

Table 2: Legal proceedings by EU Member States against private entities involved in SAR operations in the Mediterranean Sea (June 2021)

Vessel/NGO/individual concerned	Legal procedures			
	Measures against <u>individuals</u> (crew members or NGO staff)	State of play	Measures against <u>vessels</u>	State of play
ITALY				
'Sea-Eye 4' (operated by Sea-Eye)	--	--	June 2021 : Seizure of the vessel after a port state control due to technical irregularities related to maritime security (inking transporting too many passengers)	
'Sea-Watch 4' (operated by Sea-Watch, in collaboration with MSF until 2020)	--	--	<p>May 2021: Detained again after appeal of the Italian Coastguard</p> <p>March 2021: Released pending outcome of the preliminary ruling</p> <p>December 2020: The Regional Administrative Court of Palermo stayed the proceedings and referred the case to the Court of Justice of the EU</p> <p>October 2020: The NGO appealed against the blockade</p> <p>September 2020: Administrative seizure at the Port of Palermo (Sicily) for technical irregularities related to maritime security</p>	p

<p>'Sea-Watch 3' (operated by Sea-Watch)</p>	<p><u>May 2021</u>: Prosecutor of Agrigento (Sicily) dismissed the charges against the captain Carola Rackete for resistance or violence against warships (other charge still pending)</p> <p><u>January 2020</u>: Court of Cassation (Rome) rejected the appeal of the Public Prosecutor of Agrigento (Sicily) on the validation of the arrest. Criminal proceeding still ongoing</p> <p><u>July 2019</u>: No validation of the arrest by the Court of Agrigento (Sicily), hence captain released</p> <p><u>June 2019</u>: Investigation of the captain for resistance or violence against warships and aiding illegal immigration by Prosecutor of Agrigento (Sicily). House arrest in Lampedusa</p>	A	<p>May 2021: Allowed to sail to shipyard in port of Burriana (Spain)</p> <p><u>March 2021</u>: Detained in the port of Augusta (Sicily) <u>after</u> a port state control inspection for carrying too many people</p>	P
			<p><u>February 2021</u>: Released by Spanish authorities</p> <p><u>July 2020</u>: Administrative seizure of the vessel at the port of for technical irregularities related to maritime security (granted a single voyage authorisation to proceed to Burriana (Spain) in September 2020)</p>	A
	<p>February 2019: Case discontinued and no investigations were initiated; crew cleared of all accusations</p> <p>January 2019: Investigation against crew members for violating environmental laws, navigation safety, and facilitating illegal immigration by the Prosecutor of Catania (Sicily)</p>	A	<p><u>June 2019</u>: The ship was released</p> <p><u>May 2019</u>: Seizure of the vessel in Lampedusa (Sicily)</p>	A

	<p>Jan. 2020: The criminal case against the captain & the mission head was closed and all charges were dismissed</p> <p>March 2019: Investigation against the captain & the mission head for aiding illegal immigration and refusal of obedience to a warship by the Prosecutor of Agrigento (Sicily)</p>	A	<p>March 2019: The ship was released</p> <p>March 2019: Seizure of the vessel in Lampedusa due to accusations against the captain and the mission head</p>	A
<p>'Open Arms' (operated by ProActiva Open Arms)</p>	<p>November 2020: The tribunal of Ragusa (Italy) dismissed the case</p> <p>May 2019: Catania prosecutor's office (Sicily) closed investigations against the captain & the mission head. The accusations for disobedience of the Ministry of the Interior orders are pending</p> <p>March 2018: Investigation against the captain & the mission head on accounts of "criminal association" and "facilitation of irregular migration" (Catania) and on accounts of disobedience of Interior Ministry orders (Ragusa)</p>	A	<p>April 2021: Seizure of the vessel after a port state control due to technical irregularities related to maritime security</p>	P
			<p>August 2019: The ship was released</p> <p>August 2019: Seizure of the vessel in Licata by the Prosecutor of Agrigento (Sicily)</p>	A
			<p>May 2018: The Criminal Court of Ragusa confirmed the release of the ship</p> <p>April 2018: The Tribunal of Ragusa ordered the release of the ship</p> <p>March 2018: Pre-trial seizure of the ship in Pozzallo (Sicily) because of a violation of the Code of Conduct for Rescue NGOs & jeopardising migrants' lives</p>	A

<p>'luventa' (operated by <i>Jugend Rettet</i>)</p>	<p><u>March 2021</u>: The prosecutor brought charges against individual (former) crew members for aiding and abetting illegal immigration</p> <p><u>July 2018</u>: Prosecutor of Trapani (Sicily) extended investigations to individual (former) crew members</p>	<p>P</p>	<p>April 2018: The Supreme Court of Cassation (Rome) confirmed the seizure of the ship</p> <p>August 2017: The ship was ordered to the port of Lampedusa</p> <p>August. 2017: Prosecutor initiated a preventive seizure of the ship</p>	<p>C</p>
<p>'Alan Kurdi' (operated by Sea-Eye)</p>	<p>--</p>		<p><u>April 2021</u>: released pending decision on the legality of the detention (set for November 2021)</p> <p><u>January 2021</u>: Sea-Eye filed lawsuit against Italian Ministry of Transport and Olbia Port Authority for the blockage</p> <p><u>October 2020</u>: Administrative seizure in Olbia (Sardinia) due to technical irregularities related to maritime security (including transporting too many passengers)</p>	<p>P</p>
	<p>--</p>		<p><u>August 2020</u>: Sea-Eye filed a lawsuit against the Italian Ministry of Transport and Palermo Port Authority for the blockage</p> <p><u>June 2020</u>: the Italian Coast Guard granted a single voyage authorisation to proceed to Spain to fix the issues</p>	<p>P</p>

			May 2020 : Administrative seizure in Palermo (Sicily) for technical irregularities related to maritime security	
'Mare Jonio' (operated by Mediterranea Saving Humans)	March 2021 : The Ragusa's Public Prosecutor's Office (Sicily) opened a case for aiding and abetting illegal immigration	P		
	December 2020 : The Tribunal of Agrigento (Sicily) closed the investigation and dismissed the case March 2019 : Investigation against the captain & the mission head for aiding illegal immigration and refusal of obedience to a warship by the Prosecutor of Agrigento (Sicily)	A	November 2020 : Blocked in the port of Venice (Italy) for mandatory maintenance work as provided by the Italian Naval Register	P
	September and October 2020: Denial of boarding to rescue staff of the NGO's Rescue and Medical Team by the Italian Coast Guard at Port of Pozzallo (Sicily) and Port of Augusta (Sicily) respectively	P	February 2020 : The ship was released by the Palermo Court (Sicily) September 2019 : Administrative seizure of the vessel in Licata (Sicily) for violating the Security Decree Bis	A
	September and June 2020 : Investigations against the Captain & ship-owner after disembarkation of rescue operations in Pozzallo (Sicily) for refusal of obedience to orders of Maritime Authorities – opened	P		

	by the Office of Public Prosecutor in Ragusa (Sicily)			
	September 2019 : 300,000 EUR fine for violating the Security Decree Bis	P		
	May 2019: Investigations against the captain and the mission head for aiding illegal immigration and refusal of obedience to orders of Maritime Authorities) – opened by the Office of Public Prosecutor in Ragusa (Sicily) – pending before the Court in Agrigento (Sicily)	P	May 2019 : Prosecutors of Agrigento (Sicily) did not uphold the seizure but ordered another type of impoundment for more evidence to be collected May 2019 : Seizure of the vessel in Lampedusa due to accusations against the captain and the mission head	A
	March 2019: Investigations and 66,000 EUR administrative fine against the captain and the mission head for aiding illegal immigration and refusal of obedience to orders of Maritime Authorities	P	March 2019 : The ship was released March 2019 : Seizure of the vessel in Lampedusa due to accusations against the captain and the mission head	A
'Vos Hestia' (operated by Save the Children)	March 2021 : The Prosecutor of Trapani (Sicily) brought charges against staff for "aiding and abetting illegal immigration to Italy"	P	--	--

	<p>October 2017: Captain interviewed by the Deputy Prosecutor of Trapani and investigation discontinued</p> <p>October 2017: Police search on board after an undercover agent worked on the ship</p>	A	--	--
'Vos Prudence' (operated by MSF)	<p><u>March 2021</u>: The Prosecutor of Trapani (Sicily) brought charges against staff in another case for "aiding and abetting illegal immigration to Italy"</p> <p><u>November 2018</u>: Staff members of both the Vos Prudence (operations from March to July 2017) under investigation initiated by the Prosecutor of Catania (Sicily) for "illegal management of waste"</p>	P	--	--
'Ocean Viking' (operated by SOS MEDITERRANEE)	--	--	<p><u>December 2020</u>: Released after fixing irregularities (no appeal of seizure)</p> <p><u>July 2020</u>: Administrative seizure after a state port control at the port at Porto Empedocle (Sicily) for technical irregularities related to maritime security (granted a single voyage authorisation to proceed to shipyard in Augusta (Sicily) in November 2020)</p>	A

<p>'Moonbird' (reconnaissance aircraft operated by Sea Watch)</p>	<p>--</p>	<p>--</p>	<p>October 2020: The aircraft was released</p> <p>September 2020: The aircraft was grounded by the Italian Civil Aviation authority for spending too many hours at sea and for risking to endanger ongoing SAR operations carried out by state actors and the safety of navigation in the area</p>	<p>A</p>
<p>'Aita Mari' (operated by Salvamento Maritimo Humanitario (SMH))</p>	<p>--</p>	<p>--</p>	<p>July 2020: The vessel was released</p> <p>May 2020: Administrative seizure in Palermo (Sicily) for technical irregularities related to maritime security</p>	<p>A</p>
<p>'Alex Mediterranea' (operated by Mediterranea Saving Humans)</p>	<p>July 2019: Investigation against the captain and the mission head for aiding of illegal immigration and refusal of obedience to a warship by the Prosecutor of Agrigento (Sicily) & 66,000 EUR fine for violating the Security Decree Bis</p>	<p>P</p>	<p>February 2020: The ship was released</p> <p>July 2019: Seizure of vessel in Lampedusa for violating the Security Decree Bis</p>	<p>A</p>

<p>'Eleonore' (operated by Mission Lifeline)</p>	<p><u>September 2019</u>: Investigation against the captain and the mission head for aiding of illegal immigration by the Prosecutor of Ragusa (Sicily) & 300,000 EUR fine for violating the <u>Security Decree Bis</u></p>	<p>P</p>	<p><u>September 2019</u>: Administrative seizure of the vessel in Pozzallo (Sicily) for violating the <u>Security Decree Bis</u></p>	<p>P</p>
<p>'Aquarius' (operated by <i>SOS MEDITERRANEE</i> e & MSF)</p>	<p><u>November 2018</u>: Staff members of the Aquarius (operations from January 2017 to May 2018) under investigation initiated by the Prosecutor of Catania (Sicily) for "illegal management of waste"</p>	<p>P</p>	<p><u>January 2019</u>: The Court of Catania (Sicily) annulled the decision on the seizure of 200,000 EUR <u>November 2018</u>: The Prosecutor of Catania (Sicily) ordered the seizure of the vessel 'Aquarius' <i>in absentia</i> (while docked in Marseilles) and the seizure of 200,000 EUR from MSF</p>	<p>P</p>
<p>'Astral' (operated by ProActiva Open Arms)</p>	<p>--</p>	<p></p>	<p><u>June 2018</u>: Prohibition of docking</p>	<p>P</p>
<p>'Golfo Azzurro' (operated by ProActiva Open Arms)</p>	<p><u>June 2018</u>: Tribunal of Palermo discontinued the investigation May 2017: Criminal investigations against unknown persons involved in migrant smuggling initiated by the Prosecutor of Palermo (Sicily)</p>	<p>A</p>	<p>--</p>	<p>--</p>

<p>Médecins Sans Frontières (MSF) (no vessel, only staff subject to investigations)</p>	<p>August 2017: Investigations against MSF staff for aiding irregular migration by Prosecutor of Trapani (Sicily)</p>	P	--	--
SPAIN				
<p>'Louise Michel' (operated by M.V. Louise Michel)</p>	--	--	<p>October 2020: Blocked at the port of Burriana (Spain) for registration issues</p>	P
<p>'Open Arms' (operated by ProActiva Open Arms)</p>	--	--	<p>April 2019: Spanish authorities have allowed the vessels to deliver humanitarian aid to refugee camps in Lesbos and Samos but not to conduct SAR operations</p>	A
<p>'Aita Mari' (operated by the Humanitarian Maritime Rescue Association (SMH))</p>			<p>January 2019: Spanish Maritime Authorities deny permission to sail due to "violations of maritime regulations", ships blocked in Spain</p>	

GERMANY				
'Mare Liberum' (operated by Mare Liberum)	--	--	<p>September 2020: The Administrative Court of Hamburg granted the ship permission to set sail</p> <p>April 2020: Seizure of the ship on the basis of safety requirements by the German Professional Association for Transport and Traffic, and appeal against the application of the law change</p>	A
	--	--	<p>September 2019: Higher Administrative Court of Hamburg confirmed the Administrative Court decision</p> <p>May 2019: The Administrative Court of Hamburg granted the ship permission to set sail</p> <p>April 2019: Seizure of the ship on the basis of safety requirements by the German Professional Association for Transport and Traffic</p>	A
THE NETHERLANDS				

'Sea-Watch 3' (operated by Sea-Watch)	--	--	<p>August 2019: The court in The Hague ruled on the appeal lodged by Sea Watch and extended the transitional period until December 2019</p> <p>May 2019: The court in The Hague ruled that the new requirements were legal but the transitional period too short. The judges removed the blockade and suspended the recent requirements until 15 August 2019</p> <p>April 2019: Dutch government imposed more stringent technical safety requirements for the ship without a transition period & blocked the ship</p>	A
			<p>February 2019: The flag state granted the ship permission to set sail again</p> <p>January 2019: Extensive inspections mandated by the Dutch authorities, ship blocked in Italy</p>	A
'Lifeline' (operated by Mission Lifeline)	See description of proceedings for Malta below		See description of proceedings for Malta below	
'Seefuchs' (operated by Sea-Eye)				
'The Sea Eye' (operated by Sea-Eye)				
MALTA				
'Lifeline' (operated by Mission Lifeline)	January 2020 : Maltese Appeal Court overturned the decision		July 2018: 'Lifeline' impounded	

	<p>and cleared the captain of all charges</p> <p>May 2019: Court of Valletta fined the captain 10,000 EUR for operating a ship that was not properly registered for rescue operations</p> <p>July 2018: Accusation by the Public Prosecutor's Service against the captain for not following orders of the Italian MRCC & entering Maltese territorial waters illegally</p>	A	<p>July 2018: Maltese authorities launched investigations due to potential issues with the registration of the ship under the Dutch flag</p>	C
'The Sea Eye' (operated by Sea-Eye)	--	--	<p>July 2018: Maltese authorities blocked the ship and launched investigations due to potential issues with the registration of the ships under the Dutch flag</p>	No information available
'Seefuchs' (operated by Sea-Eye)	--	--	<p>December 2018: The ship was released</p> <p>July 2018: Maltese authorities blocked the ship and launched investigations due to potential issues with the registration of the ships under the Dutch flag</p>	A
'Sea-Watch 3' (operated by Sea-Watch)	--	--	<p>October 2018: The vessel was released</p> <p>July 2018: Maltese authorities blocked the ship and launched investigations due to potential issues with the registration of the ships under the Dutch flag</p>	A

<p>Moonbird (operated jointly by Sea-Watch and Humanitarian Pilots Initiative)</p>	<p>--</p>	<p>--</p>	<p>October 2018: the aircraft resumed operations</p> <p>July 2018: Authorities blocked the aircraft due to lacking permits for SAR operations</p>	<p>A</p>
GREECE				
<p>Emergency Response Centre International</p>	<p>December 2018: The accused were released on bail</p> <p>August 2018: At least ten NGO staff members arrested and criminal investigations started for migrant smuggling, espionage and membership in a criminal organisation by the police in Mytilene (Lesvos)</p>	<p>P</p>	<p>--</p>	<p>--</p>
<p>Three volunteers (Spanish firefighters) working for the NGO PROEM-AID (no vessel seized)</p> <p>A volunteer working for Team Humanity</p>	<p>May 2018: The Court in Mytilene acquitted the accused volunteers</p> <p>2017: Criminal charges and indictment for attempting to traffic people (Local court of Mytilene)</p> <p>January 2016: Arrest and detention of the volunteers by the Public Prosecutor of Mytilene</p>	<p>A</p>	<p>--</p>	<p>--</p>



Source: FRA, 2021

Notes: *P = Pending*

A = Acquitted (or released)

C = Condemned

To provide a comprehensive overview of the phenomenon, FRA published a note in October 2018 entitled “Fundamental rights considerations: NGO ships involved in search and rescue in the Mediterranean and criminal investigations”. In June 2019, June 2020 and December 2020, FRA updated the two tables accompanying the note.

The overview tables describe criminal and administrative proceedings against non-governmental organisations (NGOs) or other private entities deploying search and rescue (SAR) vessels. The information in Table 2 shows legal proceedings by EU Member States against private entities involved in SAR operations in the Mediterranean Sea and the information in Table 1 (also online) shows NGO ships involved in SAR operations in the Mediterranean Sea between 2016 and 15 June 2021.