly the same) helicopter circled above the boat and then used a rope in order to lower down some water and biscuits. The persons on board the helicopter indicated to those on the boat in distress that they should wait. The helicopter then left. Neither the helicopter nor any vessel returned.

The boat then drifted until about the 10th day of the trip (around the 5th April). The survivors are adamant that a large military vessel (light grey in colour) sailed into the immediate vicinity of the boat. It was so close that the survivors could clearly see people in military uniforms on the vessel's deck. Some of these persons were watching the rubber boat through binoculars, others were taking photos of it. The survivors recalled having seen a helicopter or helicopters on the military vessel's deck. The military vessel did not take any steps to rescue the persons on board the boat in distress.

