Chapter 31

Intervention: Forensic Oceanography: Tracing Violence Within and Against the Mediterranean Frontier's Aesthetic Regime

Charles Heller and Lorenzo Pezzani

Illegalised migration across the Mediterranean and fatalities at sea have been structural and highly politicised phenomena only as of the end of the 1980s, when, in conjunction with the consolidation of the freedom of movement within the EU, migrants from the Global South were increasingly excluded from accessing European territory. This however only resulted in their movement operating through clandestine strategies, in particular by crossing the sea on overcrowded vessels. In turn, European states have deployed across the Mediterranean frontier a vast array of bordering practices and techniques to contain and channel migrants' movements. The dialectical process between control and escape has had a harrowing human cost: more than 30,000 migrants have perished at sea since the end of 1980.[1]

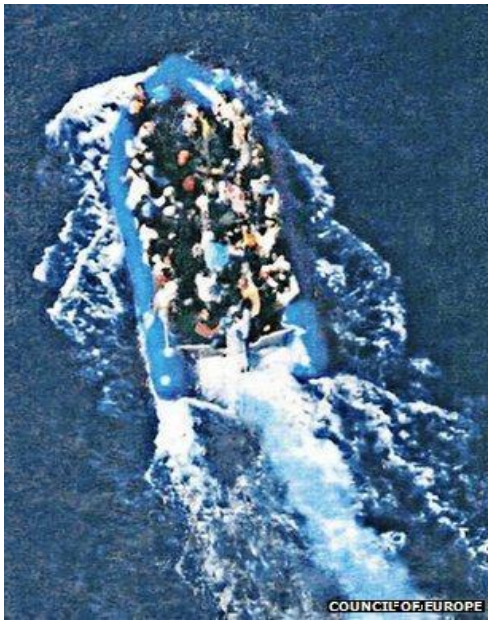
Most migrants' deaths across the Mediterranean frontier have not only occurred *at* sea, but, *through* the sea, which has been turned into a deadly liquid as a result of the EU's exclusionary policies. While the *liquid violence* of the maritime frontier is thus *mediated* by water,[2] it is also mediated by images and a constantly shifting *aesthetic regime*. We use the term 'aesthetic' here in the sense underlined by Jacques Rancière as what presents itself to sensory experience (Rancière 2004, p.13). Distinct conditions of (in)visibility and (in)audibility are imposed on to the maritime frontier by states' restrictive policies, but also shaped, transformed, and contested by the multiple other actors. While illegalised migrants seek to cross borders undetected, agencies

aiming to control migration try to shed light on acts of unauthorised border crossing through surveillance means in order to make the phenomenon of migration more knowable, predictable, and governable. However, as Nicholas De Genova (2013) has incisively analysed, the *border spectacle* is highly ambivalent and hides as much as it reveals. For their part, migrants in distress may do everything they can to be seen so as to be saved from drowning. Conversely, border agents not only attempt to deliberately hide the structural violence inherent to practices of policing maritime migration, they may also choose not to see migrants in certain instances, considering that rescuing them at sea entails the responsibility for disembarking them and processing their asylum claims and/or deporting them. This has led to repeated cases of migrants who have been left abandoned to drift at sea.

It is in the aim of contesting the EU's liquid violence, that we initiated the Forensic Oceanography project in 2011, within the wider Forensic Architecture agency. To contest the violence of borders, we also had to contest the boundaries of what could be seen and heard at the maritime frontier and exercise what we have called a *'disobedient gaze'*: revealing what state actors have sought to conceal, and not revealing that which they seek to shed light upon.

Our project was sparked by a 2011 incident that came to be known as the 'left-to-die boat' case.[3] In wake of the Arab uprisings that led to renewed crossings, and at the height of the NATO- led military intervention in Libya, during which more than thirty-eight warships were deployed off the coast, seventy-two migrants fleeing the war zone were left to drift in the central Mediterranean Sea for fourteen days. Sixty-three human lives were lost, despite the survivors calling Father Zerai (an Eritrean priest based in Rome) via satellite phone, despite distress signals

sent out to vessels navigating in this area, and despite several encounters with military aircraft and a warship. While survivor testimonies indicated increasing instances of non-assistance, during this period the Mediterranean appeared as a 'black box' for civilian actors, in which the capacity to see and document the events occurring at sea was nearly entirely in the hands of state actors. The challenge we faced as we embarked on our investigation in support of the nine survivors and a coalition of NGOs, was precisely in wresting the capacity to sense the sea away from state actors, so as to make the violence of abandonment visible and breach the impunity in which it was being perpetrated.



<FIGURE 31.1 ABOUT HERE>

Figure 31.1: Reconnaissance picture of the 'left-to-die boat' taken by a French patrol aircraft on 27 March 2011.

Images could be of only limited assistance in the process. While several photographs were taken at different moments during these tragic events by military personnel as well as the passengers themselves, only one of them – taken by a French surveillance aircraft during the first day of the migrants' journey (Figure 31.1) – was released in response to a parallel investigation by the Council of Europe (PACE 2012). In the absence of revelatory images documenting these events, our investigation had to rely on the 'weak signals' that underpin truth production practices in the field that Thomas Keenan (2014), after Allan Sekula, has called 'counter-forensics.' By corroborating survivors' testimonies with information provided by the vast apparatus of remote sensing technologies that have transformed the contemporary ocean into a digital archive, we assembled a *composite image* of the events. The expertise of an oceanographer allowed us to model and reconstruct the drifting boat's trajectory, and satellite imagery analysis to detect the presence of a large number of vessels in the vicinity of the drifting migrant boat that did not heed their calls for help (see figure 3). While these technologies are often used for the purpose of policing and detecting illegalised migration as well as other 'threats', we repurposed them to find evidence of the failure to render assistance. Not only did our reconstruction of the migrants' drift allow us to demonstrate that the migrants had remained within NATO's maritime surveillance area during their fourteen days of deadly drift but, by identifying many ships in the vicinity of the migrants' boat (see Figure 31.2), our report allowed the NGO coalition we collaborated with to file several legal cases against the different states – including France, Spain, Italy, and Belgium – whose assets had taken part in the NATO-led operation, and who shared a degree of responsibility for the death of the sixty-three passengers.[4]

<FIGURE 31.2 ABOUT HERE>

Figure 31.2: Analysis of the 29 March 2011 Envisat satellite image showing the modelled position of the ‘left-to-die boat’ (yellow diagonal hatch) and the nearby presence of several military vessels who did not intervene to rescue the migrants. Credit: Forensic Oceanography and SITU Research, Report on the Left-to-Die Boat Case.

References

Cubitt, S. (2014, 13 August). How to connect everyone with everything [Web log post]. http://seancubitt.blogspot.com/2014/08/how-to-connect-everyone-with-everything.html.

Cubitt, Sean. 2017. *Finite media: Environmental implications of digital technologies*. Durham, NC: Duke University Press.

De Genova, N. (2013). Spectacles of migrant ‘illegality’: The scene of exclusion, the obscene of inclusion. *Ethnic and Racial Studies, 36*(7), 1180–1198.

Heller, C., Pezzani, L., & Situ Research. (2012). *Report on the left-to-die boat*. London: Forensic Architecture. https://content.forensic-architecture.org/wp-content/uploads/2019/06/FO-report.pdf Accessed 10 December 2013.

Keenan, T. (2014). Getting the dead to tell me what happened: Justice, prosopopoeia, and forensic afterlives. In Forensic Architecture (Ed.), *Forensis: The Architecture of public truth* (pp. 35–55). Berlin, Germany: Sternberg Press.

PACE (Parliamentary Assembly of the Council of Europe) (2012). Lives lost in the Mediterranean Sea: who is responsible? PACE. http://assembly.coe.int/CommitteeDocs/2012/20120329_mig_RPT.EN.pdf

Rancière, J. (2004). *The Politics of aesthetics: The distribution of the sensible.* London & New York, NY: Continuum.

---

[1] See the list of migrant deaths at the European borders established by UNITED for Intercultural Action: http://unitedagainstrefugeedeaths.eu/about-the-campaign/about-the-united-list-of-deaths/

[2] Here we draw on Sean Cubitt's expanded understanding of mediation, which, beyond technologically mediated communication processes between humans, he defines as 'the material processes connecting human and nonhuman events (…). Mediation is the primal connectivity shared by human and nonhuman worlds' (Cubitt 2017, p.3). The way in which, in another text, he talks about sunlight as that which 'mediates the sun and the earth' (Cubitt 2014), further points to the understanding of mediation that inspires us here.

[3] For our reconstruction of these events, see our report: https://content.forensic-architecture.org/wp-content/uploads/2019/06/FO-report.pdf (Heller et al. 2012). Our video animation Liquid Traces summarises our findings: https://vimeo.com/128919244.

[4] https://www.fidh.org/La-Federation-internationale-des-ligues-des-droits-de-l-homme/droits-des-migrants/63-migrants-morts-en-mediterranee-des-survivants-poursuivent-leur-13483