

Table 2: Legal proceedings by EU Member States against private entities involved in SAR operations in the Mediterranean Sea (15 December 2020)

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				
'Mare Jonio' (operated by Mediterranea Saving Humans)	Dec. 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	Nov. 2020 : Blocked in the port of Venice (Italy) for mandatory maintenance work as provided by the Italian Naval Register	P
	Sept. and Oct. 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	Febr. 2020 : The ship was released by the Palermo Court (Sicily) Sept. 2019 : Administrative seizure of the vessel in Licata (Sicily) for violating the Security Decree Bis	A
	Sept. and June 2020 : investigations against the Captain & Ship-owner after	P		

	disembarkation of rescue operations in Pozzallo (Sicily) for refusal of obedience to orders of Maritime Authorities - opened by the Office of Public Prosecutor in Ragusa (Sicily)			
	Sept. 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
'Open Arms'			Aug. 2019 : The ship was released	

(operated by ProActiva Open Arms)	<p>Nov. 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 while 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>Aug. 2019: Seizure of the vessel in Licata by the Prosecutor of Agrigento (Sicily)</p> <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
'Alan Kurdi' (operated by Sea-Eye)	--		Oct. 2020 : Administrative seizure in Olbia (Sardinia) due to technical irregularities related to maritime security (including transporting too many passengers)	P
	--		<p>August 2020: Sea-Eye files lawsuit against Italian Ministry of Transport and Palermo Port Authority for the blockage</p> <p>June 2020: the Italian Coast Guard granted a single voyage</p>	P

			<p>authorisation to proceed to Spain to fix the issues</p> <p>May 2020: Administrative seizure in Palermo (Sicily) for technical irregularities related to maritime security</p>	
<p>'Moonbird' (reconnaissance aircraft operated by Sea Watch)</p>	--	--	<p>Oct. 2020: The aircraft was released</p> <p>Sept. 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>	A
<p>'Sea-Watch 4' (operated by Sea-Watch, , in collaboration with MSF)</p>	--	--	<p>Oct. 2020: The vessel appealed against the blockade</p> <p>Sept. 2020: Administrative seizure at the port of Palermo (Sicily) for technical irregularities related to maritime security</p>	p
<p>'Aita Mari' (operated by Salvamento Maritimo Humanitario (SMH))</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>	A
<p>'Ocean Viking' (operated by SOS MEDITERRANEE - with Médecins Sans Frontières until May 2020)</p>	--	--	<p>July 2020: Administrative seizure at the port of Seized at Porto Empedocle (Sicily) for technical irregularities related to maritime security (granted a single voyage authorisation to proceed to shipyard in Augusta (Sicily) in Nov. 2020)</p>	P

<p>'Sea-Watch 3' (operated by Sea-Watch)</p>	<p>Jan. 2020: 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>July 2019: No validation of the arrest by the Court of Agrigento (Sicily), hence captain released</p> <p>June 2019: 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	<p>July 2020: 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 Sept. 2020)</p>	P
	<p>May 2019: Investigation of the captain for aiding illegal immigration & hearing of captain by the Prosecutor of Agrigento (Sicily)</p>		<p>Dec. 2019: The Civil Court of Palermo (Sicily) ordered the release of the ship from the administrative seizure</p> <p>Sept. 2019: The ship was released from the criminal seizure</p> <p>June 2019: Criminal seizure of the vessel in Licata (Sicily); followed by an administrative seizure in July 2019</p>	A
	<p>Febr. 2019: Case discontinued and no investigations were initiated; crew cleared of all accusations</p> <p>Jan. 2019: Investigation against crew members for violating environmental laws, navigation safety, and facilitating illegal</p>	A	--	--

	immigration by the Prosecutor of Catania (Sicily)			
	<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
'Alex Mediterranea' (operated by Mediterranea Saving Humans)	<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>February 2020: The ship was released</p> <p>July 2019: Seizure of vessel in Lampedusa for violating the Security Decree Bis</p>	A
'Eleonore' (operated by Mission Lifeline)	<p>Sept. 2019: 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 Security Decree Bis</p>	P	<p>Sept. 2019: Administrative seizure of the vessel in Pozzallo (Sicily) for violating the Security Decree Bis</p>	P

<p>'Aquarius' (operated by SOS SOS MEDITERRANEE e & MSF)</p>	<p>Nov. 2018: Staff members of both the Vos Prudence (operations from March to July 2017) and 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>Jan. 2019: The Court of Catania (Sicily) annulled the decision on the seizure of 200.000 EUR</p> <p>Nov. 2018: 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>A</p>
<p>'Vos Prudence' (operated by MSF)</p>				
<p>'Iuventa' (operated by <i>Jugend Rettet</i>)</p>	<p>July 2018: 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>Aug. 2017: The ship was ordered to the port of Lampedusa</p> <p>Aug. 2017: Prosecutor initiated a preventive seizure of the ship</p>	<p>C</p>
<p>'Astral' (operated by ProActiva Open Arms)</p>	<p>--</p>		<p>June 2018: Prohibition of docking</p>	<p>P</p>
<p>'Vos Hestia' (operated by Save the Children)</p>	<p>Oct. 2017: Captain interviewed by the Deputy Prosecutor of Trapani and investigation discontinued</p>	<p>A</p>	<p>--</p>	<p>--</p>

	Oct. 2017: Police search on board after an undercover agent worked on the ship			
' Golfo Azzurro ' (operated by ProActiva Open Arms)	June 2018 : Tribunal of Palermo discontinued the investigation May 2017: Criminal investigations against unknown persons involved in migrant smuggling initiated by the Prosecutor of Palermo (Sicily)	A	--	--
Médecins Sans Frontières (MSF) (no vessel, only staff subject to investigations)	Aug. 2017: Investigations against MSF staff for aiding irregular migration by Prosecutor of Trapani (Sicily)	P	--	--
SPAIN				
' Louise Michel ' (operated by M.V. Louise Michel)	--	--	Oct. 2020 : Blocked at the port of Burriana (Spain) for registration issues	P

<p>'Open Arms' (operated by ProActiva Open Arms)</p>	<p>--</p>	<p>--</p>	<p>April 2019: Spanish authorities have allowed the vessels to deliver humanitarian aid to refugee camps in Lesvos and Samos but not to conduct SAR operations</p>	<p>A</p>
<p>'Aita Mari' (operated by the Humanitarian Maritime Rescue Association (SMH))</p>	<p>--</p>	<p>--</p>	<p>Jan. 2019: Spanish Maritime Authorities deny permission to sail due to "violations of maritime regulations", ships blocked in Spain</p>	<p>A</p>
GERMANY				
<p>'Mare Liberum' (operated by Mare Liberum)</p>	<p>--</p>	<p>--</p>	<p><u>September 2020</u>: the Administrative Court of Hamburg granted the ship permission to set sail</p> <p><u>April 2020</u>: 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>	<p>A</p>

	--	--	<p>Sept. 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>Feb. 2019: The flag state granted the ship permission to set sail again</p> <p>Jan. 2019: Extensive inspections mandated by the Dutch authorities, ship blocked in Italy</p>	A
<p>'Lifeline' (operated by Mission Lifeline)</p>	<p>See description of proceedings for Malta below</p>		<p>See description of proceedings for Malta below</p>	
<p>'Seefuchs' (operated by Sea-Eye)</p>				
<p>'The Sea Eye' (operated by Sea-Eye)</p>				
MALTA				
<p>'Lifeline' (operated by Mission Lifeline)</p>	<p>Jan. 2020: Maltese Appeal Court overturned the decision 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: 'Lifeline' impounded</p> <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)	--	--	July 2018: Maltese authorities blocked the ship and launched investigations due to potential issues with the registration of the ships under the Dutch flag	No information available
'Seefuchs' (operated by Sea-Eye)	--	--	Dec. 2018: The ship was released July 2018 : Maltese authorities blocked the ship and launched investigations due to potential issues with the registration of the ships under the Dutch flag	A
'Sea-Watch 3' (operated by Sea-Watch)	--	--	Oct. 2018: The vessel was released July 2018 : Maltese authorities blocked the ship and launched investigations due to potential issues with the registration of the ships under the Dutch flag	A
Moonbird (operated jointly by Sea-Watch and Humanitarian Pilots Initiative)	--	--	Oct. 2018: the aircraft resumed operations July 2018: Authorities blocked the aircraft due to lacking permits for SAR operations	A
GREECE				
Emergency Response Centre International	Dec. 2018: The accused were released on bail Aug. 2018: At least ten NGO staff members arrested and criminal investigations started for migrant smuggling, espionage	P	--	--

	and membership in a criminal organisation by the police in Mytilene (Lesvos)			
Three volunteers (Spanish firefighters) working for the NGO PROEM-AID (no vessel seized)	May 2018: the Court in Mytilene acquitted the accused volunteers 2017: Criminal charges and indictment for attempting to traffic people (Local court of Mytilene) Jan. 2016: Arrest and detention of the volunteers by the Public Prosecutor of Mytilene	A	--	--
A volunteer working for Team Humanity				

Notes: P = Pending

A = Acquitted

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 which is online shows NGO ships involved in SAR operations in the Mediterranean Sea between 2016 and 15 December 2020.