



DEPUTY ASSISTANT SECRETARY GENERAL
OPERATIONS DIRECTORATE

08 February, 2012

OPS(DASG-OPS)(2012)0004

Dear Ms Strik,

I am now in a position to respond to your letter of 8 December 2011, regarding the tragic loss of life in an incident that occurred in the Mediterranean Sea at the end of March and the beginning of April 2011.

Our military colleagues have carefully examined all available records. With the exception of the 27 March initial notification from the Maritime Rescue Coordination Centre Rome of a small boat probably in difficulty, they confirm that the relevant military headquarters have no record of any of the follow-on events mentioned in your letter.

Specifically, the NATO operational headquarters in Naples, which was responsible for the conduct of Operation Unified Protector (OUP), has no record, following the initial 27 March notice, of any further notifications from the Rescue Coordination Centre. Nor does it have any record of a phone call from Father Zerai on 28 March. With regard to the reported sightings of a helicopter and of the large military vessel, I can confirm that, again based on a review of existing records in NATO operational headquarters, there is no record of any aircraft or ship under NATO command having seen or made contact with the small boat in question.

Just to be clear, not all military ships in that part of the Mediterranean were operating under NATO command. As you requested, I have also asked our member nations if they had any ships or helicopters in the relevant area under their national command that may have come in contact with the small boat. They may decide to respond to you directly or do so through me, should they have any further information on either the reported helicopter or military vessel.

I can assure you that forces under NATO command and the navies of NATO member states are aware of their relevant obligations under maritime law, including those with respect to rendering assistance to persons or ships in distress. As we mentioned during our meeting with you in November and to which you referred in your subsequent letter, during the campaign NATO vessels actively assisted many vessels in distress.

As we also discussed on the occasion of your visit, there is an outstanding question whether vessels responded appropriately to the March 27 Maritime Rescue Coordination Centre Rome notification, and specifically whether it should have been understood as a "distress call". (I enclose a copy of that notification for completeness.) The subject of the notification is 'Boat with approx 68 P.O.B. probably in difficult (sic) in pos (sic) ...'. The last paragraph gives no sense of urgency, and the only action requested is to advise of any sighting of the boat by NATO naval assets. The 27 March notice did not include the standard indicators that are found on "distress messages". Its text did not convey a sense of seriousness or urgency with respect to the vessel's condition. As I said above, NATO headquarters have no record of having received any follow-up messages. While we greatly regret the subsequent events, we cannot conclude that there was any error in the response by any forces under NATO command to this message.

I wish you all the best in your investigation and look forward to seeing your recommendations

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Richard Froh', is written over the typed name. The signature is stylized and cursive.

Richard Froh