Contents

Introduction

1 NGO ships and aircraft involved in SAR operations

2 Legal proceedings against civil society actors involved in SAR operations

3 International and EU legal framework on SAR at sea

Annex: Legal proceedings by EU Member States against civil society actors involved in SAR operations in the Mediterranean Sea

Italy

Geo Barents, operated by Médecins Sans Frontières (MSF) – operational

Measures against the vessel

Open Arms, operated by ProActiva Open Arms – operational

Measures against crew members or staff

Measures against the vessel

Ocean Viking, operated by SOS Mediterranée – operational

Measures against the vessel

Aita Mari, operated by Salvamento Marítimo Humanitario – operational

Measures against the vessel

Astral, operated by ProActiva Open Arms – under maintenance

Measures against the vessel

Louise Michel, operated by M.V. Louise Michel – under maintenance

Measures against the vessel

Mare Jonio, operated by Mediterranea Saving Humans – under maintenance

Measures against crew members or staff

Measures against the vessel

Sea-Eye 4, operated by Sea-Eye – blocked at port

Measures against the vessel

Aurora, operated by Sea Watch – blocked at port

Measures against the vessel

Sea-Watch 4, operated by Sea-Watch in collaboration with MSF – not operational

Measures against the vessel

Sea-Watch 3, operated by Sea-Watch – not operational

Measures against crew members or staff

Measures against the vessel

Iuventa, operated by Jugend Rettet – not operational

Measures against crew members or staff

Measures against the vessel

Alan Kurdi, operated by Sea-Eye – no longer operational

Measures against the vessel

Vos Hestia, operated by Save the Children – not operational

Measures against crew members or staff

Vos Prudence, operated by Médecins sans frontières (MSF) – not operational

Measures against crew members or staff

Moonbird, reconnaissance aircraft operated by Sea Watch with Humanitarian Pilots Initiative – not operational

Measures against the aircraft

Alex Mediterranea, operated by Mediterranea Saving Humans – no longer operational

Measures against crew members or staff

Measures against the vessel

Eleonore, operated by Mission Lifeline – not operational

Measures against crew members or staff

Measures against the vessel

Aquarius, operated by SOS Mediterranée with MSF – not operational

Measures against crew members or staff

Measures against the vessel

Golfo Azzurro, operated by ProActiva Open Arms – not operational

Measures against crew members or staff

Spain

Open Arms, operated by ProActiva Open Arms – operational

Measures against the vessel

Aita Mari, operated by Salvamento Marítimo Humanitario – operational

Measures against the vessel

Louise Michel, operated by M.V. Louise Michel – under maintenance

Measures against the vessel

Germany

Mare Liberum, operated by Mare Liberum – not operational

Measures against the vessel

The Netherlands

Sea Watch 3, operated by Sea-Watch – not operational

Measures against the vessel

Malta

Lifeline, operated by Mission Lifeline – not operational

Measures against crew members or staff

Measures against the vessel

Sea-Eye, operated by Sea-Eye – not operational

Measures against the vessel

Seefuchs, operated by Sea-Eye – not operational

Measures against the vessel

Sea-Watch 3, operated by Sea-Watch – not operational

Measures against the vessel

Moonbird, reconnaissance aircraft operated by Sea-Watch with Humanitarian Pilots Initiative – operational

Measures against the aircraft

About this publication

Introduction

The International Organization for Migration has estimated that from 2014 to 1 September 2023, over 28,100 people died or went missing while attempting to cross the Mediterranean Sea to reach Europe to escape war or persecution or to pursue a better life.

This paper provides an overview of criminal investigations and other legal proceedings in selected European Union (EU) Member States against civil society organisations deploying search and rescue (SAR) vessels and aircraft in the Mediterranean and/or against individual crew members. Since 2018, national authorities have begun administrative and criminal proceedings against crew members or vessels involved in SAR operations at sea.

FRA published a note in October 2018 on Fundamental rights considerations: NGO ships involved in search and rescue in the Mediterranean and criminal investigations. Since then, the Agency has been publishing regular updates on NGO ships involved in SAR operations, the status of legal proceedings against them and on rescue vessels kept at sea for more than 24 hours while waiting for a safe port.

1 NGO ships and aircraft involved in SAR operations

After Italy ended its Mare Nostrum rescue programme in the Central Mediterranean in 2014, civil society organisations started deploying SAR vessels and reconnaissance aircraft which rescued a significant number of migrants and asylum seekers in distress at sea.

In August 2014, the organisation Migrant Offshore Aid Station (MOAS) deployed the vessel *Phoenix*. Since then, several civil society organisations have deployed a total of 40 rescue vessels and four reconnaissance aircraft, mainly in the Central Mediterranean. These assets seek to reduce fatalities and bring rescued people to safety in the EU. Since the last FRA update published in June 2022, three new rescue vessels were deployed: *Life Support*, *Mare Go* and *Sea Punk*.

At the end of June 2023, 18 vessels and three aircraft were still deployed, the rest had discontinued operations. Six of the 18 vessels were under maintenance (*Mare Jonio*, *Open Arms Uno*, *Astral*, *Rise Above*, *ResQPeople* and *Sea Punk*).

Civil society actors deploying SAR vessels and aircraft faced numerous legal proceedings hampering their work.

By engaging in SAR operations at sea, civil society organisations play a key role in saving lives and mitigating the hardships that migrants and asylum seekers experience.

2 Legal proceedings against civil society actors involved in SAR operations

Several rescue vessels deployed by civil society organisations were unable to carry out SAR operations, following inspections, investigations or seizures of ships by the port authorities.

In other cases, crew members or civil society actors faced criminal procedures linked to their SAR activities.

Such criminal proceedings as well as administrative measures against deployed vessels, such as blocking the ship in port due to technical irregularities relating to maritime security, have a chilling effect and intimidate civil society actors.

Out of the 18 NGO vessels which were still active on 30 June 2023, only ten vessels were at sea. Six vessels were undergoing maintenance. Among the remaining ones, two were blocked at port, due to ongoing legal proceedings. All three reconnaissance aircraft were operational (see Figure).

Figure: NGO assets involved in SAR operations in the Mediterranean Sea between August 2014 and 30 June 2023, whether operational or not, whether facing legal proceedings or not.

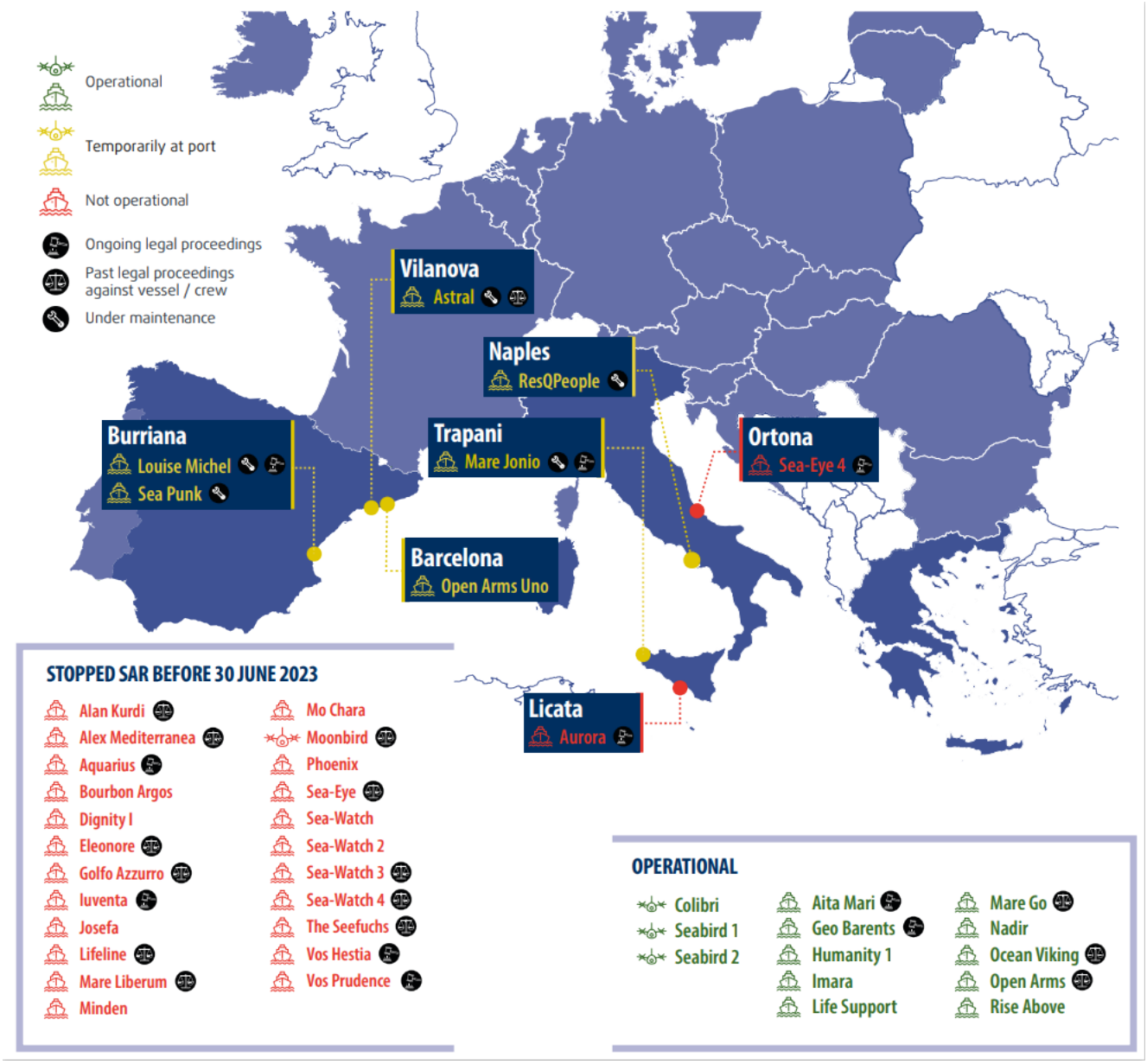

Figure showing NGO assets involved in SAR operations in the Mediterranean Sea, 30 June 2023. Source: FRA, 2023.

Since 2017, Germany, Italy, Malta, the Netherlands, and Spain initiated 63 administrative or criminal proceedings affecting search and rescue operations by civil society actors. The majority concern measures against SAR vessels; one third of the 63 measures concern criminal proceedings against the staff working for the NGOs deploying the vessels or against the crew.

Most of the deployed vessels faced legal proceedings against the vessel and/or the crew (24 out of 40). Over time, FRA observed an increase in the use of measures of an administrative nature based on the laws of navigation and safety at sea (resulting in the vessels being seized or otherwise blocked at ports), and a decrease in criminal procedures against crew members or NGO staff (see Table).

Table: Active and non-active assets deployed by civil society: overview of legal proceedings

	Vessels		Aircraft		
	Faced legal proceedings	No legal proceedings	Faced legal proceedings	No legal proceedings	**Total**
Active assets (including those under maintenance and blocked at port)	10	8	-	3	21
Inactive assets	14	8	1	-	23
Total assets	**24**	**16**	**1**	**3**	**44**

Table with an overview of legal proceedings against vessels and reconnaissance aircraft deployed in the Mediterranean by civil society actors. Source: FRA, 2023.

The Annex lists the ongoing and closed administrative and criminal proceedings against NGO rescue vessels and/or its individual crew members of which FRA is aware, having reviewed publicly available sources and having contacted civil society actors.

Most closed cases ended with an acquittal, the release of the confiscated or detained vessel; or were discontinued due to the lack of evidence.

Since July 2022, six new legal cases were opened in Italy. They consist of fines and blocking vessels for 20 days at port.

The most common measures are a consequence of the enforcement of Italy's Decree 1/2023, converted into Law 15/2023, which sets additional requirements on search and rescue operations by civil society. It obliges SAR vessels to proceed to the designated port; in practice, ports which are far away from the rescue area have frequently been assigned. In addition, the new legislation requires SAR vessels to proceed immediately after each rescue to the port assigned, thus reducing the possibility of rescuing other groups of people in distress over the course of several days. The NGOs that faced sanctions refused to head to the designated ports or decided to rescue more groups of people in distress at sea. Other legal cases were opened following inspections and the detection of technical irregularities. No new case was opened against individual crew members for aiding and abetting illegal immigration.

Legal actions against NGOs and volunteers involved in search and rescue at sea based on domestic criminal or administrative law must be implemented in accordance with the relevant international, Council of Europe and EU fundamental rights law and refugee law standards. This requires distinguishing between smugglers and those enforcing the human rights imperative of saving lives at sea, either by acting out of humanitarian considerations and/or by following international legal obligations for rescue at sea. National authorities and courts must find the right balance between applicable international and EU law, and national law. The 2017 UNHCR

guidance on search and rescue operations at sea, including the non-penalisation of those taking part in these activities, gives useful guidance in this regard.

FRA will follow closely any further developments and continue to report regularly.

3 International and EU legal framework on SAR at sea

Assisting people in distress at sea is a duty of all states and shipmasters under international law. Core provisions on search and rescue (SAR) at sea are set out in the 1974 International Convention for the Safety of Life at Sea (SOLAS), the 1979 International Convention on Maritime Search and Rescue (SAR Convention), and the 1982 UN Convention on the Law of the Sea (UNCLOS). In general, the shipmaster of any vessel (both private and government) has an obligation to render assistance to those in distress at sea without regard to their nationality, status, or the circumstances in which they are found. A rescue operation terminates only when survivors are delivered to a 'place of safety', which should be determined taking into account the particular circumstances of the case, as specified by the 2004 amendments to the SAR Convention adopted by the International Maritime Organisation (IMO), to which only one Mediterranean EU Member State, Malta, did not adhere.

The IMO Guidelines on the treatment of persons rescued at sea further specify that a 'place of safety' is "a place where the survivors' safety is no longer threatened and where their basic human needs (such as food, shelter and medical needs) can be met". The Appendix to the guidelines recalls the prohibition of *refoulement*. Disembarkation where the lives of refugees and asylum seekers could be at risk of persecution, torture or other serious harm must thus be avoided.

The 2022 Joint Statement on Place of Safety by UN entities and the 2018 UN Global Compact for Safe, Orderly and Regular Migration (Objective 8) reaffirmed these basic rules and principles.

For maritime border surveillance operations coordinated by the European Border and Coast Guard Agency (Frontex), the EU Sea Borders Regulation (Regulation (EU) No. 656/2014) incorporates the obligation to render assistance at sea and to rapidly identify a place of safety where rescued people can be disembarked in compliance with fundamental rights and the principle of *non-refoulement*. This prohibits disembarkation of rescued persons in a country where there is a risk of torture or ill-treatment, irrespective of any request for asylum by the rescued individuals.

The duty to fully respect the right to life (Article 2 of the EU Charter of Fundamental Rights and the European Convention on Human Rights) and to save lives at sea rests primarily on EU Member States. These core obligations cannot be circumvented under any circumstances, including for considerations of external border control.

The European Commission Recommendation (EU) 2020/1365 on cooperation among Member States concerning SAR operations carried out by private vessels encouraged Member States to ensure rapid disembarkation in a place of safety, where the fundamental rights of rescued people are guaranteed, in conformity with the EU Charter and the principle of *non-refoulement*.

In August 2022, in the Sea Watch case (Joined Cases C-14/21 and C-15/21) the Court of Justice of the EU clarified that the port state may inspect SAR ships of humanitarian organisations and may seize such vessels, but only in the event of a clear risk to safety, health or the environment.

Annex: Legal proceedings by EU Member States against civil society actors involved in SAR operations in the Mediterranean Sea

This Annex provides an overview of administrative and criminal proceedings initiated by EU Member States against search and rescue (SAR) assets – vessels or reconnaissance aircraft – and/or against their crew. It starts with procedures initiated in Italy, followed by Germany, Malta, the Netherlands and Spain. It lists ongoing as well as closed proceedings known to FRA.

The Annex reflects information as of 30 June 2023. The legal proceedings are listed in reverse chronological order, taking the date on which the proceeding was initiated.

Italy

Geo Barents, operated by *Médecins Sans Frontières* (MSF) – operational

Measures against the vessel

- **Start date: February 2023**
  Status: Procedure pending
  Key steps:

— February 2023: After her last mission, in which 48 people were rescued from distress at sea, the vessel was blocked at port for 20 days. MSF was ordered to pay a fine of €5,000 based on the new Italian law.
— May 2023: An appeal was lodged at the competent Italian court against the detention of the vessel and the fine imposed.

- **Start date: July 2021**

Status: Vessel released
Key steps:

— July 2021: Detained at the port of Augusta (Italy) after an inspection of 14 hours on grounds of identified deficiencies.
— July 2021: Released after 24 days of detention.

Open Arms, operated by ProActiva Open Arms – operational

Measures against crew members or staff

- **Start date: March 2018**
  Status: Procedure acquitted
  Key steps:

— March 2018: The Catania District Prosecutor's Office (Sicily) opened an investigation against the captain, the mission head and the Open Arms director on counts of "criminal association" and "facilitation of irregular migration" (Catania) and on a count of disobedience of Interior Ministry orders (Ragusa).
— May 2019: The Catania Prosecutor's Office closed investigations against the captain and the mission head; the accusations of disobedience of the Interior Ministry orders are pending.
— November 2020: The tribunal of Ragusa (Italy) dismissed the case.

Measures against the vessel

- **Start date: April 2021**
  Status: Vessel released
  Key steps:

— April 2021: Seizure of the vessel after a port state control due to technical irregularities related to maritime security.
— June 2021: Released after more than eight weeks in detention at port.

- **Start date: August 2019**
  Status: Vessel released
  Key steps:

— August 2019: Seizure of the vessel in Licata by the Prosecutor of Agrigento (Sicily).
— August 2019: The ship was released.

- **Start date: March 2018**
  Status: Vessel released
  Key steps:

— March 2018: Pre-trial seizure of the ship in Pozzallo (Sicily) because of a violation of the Code of Conduct for Rescue NGOs and jeopardising migrants' lives.
— April 2018: The Tribunal of Ragusa ordered the release of the ship.
— May 2018: The Criminal Court of Ragusa confirmed the release of the ship.

Ocean Viking, operated by *SOS Mediterranée* – operational

Measures against the vessel

- **Start date: January 2022**
  Status: Vessel released
  Key steps:

— January 2022: Administrative seizure after 11-hour state port control at the port of Trapani (Italy).
— January 2022: Released after 17 days of detention in the port of Trapani and following the correction of the deficiencies previously identified by the authorities.

- **Start date: July 2020**
  Status: Vessel released
  Key steps:

— July 2020: Administrative seizure after a state port control at the port of 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).
— December 2020: Released after fixing irregularities (no appeal of seizure).

Aita Mari, operated by *Salvamento Marítimo Humanitario* – operational

Measures against the vessel

- **Start date: January 2023**
  Status: Procedure pending
  Key steps:

— January 2023: After an inspection in Palermo (Sicily) in 2020, the NGO risks a fine imposed by the Italian government.

- **Start date: January 2022**
  Status: Procedure acquitted
  Key steps:

— January 2022: After the disembarkation of 176 rescued migrants, the vessel was blocked in the port of Lampedusa (Sicily) under a ten-day mandatory quarantine despite all crew having tested negative for Covid-19 and being fully vaccinated.
— February 2022: The vessel was released.

- **Start date: May 2020**
  Status: Procedure acquitted
  Key steps:

— May 2020: Administrative seizure in Palermo (Sicily) for technical irregularities related to maritime security.
— July 2020: The vessel was released.

Astral, operated by ProActiva Open Arms – under maintenance

Measures against the vessel

- **Start date: June 2018**
  Status: Procedure acquitted
  Key steps:

— June 2018: Prohibition of docking.

Louise Michel, operated by M.V. Louise Michel – under maintenance

Measures against the vessel

- **Start date: March 2023**
  Status: Procedure pending
  Key steps:

— March 2023: Blocked for 20 days in the port of Lampedusa (Italy). Detained for not ignoring distress calls on her way towards a safe port, and, according to Italian authorities, for rescuing too many people.
— May 2023: The ship is back in the Mediterranean Sea.
— June 2023: The NGO operating the ship filed a complaint against the 20-day detention imposed on the asset in March 2023.

Mare Jonio, operated by Mediterranea Saving Humans – under maintenance

Measures against crew members or staff

- **Start date: March 2021**
  Status: Procedure pending
  Key steps:

— March 2021: The Ragusa Public Prosecutor's Office (Sicily) opened a case for aiding and abetting illegal immigration against four crew members. They were accused of receiving money in exchange for the transhipment of a group of migrants.

— December 2022: The Tribunal of Ragusa ordered the seizure of €125,000 in equivalent assets belonging to the Idra Social Shipping company, owner of the ship.

— June 2023: The Public Prosecutor's Office in Ragusa requested an indictment and is awaiting the setting of the preliminary hearing.

- **Start date: September 2020**
  Status: Procedure acquitted
  Key steps:

— September 2020: Denial of boarding to rescue staff of the NGO's Rescue and Medical Team by the Italian Coast Guard at the port of Pozzallo (Sicily) and port of Augusta (Sicily) respectively.

- **Start date: June 2020**
  Status: Procedure pending
  Key steps:

— June 2020: Investigations against the captain and ship-owner after disembarkation of rescue operations in Pozzallo (Sicily) for refusal to obey orders of maritime authorities – opened by the Office of the Public Prosecutor in Ragusa (Sicily).

- **Start date: March 2019**
  Status: Procedure acquitted
  Key steps:

— May 2019: Investigation opened against the captain and coordinator and shipowner for

“aiding and abetting illegal migration”.

— October 2021: The Public Prosecutor’s Office in Agrigento (Sicily) requested the dismissal of the charges against the shipowner and shipmaster.

— January 2022: The judge for preliminary investigations of the Tribunal of Agrigento (Sicily) dismissed the charges against the shipmaster and the head of mission.

- **Start date: March 2019**
  Status: Procedure acquitted
  Key steps:

— March 2019: Investigation against the captain and the mission head for aiding illegal immigration and refusal to obey a warship by the Prosecutor of Agrigento (Sicily).

— December 2020: The Tribunal of Agrigento (Sicily) closed the investigation and dismissed the case.

Measures against the vessel

- **Start date: December 2021**
  Status: Vessel released
  Key steps:

— December 2021: The High Court of Italy confirmed the seizure of the ship.
— January 2022: Vessel released.

- **Start date: November 2020**
  Status: Vessel released
  Key steps:

— November 2020: Blocked in the port of Venice for mandatory maintenance work as provided by the Italian Naval Register.

- **Start date: September 2019**
  Status: Vessel released
  Key steps:

— September 2019: Administrative seizure of the vessel in Lampedusa for violating the Security Decree Bis. The Court of Agrigento (Sicily) orders a €300,000 fine.
— February 2020: The ship was released by the Palermo Court (Sicily).

- **Start date: May 2019**
  Status: Vessel released
  Key steps:

— May 2019: Seizure of the vessel in Lampedusa due to accusations against the captain and the mission head.
— May 2019: Prosecutors of Agrigento (Sicily) did not uphold the seizure but ordered another type of impoundment for more evidence to be collected.

- **Start date: March 2019**
  Status: Vessel released
  Key steps:

— March 2019: Seizure of the vessel in Lampedusa due to accusations against the captain and the mission head on the grounds of favouring irregular migration.
— March 2019: The ship was released after a week.

Sea-Eye 4, operated by Sea-Eye – blocked at port

Measures against the vessel

- **Start date: June 2023**
  Status: Procedure pending
  Key steps:

— June 2023: Blocked at port for 20 days and fined €3,333. The NGO Sea-Eye filed a lawsuit at the Civil Court of Chieti against the twenty-day administrative detention of the ship in Ortona and the associated fine of €3,333.

- **Start date: June 2021**
  Status: Vessel released
  Key steps:

— June 2021: Seizure of the vessel after a port state control due to technical irregularities related to maritime security (transporting too many passengers).
— August 2021: Released with support of Ship Safety Department of BG Verkehr (German insurance company).

Aurora, operated by Sea Watch – blocked at port

Measures against the vessel

- **Start date: June 2023**
  Status: Procedure pending
  Key steps:

— June 2023: blocked in port for 20 days and fined €3,333 after rescue for refusing to head to the assigned port and asking to proceed to the nearest one.
— June 2023: Sea-Watch appealed both the detention and financial sanction and also sought interim measures to request the release of the vessel.
— July 2023: The ship was released.
— Decision of the Palermo Administrative Court (Sicily) still pending.

Sea-Watch 4, operated by Sea-Watch in collaboration with MSF – not operational

Measures against the vessel

- **Start date: September 2020**
  Status: Vessel released
  Key steps:

— September 2020: Administrative seizure at the Port of Palermo (Sicily) for technical irregularities related to maritime security.
— October 2020: The vessel appealed against the blockade.
— December 2020: The Regional Administrative Court of Palermo stayed the proceedings and referred the case to the Court of Justice of the EU (CJEU).
— March 2021: Released pending outcome of the preliminary ruling.
— May 2021: Detained again after appeal by the Italian Coastguard.
— September 2021: Released and bound for the port of Burriana (Spain) to prepare for further operations.
— August 2022: The CJEU delivered its preliminary ruling: it declared that rescue at sea is a duty and port state controls must not be used arbitrarily against NGOs in the future. The CJEU also emphasized that Italy cannot demand an imaginary certification which does not exist under the German flag. Also, the number of rescued persons is not a valid reason for detention. While port state controls may continue to take place, they must be carried out on schedule or with a valid reason.

Sea-Watch 3, operated by Sea-Watch – not operational

Measures against crew members or staff

- **Start date: June 2019**
  Status: Procedure acquitted
  Key steps:

— June 2019: Investigation of the captain for resistance or violence against warships and aiding illegal immigration by the Prosecutor of Agrigento (Sicily). House arrest in Lampedusa.
— July 2019: No validation of the arrest by the Court of Agrigento (Sicily), hence the captain was released.
— January 2020: The Court of Cassation (Rome) rejected the appeal of the Public Prosecutor of Agrigento (Sicily) on the validation of the arrest.
— May 2021: The Prosecutor of Agrigento (Sicily) dismissed the charges against the captain Carola Rackete.

- **Start date: June 2019**
  Status: Procedure acquitted
  Key steps:

— January 2019: Investigation against crew members for violating environmental laws, navigation safety, and facilitating illegal immigration by the Prosecutor of Catania (Sicily).
— February 2019: Case discontinued, and no investigations were initiated; crew cleared of all accusations.

Measures against the vessel

- **Start date: September 2022**
  Status: Vessel demolished and recycled
  Key steps:

— September 2022: After having disembarked 428 rescued persons, Sea-Watch 3 was detained following an inspection by the Reggio Calabria Port Authority.

— November 2022: Appeal against the detention of Sea-Watch 3, including the request for interim measures, was filed at the Administrative Regional Tribunal (TAR) of Reggio Calabria.

— January 2023: The court rejected the request for interim measures.

— April 2023: The ship, granted a single voyage authorisation, left the port of Reggio Calabria

for a scrapyard in Belgium, where it was demolished and recycled.

- **Start date: March 2021**
  Status: Vessel released
  Key steps:

— March 2021: Seized in port of Augusta (Sicily) and allowed to proceed to shipyard in port of Burriana (Spain) in May 2021.

— July 2021: Ship operational again.

- **Start date: July 2020**
  Status: Vessel released
  Key steps:

— July 2020: Administrative seizure of the vessel at the port of Porto Empedocle for technical irregularities related to maritime security (granted a single voyage authorisation to proceed to Burriana (Spain) in September 2020).

— February 2021: The ship was released.

- **Start date: May 2019**
  Status: Vessel released
  Key steps:

— May 2019: Seizure of the vessel in Lampedusa.

— June 2019: The ship was released.

- **Start date: June 2019**
  Status: Vessel released
  Key steps:

— June 2019: Seizure of the vessel in Lampedusa due to accusations against the captain and the mission head.

— December 2019: The ship was released.

Iuventa, operated by *Jugend Rettet* – not operational

Measures against crew members or staff

- **Start date: July 2018**
  Status: Procedure pending

Key steps:

— July 2018: Prosecutor of Trapani (Sicily) opened investigations against individual (former) crew members.

— March 2021: The prosecutor brought charges against individual (former) crew members for aiding and abetting illegal immigration, along with staff from MSF and Save the Children (see *Vos Prudence* and *Vos Hestia*).

— May 2022: Preliminary court hearings of the 21 former crew members started.

— June 2022: Suspension of the proceedings due to procedural errors by the prosecution.

— February 2023: The court rejects the request of the Prime Minister's Office to join the trial as plaintiffs. The Ministry of the Interior was formally admitted as a third party, but still without addressing the substance of its claims.

— March 2023: Judge upholds Italy's jurisdiction and refers territorial competence question to the Court of Cassation (Rome).

— May 2023: Judge rejects prior claims on inadequate evidence sharing and Iuventa lawyers submit a constitutional complaint challenging the legal basis of the crew's criminalization for facilitation of irregular entry.

— June 2023: Judge rejects Iuventa's constitutional complaint and request for a preliminary ruling from the Court of Justice of the EU regarding translation of "essential documents".

Measures against the vessel

- **Start date: August 2017**
  Status: Procedure pending
  Key steps:

— August 2017: Prosecutor initiated a preventive seizure of the ship.

— August 2017: The ship was ordered to the port of Lampedusa.

— April 2018: The Supreme Court of Cassation (Rome) confirmed the seizure of the ship.

— December 2022: After being held in the port of Trapani for five years and abandoned by the harbour master's office, Iuventa became unseaworthy and in danger of sinking. The court ordered that extensive maintenance work must be carried out on the ship to restore it to the condition it was in before the seizure in August 2017.

— February 2023: Iuventa crew filed a criminal complaint to the Trapani Prosecutor's Office requesting an investigation into the abandonment and destruction of the ship.

Alan Kurdi, operated by Sea-Eye – no longer operational

Measures against the vessel

- **Start date: October 2020**
  Status: Vessel released
  Key steps:

— October 2020: Administrative seizure in Olbia (Sardinia) due to technical irregularities related to maritime security (including transporting too many passengers).

— January 2021: Sea-Eye filed a lawsuit against the Italian Ministry of Transport and Olbia Port Authority for the blockage.

— April 2021: Released pending decision on the legality of the detention.

— July 2021: Sold to the NGO ResQPeople for financial reasons.

- **Start date: May 2020**
  Status: Vessel released
  Key steps:

— May 2020: Administrative seizure in Palermo (Sicily) for technical irregularities related to maritime security.

— June 2020: Italian Coast Guard granted a single voyage authorisation to proceed to Spain to fix the issues.

— August 2020: Sea-Eye filed a lawsuit against the Italian Ministry of Transport and Palermo Port Authority for the blockage.

Vos Hestia, operated by Save the Children – not operational

Measures against crew members or staff

- **Start date: August 2017**
  Status: Procedure pending
  Key steps:

— August 2017: Investigations against MSF staff for aiding irregular migration by the Prosecutor of Trapani (Sicily) along with Save the Children and Jugend Rettet staff.

— March 2021: The Prosecutor's Office in Trapani charged *Vos Hestia* crew with accusations of aiding and abetting illegal migration. The proceedings are still pending (see *Iuventa* for more details on preliminary hearings).

- **Start date: October 2017**
  Status: Vessel released
  Key steps:

— October 2017: Police search on board after an undercover agent had worked on the ship.

— October 2017: Captain interviewed by the Deputy Prosecutor of Trapani Sicily) and investigation discontinued.

Vos Prudence, operated by *Médecins sans frontières* (MSF) – not operational

Measures against crew members or staff

- **Start date: November 2018**
  Status: Procedure pending
  Key steps:

— November 2018: Italian magistrates accuse the crew of the ship of alleged illegal management of waste before the Criminal Court of Catania (Sicily), along with the *Aquarius* vessel crew.

— September 2023: Opening of trial before the Criminal Court of Catania.

- **Start date: August 2017**
  Status: Procedure pending
  Key steps:

— August 2017: Investigations against MSF staff for aiding irregular migration by the Prosecutor of Trapani (Sicily) along with Save the Children and Jugend Rettet staff.

— March 2021: The Prosecutor of Trapani (Sicily) concluded investigations on the accusation of facilitating illegal migration.

— May 2021: MSF staff are summoned to a preliminary hearing before the Criminal Court of Trapani (see *Iuventa* for more details on preliminary hearings).

Moonbird, reconnaissance aircraft operated by Sea Watch with Humanitarian Pilots Initiative – not operational

Measures against the aircraft

- **Start date: September 2020**
  Status: Aircraft released
  Key steps:

— September 2020: The aircraft was grounded by the Italian Civil Aviation authority for spending too many hours at sea and for risking endangering ongoing SAR operations carried out by state actors and the safety of navigation in the area.

— October 2020: The aircraft was released.

Alex Mediterranea, operated by Mediterranea Saving Humans – no longer operational

Measures against crew members or staff

- **Start date: July 2019**
  Status: Procedure acquitted
  Key steps:

— July 2019: Investigation against the captain and the mission head for aiding of illegal immigration and refusal to obey a warship by the Prosecutor of Agrigento (Sicily) and a €65,000 fine for violating the Security Decree Bis.

Measures against the vessel

- **Start date: July 2019**
  Status: Procedure acquitted
  Key steps:

— July 2019: Seizure of vessel in Lampedusa for violating the Security Degree Bis.

— February 2020: The ship was released.

— Since March 2020, no longer operational due to COVID-19 protocols.

Eleonore, operated by Mission Lifeline – not operational

Measures against crew members or staff

- **Start date: September 2019**
  Status: Procedure acquitted
  Key steps:

— September 2019: Investigation against the captain and the mission head for aiding of illegal immigration by the Prosecutor of Ragusa (Sicily) and €300,000 fine for violating the Security Decree Bis.

— June 2021: The Court of Ragusa in Sicily lifted the fine of €300,000 imposed on the captain Claus-Peter Reisch.

Measures against the vessel

- **Start date: September 2019**
  Status: Procedure acquitted
  Key steps:

— September 2019: Administrative seizure of the vessel in Pozzallo (Sicily) for violating the Security Decree Bis.

Aquarius, operated by *SOS Mediterranée* with MSF – not operational

Measures against crew members or staff

- **Start date: November 2018**
  Status: Procedure pending

Key steps:

— November 2018: 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".

— September 2023: Opening of the trial before the Criminal Court of Catania (Sicily).

Measures against the vessel

- **Start date: November 2018**
  Status: Vessel released
  Key steps:

— November 2018: The Prosecutor of Catania (Sicily) ordered the seizure of the vessel *in absentia* (while docked in Marseille) and the seizure of €200,000 from MSF.

— January 2019: The Court of Catania (Sicily) annulled the decision on the seizure of €200,000.

Golfo Azzurro, operated by ProActiva Open Arms – not operational

Measures against crew members or staff

- **Start date: May 2017**
  Status: Procedure acquitted
  Key steps:

— May 2017: The Prosecutor's Office in Palermo initiated investigations against the crew, accused of criminal association with the aim of facilitating illegal immigration and of an alleged connivance with traffickers from Libya.

— June 2018: The Tribunal of Palermo discontinued the investigation.

Spain

Open Arms, operated by ProActiva Open Arms – operational

Measures against the vessel

- **Start date: January 2019**
  Status: Vessel released
  Key steps:

— January 2019: Spanish Maritime Authorities denied permission to sail due to “violations of maritime regulations”, ship blocked in Spain.

— April 2019: Spanish authorities allowed the vessel to deliver humanitarian aid to refugee camps in Lesvos (Greece) and Samos (Greece) but not to conduct SAR operations.

Aita Mari, operated by *Salvamento Marítimo Humanitario* – operational

Measures against the vessel

- **Start date: January 2019**
  Status: Vessel released
  Key steps:

— January 2019: Spanish Maritime Authorities denied permission to sail due to “violations of maritime regulations”, ship blocked in Spain.

— April 2019: Spanish authorities allowed the vessel to deliver humanitarian aid to refugee camps in Lesvos (Greece) and Samos (Greece) but not to conduct SAR operations.

Louise Michel, operated by M.V. Louise Michel – under maintenance

Measures against the vessel

- **Start date: October 2020**
  Status: Vessel released
  Key steps:

— October 2020: Blocked at the port of Burriana (Spain) for registration issues.

— January 2022: Vessel back in operation.

Germany

Mare Liberum, operated by Mare Liberum – not operational

Measures against the vessel

- **Start date: September 2020**
  Status: Vessel released
  Key steps:

— 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.

— September 2020: The Administrative Court of Hamburg granted the ship permission to set sail.

- **Start date: April 2019**
  Status: Vessel released
  Key steps:

— April 2019: Seizure of the ship on the basis of safety requirements by the German Professional Association for Transport and Traffic.

— May 2019: The Administrative Court of Hamburg granted the ship permission to set sail.

— September 2019: The Higher Administrative Court of Hamburg confirmed the Administrative Court decision.

The Netherlands

Sea Watch 3, operated by Sea-Watch – not operational

Measures against the vessel

- **Start date: April 2019**
  Status: Vessel released
  Key steps:

— April 2019: Dutch government imposed more stringent technical safety requirements for the ship without a transition period and blocked the ship.

— May 2019: The court in The Hague ruled that the new requirements were legal, but the transitional period was too short. The judges removed the blockade and suspended the recent requirements until 15 August 2019.

— August 2019: The court in The Hague ruled on the appeal lodged by Sea Watch and extended the transitional period until December 2019.

- **Start date: January 2019**
  Status: Vessel released
  Key steps:

— January 2019: Extensive inspections mandated by the Dutch authorities; ship blocked in Italy.

— February 2019: The flag state granted the ship permission to set sail again.

Malta

Lifeline, operated by Mission Lifeline – not operational

Measures against crew members or staff

- **Start date: July 2018**
  Status: Procedure acquitted
  Key steps:

— July 2018: Accusation by the Public Prosecutor's Service against the captain for not following the orders of the Italian Maritime Rescue Coordination Centre and entering Maltese territorial waters illegally.

— May 2019: The Court of Valletta fined the captain €10,000 for operating a ship that was not properly registered for rescue operations.

— January 2020: The Court of Appeal of Malta overturned the decision and cleared the

captain of all charges.

Measures against the vessel

- **Start date: June 2018**
  Status: Condemned
  Key steps:

— June 2018: Maltese authorities launched investigations due to potential issues with the registration of the ship under the Dutch flag.

— June 2018: *Lifeline* impounded.

Sea-Eye, operated by Sea-Eye – not operational

Measures against the vessel

- **Start date: July 2018**
  Status: Vessel released
  Key steps:

— July 2018: Maltese authorities launched investigations due to potential issues with the registration of the ship under the Dutch flag.

— December 2018: The ship was released.

— June 2019: The *Sea-Eye* was transferred to Hamburg, where it has since served as a documentation ship for search and rescue.

Seefuchs, operated by Sea-Eye – not operational

Measures against the vessel

- **Start date: July 2018**
  Status: Vessel released
  Key steps:

— July 2018: Maltese authorities launched investigations due to potential issues with the registration of the ship under the Dutch flag.

— December 2018: The ship was released.

Sea-Watch 3, operated by Sea-Watch – not operational

Measures against the vessel

- **Start date: July 2018**
  Status: Vessel released
  Key steps:

— July 2018: Maltese authorities launched investigations due to potential issues with the registration of the ship under the Dutch flag.

— August 2018: The Dutch government confirmed in a report to the Maltese authorities the correct registration of the *Sea-Watch 3*.

— October 2018: The *Sea-watch 3* was cleared to leave Malta after three months of detention.

Moonbird, reconnaissance aircraft operated by Sea-Watch with Humanitarian Pilots Initiative – operational

Measures against the aircraft

- **Start date: July 2018**
  Status: Vessel released
  Key steps:

— July 2018: Authorities blocked the aircraft due to lacking permits for SAR operations.

— October 2018: The aircraft resumed operations.

About this publication

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