

Table 2: Legal proceedings in the EU against private entities involved in SAR operations in the Mediterranean Sea (June 2019)

Vessel/NGO/individual concerned	Measures against individuals (crew members or NGO staff)	Measures against vessel	Legal procedure, state of play
ITALY			
'Mare Jonio' (operated by Mediterranea Saving Humans)	May 2019: Investigation of crew members for aiding of illegal immigration by finance police in Rome and prosecutors in Agrigento (Sicily)	Seizure of vessel in Lampedusa due to accusations against crew of alleged aiding of illegal immigration	<ul style="list-style-type: none"> 👤 Criminal case against crew pending ➡ May 2019: Agrigento prosecutors did not uphold the seizure, but ordered another type of impoundment for more evidence to be collected
	March 2019: Deputy Prosecutor of Agrigento initiates investigation of commander on account of abetting illegal immigration and refusal of obedience to a warship	Seizure of the vessel due to accusations against crew member	<ul style="list-style-type: none"> 👤 Criminal case against commander pending ➡ March 2019: The ship was released
'Sea Watch 3' (operated by Sea Watch)	May 2019: Investigation of captain for aiding illegal immigration & hearing of captain by Public Prosecutor of Agrigento	Seizure of vessel in Sicily	<ul style="list-style-type: none"> 👤 Criminal case pending ➡ Ship seized in Sicily; then released on 1 June 2019
	Jan. 2019: Chief Prosecutor in Catania (Sicily) accused crew members for violating environmental laws, navigation safety, and		<ul style="list-style-type: none"> 👤 Feb. 2019: Case discontinued and no investigations were initiated; crew cleared of all accusations

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	facilitating illegal immigration		
'Aquarius' (operated by SOS Méditerranée & MSF)	Nov. 2018: 24 MSF staff members under investigation initiated by the Chief Prosecutor in Catania (Sicily) for "illegal management of waste"	Seizure of the Aquarius	<ul style="list-style-type: none"> ▪ Case pending
'Vos Prudence' (operated by MSF)			
'Open Arms' (operated by ProActiva Open Arms)	March 2018: Investigations by the Public Prosecutor in Catania (Sicily) against the captain & mission coordinator – on counts of "criminal association" and "facilitation of irregular migration" (Catania) and on a count of disobedience of Interior Ministry orders (Ragusa)	<p>March 2018: Pre-trial seizure of the ship by the prosecutor because of a <u>violation</u> of the Code of Conduct & jeopardising migrants' lives</p> <p>April 2018: The pre-trial judge at the Tribunal of Ragusa ordered the release of the ship</p> <p>May 2018: The Criminal Court of Ragusa confirmed the release of the ship</p>	<ul style="list-style-type: none"> ► April 2018: The Tribunal of Ragusa lifted the ship's seizure ▪ May 2019: Catania prosecutor's office closed investigations of commander and mission head ▪ Accusations for disobedience of Interior Ministry orders in Ragusa are pending
'Iuventa' (operated by Jugend Rettet)	July 2018: the Public Prosecutor in Trapani (Sicily) extended investigations to individual (former) crew members	<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>	<ul style="list-style-type: none"> ▪ Case pending, investigation phase due to end in the summer of 2019

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		<p>August 2017: The Tribunal of Trapani confirmed the preventive seizure</p> <p>April 2018: The Supreme Court of Cassation (Rome) confirmed the seizure of the ship</p>	
'Vos Hestia' (operated by Save the Children)	Oct. 2017: Police search on board after an undercover agent worked on the ship	Captain interviewed by the Deputy Prosecutor of Trapani	<ul style="list-style-type: none"> ▪ Investigations discontinued
'Golfo Azzurro' (operated by ProActiva Open Arms)	May 2017: Criminal investigations against unknown persons involved in migrant smuggling initiated by the Public Prosecutor of Palermo (Sicily)		<ul style="list-style-type: none"> ▪ June 2018: The Tribunal of Palermo discontinued the investigation
'Médecins Sans Frontières' (no vessel, only staff subject to investigations)	Investigations against MSF staff by Public Prosecutor in Trapani (Sicily) for aiding irregular migration		<ul style="list-style-type: none"> ▪ Criminal case pending

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THE NETHERLANDS			
'Sea Watch 3' (operated by Sea Watch)		Jan. 2019: Extensive inspections mandated by the Dutch authorities, ship blocked in Italy	<ul style="list-style-type: none"> Feb. 2019: The flag state granted the ship permission to set sail again
		April 2019: Dutch government imposed more stringent technical safety requirements for the ship without a transition period & blocked the ship	<ul style="list-style-type: none"> 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.
'Lifeline' (operated by Mission Lifeline)		June/July 2018: Dutch government renounced the ships' registrations under the Dutch flag	See description of proceedings in Malta below
'Seefuchs' (operated by Sea-Eye)			
'The Sea Eye' (operated by Sea-Eye)			
MALTA			
'Lifeline' (operated by Mission Lifeline)	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	July 2018: 'Lifeline' impounded July 2018: Maltese authorities launched investigations due to potential issues with the registration of the ship under the Dutch flag	<ul style="list-style-type: none"> May 2019: The Court of Valletta fined the captain 10,000 Euros for operating a ship that was not properly registered for rescue operations 'Lifeline' remains impounded by authorities

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'The Sea Eye' (operated by Sea-Eye)		July 2018: Maltese authorities blocked the ships 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: Seefuchs was released
'Sea-Watch 3' (operated by Sea-Watch)			► Oct. 2018: Sea-Watch 3 was released
Moonbird (operated by Sea-Watch)		July 2018: Authorities blocked the aircraft due to lacking permits for SAR operations	✗ Oct. 2018: the aircraft resumed operations
GREECE			
Emergency Response Centre International (no vessel seized)	Aug. 2018: 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)		❶ Dec. 2018: The accused were released on bail, criminal case pending
Three volunteers (Spanish firefighters) working for the NGO PROEM-AID (no vessel seized)	Jan. 2016: Arrest and detention of the volunteers by the Public Prosecutor of Mytilene → 2017: Criminal charges and indictment for attempting to traffic people (Local court of Mytilene)		❶ May 2018: the Court in Mytilene tried and acquitted the accused volunteers
A volunteer working for Team Humanity			

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A German pensioner couple (private individuals, not associated with any NGO)	Couple accused of and convicted for migrant smuggling to 16,5 years of imprisonment each by the local court in Symi (Aegean Sea)	Boat (a recreational craft) confiscated	<ul style="list-style-type: none"> ¶ March 2017: Court of Appeal of the Dodecanese acquitted the wife and reduced the husband's prison sentence to 3,5 years
SPAIN			
'Open Arms' (operated by ProActiva Open Arms)		Jan. 2019: Spanish Maritime Authorities deny permission to sail due to "violations of maritime regulations", ships blocked in Spain	<ul style="list-style-type: none"> → 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
'Aita Mari' (operated by the Humanitarian Maritime Rescue Association (SMH))			
GERMANY			
'Mare Liberum' (operated by Mare Liberum)		April 2019: Detention order on the basis of safety requirements by the German Professional Association for Transport and Traffic	<ul style="list-style-type: none"> → May 2019: The Administrative Court of Hamburg granted the ship permission to set sail

Source: FRA, 2019

Notes:

- ¶ = measures/procedures against individuals
- = measures/procedures against vessels