FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

SEARCH AND RESCUE (SAR) OPERATIONS AND FUNDAMENTAL RIGHTS

JUNE 2024 UPDATE

REPORT

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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 the end of May 2024, over 29,800 people died or went missing while attempting to cross the Mediterranean Sea to reach Europe. These individuals sought to escape war or persecution or to pursue a better life.

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

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

In 2023–2024, this phenomenon concerned the Central Mediterranean, the maritime area where most fatalities at sea occur and where civil society deploy their assets. During the reporting period, they were not present in other areas, such as the Aegean Sea or the Spanish SAR zone.

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 and the status of legal proceedings against them (see Products | European Union Agency for Fundamental Rights (europa.eu).

This update aims to contribute to discussions on the need for sufficient and effective SAR capacities at sea by providing an overview of the difficulties faced by civil society in their efforts to prevent deaths at sea. These discussions are taking place within the European Contact Group on Search and Rescue and in the context of Frontex operations at sea.

1. 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 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 Organization (IMO), which only one Mediterranean EU Member State, Malta, did not ratify.

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*. Therefore, disembarkation must be avoided in places where the lives of refugees and asylum seekers could be at risk of persecution, torture or other serious harm.

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 encourages Member States to ensure rapid disembarkation of rescued people at a place of safety, where their fundamental rights 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 operated by humanitarian organisations and may seize such vessels, but only in the event of a clear risk to safety, health or

the environment.

2. 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, rescuing 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 41 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.

At the end of May 2024, 17 vessels and three aircraft were still deployed; the rest had discontinued operations. Eight of the deployed vessels were under maintenance and not currently operational (*Aita Mari, Louise Michel, Open Arms, Astral, ResQ People, Imara, Mare Jonio,* and *Sea Punk*).

3. 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 the detention of ships by port authorities.

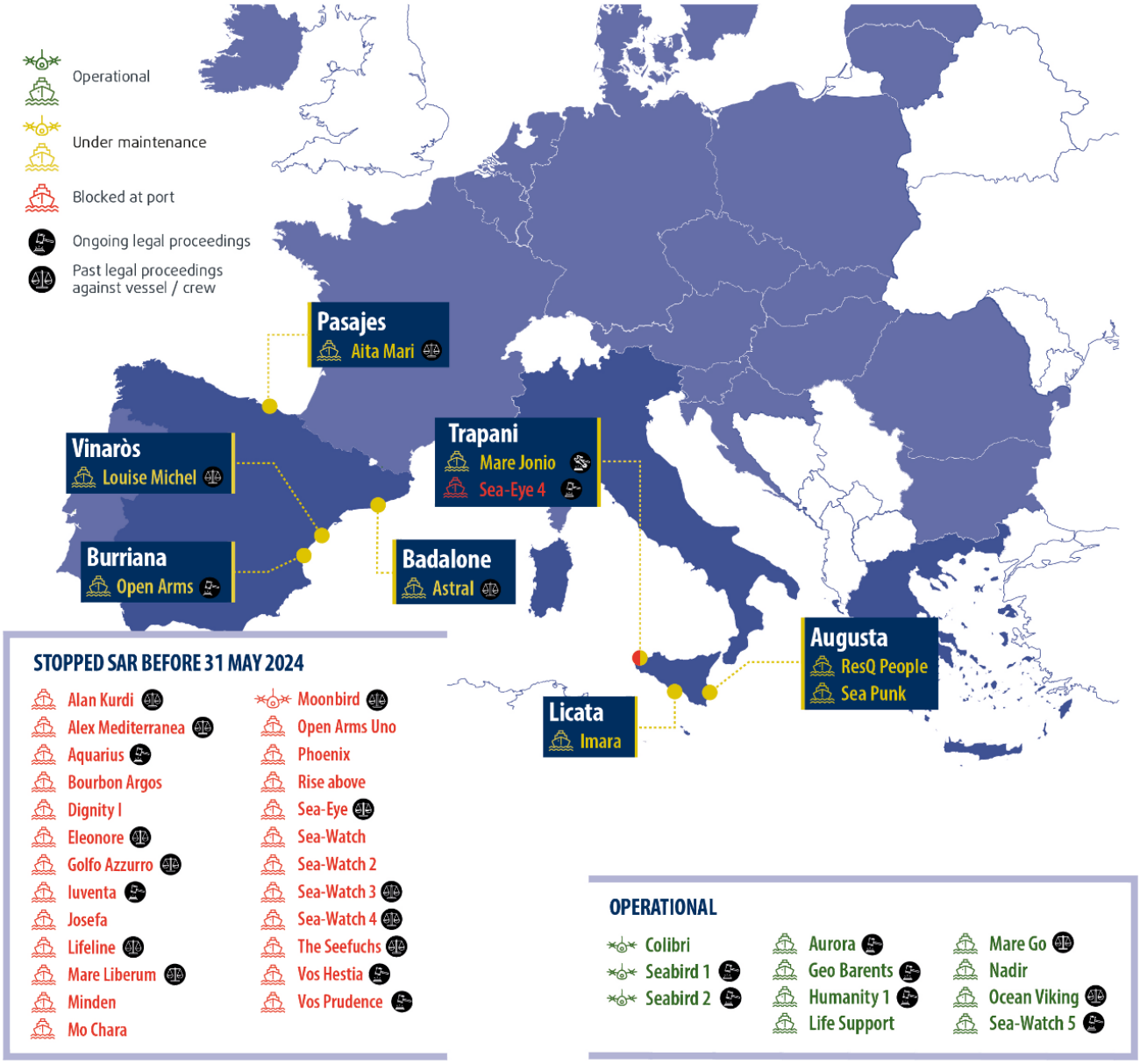
In other cases, crew members or civil society actors faced criminal proceedings related to their SAR activities.

Such criminal proceedings, as well as administrative measures against deployed vessels—like blocking ships in ports due to technical irregularities relating to maritime security or temporarily detaining them for contravening national law—have a chilling effect and intimidate civil society actors.

Out of the 17 NGO vessels which were still active on 31 May 2024, eight vessels were at sea. The *Sea-Eye 4* was blocked in port due to ongoing legal proceedings. The other eight vessels were undergoing maintenance (see Figure).

In May 2024, the Italian Civil Aviation Authority issued five decisions banning civil society deployed aircraft from taking off for search operations at sea from five airports in Sicily: Lampedusa, Palermo Bocca di Falco, Palermo Punta Raisi, Pantelleria, and Trapani. On 22 May 2024, the NGO Sea Watch was fined over 2,000 EUR for continuing to fly the *Seabird*.

Figure 1 – NGO assets involved in SAR operations in the Mediterranean Sea between August 2014 and 31 May 2024, whether operational or not, whether facing legal proceedings or not



The figure shows that eight vessels and three aircraft are operational, 25 assets have been stopped before 31 May 2024, whereas one vessel (Sea-Eye 4) is blocked in the Port of Trapani, and eight vessels are under maintenance.

Source: FRA (2024) based on public sources and civil society input

Since 2017, Germany, Italy, Malta, the Netherlands, and Spain have initiated 81 administrative or criminal proceedings in total affecting SAR operations by civil society actors. The majority concern measures against SAR vessels; only one out of five measures concern criminal proceedings against the staff working for the NGOs deploying the vessels or against the crew.

Table 1 – Active and non-active assets deployed by civil society: overview of legal proceedings, 2017 – 31 May 2024, five EU Member States

	Vessels which faced legal proceedings	Vessels which faced no legal proceedings	Aircraft which faced legal proceedings	Aircraft which faced no legal proceedings	Total
Active assets (including those under maintenance)	12	5	2	1	**20**
Inactive assets	14	10	1		**25**
Total assets	**26**	**15**	**3**	**1**	**45**

Source: FRA (2024) based on public sources and civil society input.

Annex 1 lists the ongoing and closed administrative and criminal proceedings against NGO rescue vessels, aircraft and/or their crew members, as reviewed by FRA based on publicly available sources and communication with civil society actors.

Most closed cases ended with an acquittal, the release of the confiscated or detained vessel, or were discontinued due to lack of evidence. In some cases, NGOs agreed to pay a fine and waited until the authorities allowed their vessel to leave the port.

Since July 2023, 18 new legal cases have been opened – all in Italy. These cases involve fines ranging from 2,000 to 10,000 EUR and the temporary blocking of vessels in ports (usually for 20 days), in application of Italy's Decree No. 1/2023, converted into Law No. 15/2023. This legislation imposes strict requirements on civil society SAR operations, including the obligation for SAR vessels to proceed to designated ports, which are often distant from rescue areas. Additionally, the legislation requires that SAR vessels proceed immediately to the assigned port after each rescue, thereby limiting their ability to rescue 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. In seven cases, sanctions by Italian authorities were allegedly imposed on vessels for not having followed the instructions of the Libyan Coast Guard.

No new cases were opened against individual crew members for aiding and abetting irregular immigration. After seven years, the Italian judiciary dismissed the "*Iuventa*" case, which concerned charges against personnel working for the NGOs Jugend Rettet, Save The Children, and Médecins Sans Frontières.

Legal actions against NGOs and volunteers involved in SAR at sea, based on domestic criminal or administrative law, must be implemented in accordance with the relevant international, Council of Europe, 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, whether they are acting out of humanitarian considerations and/or 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, and the UNHCR legal considerations on the roles and responsibilities of States in relation to rescue at sea, non-refoulement, and access to asylum(December 2022), provide useful guidance in this regard.

FRA will monitor further developments closely and continue to provide regular updates.

For more information, see the following FRA publications:

- FRA (2013), Fundamental rights at Europe's southern sea borders, 27 March 2013
- FRA (2018), Fundamental rights considerations: NGO ships involved in search and rescue in the Mediterranean and criminal investigations, 1 October 2018
- FRA (2023), Preventing and responding to deaths at sea: what the European Union can do, 6 July 2023
- FRA (2024), Fundamental Rights Report 2024, 5 June 2024, Chapter 3
- For FRA's previous regular updates on SAR in the Mediterranean, see Products | European Union Agency for Fundamental Rights (europa.eu)

Annex: Legal proceedings by EU Member States against civil society actors involved in search and rescue (SAR) operations in the Mediterranean Sea (Update June 2024)

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 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 from 2017 until 31 May 2024. The legal proceedings are listed in inverted chronological order, based on the date each proceeding was initiated.

Italy

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

Measures against the vessel

Start date: March 2024
Status: Procedure pending
Key steps:

- March 2024: After disembarking 249 people, the port authorities detained the vessel in the port of Marina di Carrara (Tuscany) for 20 days. They imposed a fine on MSF for allegedly failing to comply with the instructions of the Libyan Coast Guard and contributing to a dangerous situation on board (as per Decree No. 1/2023)
- March 2024: MSF lodged an appeal at the Civil Court of Massa against the detention of the vessel.
- April 2024: The Court of Massa rejected the request to suspend the detention (the case is still pending on the merits).

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

- February 2023: After the vessel's last mission, in which 48 people were rescued from distress at sea, it was detained at the port for 20 days and the captain and the ship owner were ordered to pay a fine of 5,000 EUR.
- May 2023: An appeal was lodged at the civil court of Ancona against the detention of the vessel and the fine imposed.

- June 2024: The civil court of Ancona rejected the appeal of Geo Barents.

Start date: July 2021
Status: Vessel released
Key steps:

- July 2021: The vessel was detained at the port of Augusta (Sicily) after an inspection of 14 hours on grounds of identified deficiencies.
- July 2021: The vessel was released after 24 days of detention.

Open Arms, operated by *ProActiva Open Arms* – under maintenance

Measures against crew members or staff

Start date: March 2018
Status: Acquittal
Key steps:

- March 2018: The Catania District Prosecutor's Office opened an investigation against the captain, the mission head, and the director of Open Arms on the grounds of "criminal association" and "facilitation of irregular migration" (Catania) and on suspicion of disobedience of Interior Ministry orders (Ragusa).
- May 2019: The Catania District Prosecutor's Office (Sicily) closed its investigations against the captain and the mission head, while accusations of disobedience of Interior Ministry orders remained pending.
- November 2020: The Tribunal of Ragusa (Sicily) dismissed the case.

Measures against the vessel

Start date: January 2024
Status: Procedure pending
Key steps:

- January 2024: After disembarking 57 people, the port authorities detained the vessel for 20 days in the port of Crotone (Calabria) and imposed a fine on the NGO for obstructing the Libyan Coast Guard.
- January 2024: The NGO lodged an appeal before the Court of Crotone.

Start date: October 2023
Status: Procedure pending
Key steps:

- October 2023: After disembarking 176 people, the port authorities detained the vessel for 20 days in the port of Marina di Carrara (Tuscany) and imposed a fine on the NGO for conducting three consecutive rescue operations and not disembarking after the first one, as required by Law No. 15/2023.
- October 2023: The NGO lodged an appeal before the Court of Massa Carrara.

Start date: August 2023
Status: Procedure pending
Key steps:

- August 2023: After disembarking 196 people, the port authorities blocked the vessel in the port of Marina di Carrara (Tuscany) for 20 days and imposed a fine on the NGO for conducting three consecutive rescue operations and not disembarking after the first one, as required by Law No. 15/2023.
- September 2023: The NGO lodged an appeal before the Court of Massa Carrara.

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

- April 2021: The vessel was seized after a port state control due to technical irregularities related to maritime security.
- June 2021:The vessel was released after more than eight weeks in detention at the port.

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

- August 2019: The vessel was seized 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: The ship was seized pre-trial in Pozzallo (Sicily) for violating the Code of Conduct for Rescue NGOs and for endangering the lives of migrants.
- April 2018: The Tribunal of Ragusa (Sicily) 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: February 2024
Status: Ongoing proceeding, vessel released
Key steps:

- February 2024: After disembarking 261 people, the port authorities detained the vessel for 20 days in the port of Brindisi (Apulia) and imposed a fine of 3,333 EUR on the NGO for not following the instructions of the Libyan Coast Guard.
- February 2024: The NGO lodged an appeal before the Civil Court of Brindisi against the detention and the fine.
- February 2024: The Civil Court of Brindisi suspended the detention.

Start date: December 2023
Status: Procedure ongoing
Key steps:

- December 2023: After disembarking 244 people, the port authorities detained the vessel in the port of Bari (Apulia) for 20 days and imposed a fine of 3,300 EUR on the NGO for not following the instructions of the Italian authorities.
- January 2024: The NGO lodged an appeal.

Start date: November 2023
Status: Procedure ongoing
Key steps:

- November 2023: After disembarking 128 people, the port authorities detained the vessel in the port of Bari (Apulia) for 20 days and imposed a fine of 3,300 EUR on the NGO for conducting multiple consecutive rescue operations and not disembarking after the first one, as required by Law No. 15/2023.
- November 2023: The NGO lodged an appeal against the detention and the fine.

Start date: July 2023
Status: Vessel released
Key steps:

- July 2023: After a seven-hour control in the port of Civitavecchia, the port authorities detained the vessel after having found technical and administrative deficiencies.
- July 2023: The detention was revoked after ten days because the port authorities recognised that the ship complied with the applicable regulations.

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

- January 2022: The vessel was subjected to an administrative seizure after an 11-hour state port control at the port of Trapani.

- January 2022: The vessel was released after 17 days of detention in the port of Trapani, following the correction of the deficiencies previously identified by the authorities.

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

- July 2020: The vessel was subjected to an administrative seizure at the port at Porto Empedocle (Sicily) after a state port control found technical irregularities related to maritime security. In November 2020, the vessel was granted a single voyage authorisation to proceed to a shipyard in Augusta (Sicily).
- December 2020: The vessel was released after the irregularities were fixed, and no appeal of the seizure was made.

Aita Mari, operated by *Salvamento Marítimo Humanitario* – under maintenance

Measures against the vessel

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

- January 2023: Following an inspection in Palermo in 2020, the NGO faces the risk of a fine being imposed by the Italian government.

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

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

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

- May 2020: The vessel was subjected to an administrative seizure in Palermo (Sicily) due to 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: Vessel released
Key steps:

- June 2018: The vessel was prohibited from 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: The vessel was blocked for 20 days in the Port of Lampedusa for violating Italy's Decree No. 1/2023.
- May 2023: The vessel returned to 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 EUR worth of assets belonging to the Idra Social Shipping company, the owner of the ship.
- March 2023: The prosecutor brought charges against seven crew members and the Idra Social Shipping company for aiding and abetting irregular immigration for profit. Four crew members were also charged with irregularities related to rules established in the navigation

code.

- June 2023: The Public Prosecutor's Office in Ragusa requested an indictment and awaited the setting of the preliminary hearing.
- February 2024: Preliminary court hearings began against seven members of the crew.

Start date: September 2020
Status: Acquittal
Key steps:

- September 2020: Rescue staff from the NGO's Rescue and Medical Team were denied boarding by the Italian Coast Guard at the Port of Pozzallo (Sicily) and the Port of Augusta (Sicily), respectively.

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

- June 2020: The Office of the Public Prosecutor in Ragusa (Sicily) opened Investigations against the captain and ship-owner following the rescue operations' disembarkation in Pozzallo (Sicily). This was due to their refusal to obey orders from maritime authorities.

Start date: May 2019
Status: Acquittal
Key steps:

- May 2019: An investigation was opened against the captain, the coordinator, and the 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 at the Tribunal of Agrigento (Sicily) dismissed the charges against the shipmaster and the head of mission.

Start date: March 2019
Status: Acquittal
Key steps:

- March 2019: An investigation was launched by the Prosecutor of Agrigento (Sicily) against the captain and the mission head for "aiding illegal immigration" and for refusing to obey a warship.
- December 2020: The Tribunal of Agrigento (Sicily) closed the investigation and dismissed the case.

Measures against the vessel

Start date: April 2024
Status: Procedure pending
Key steps:

- April 2024: After disembarking 56 people, the port authorities detained the vessel for 20 days in the port of Pozzallo (Sicily) and imposed a fine on the NGO for instigating the escape of migrants from the Libyan Coast Guard.
- April 2024: An appeal was lodged at the Court of Ragusa against the detention and the fine.
- April 2024: The court rejected the request to suspend the detention at the port.

Start date: October 2023
Status: Procedure pending
Key steps:

- October 2023: After disembarking 69 people, the port authorities detained the vessel for 20 days in the port of Trapani and imposed a fine on the NGO for failing to inform the Libyan Coordination Centre and for not requesting the assignment of a port of disembarkation in Libya.
- November 2023: An appeal was lodged at the Court of Trapani against the detention and the fine.

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

- December 2021: The High Court of Italy confirmed the seizure of the ship.
- January 2022: The vessel was released.

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

- November 2020: The vessel was blocked in the port of Venice for mandatory maintenance work as provided for by the Italian Naval Register.

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

- September 2019: The vessel was subjected to an administrative seizure in Lampedusa (Sicily) for violating the Security Decree Bis. The Court of Agrigento imposed a 300,000 EUR fine on the NGO.
- February 2020: The ship was released by the Palermo Court (Sicily).

Start date: May 2019

Status: Vessel released
Key steps:

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

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

- March 2019: The vessel was seized in Lampedusa due to accusations against the captain and the mission head, according to which they were involved in facilitating 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: March 2024
Status: Procedure pending
Key steps:

- March 2024: After disembarking 144 people, the port authorities detained the vessel for 60 days at the port of Reggio Calabria (Calabria) and imposed a fine of 3,333 EUR on the NGO for not following the instructions of the Libyan Coast Guard.
- March 2024: An appeal was lodged.
- June 2024: The Court of Reggio Calabria decided that the detention was unlawful.

Start date: October 2023
Status: Procedure pending
Key steps:

- October 2023: After disembarking 48 people, the port authorities detained the vessel at the port of Vibo Marina (Calabria) for 20 days and imposed and fine of 3,333 EUR on the NGO for not following the instructions of the Libyan Coast Guard.
- November 2023:The NGO filed a lawsuit against the detention before the Civil Court of Vibo Valentia (Calabria).

Start date: August 2023
Status: Procedure pending

Key steps:

- August 2023: The port authorities detained the vessel in the port of Salerno (Campania) for 20 days and imposed a fine of 3,333 EUR on the NGO for conducting three consecutive rescue operations and not disembarking after the first one, as required by Law No. 15/2023.
- October 2023: An appeal was lodged.

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

- June 2023: After disembarking 49 people, the port authorities blocked the vessel in the port of Ortona (Abruzzo) for 20 days and imposed a fine of 3,333 EUR on the NGO.
- The NGO filed a lawsuit at the Civil Court of Chieti against the 20-day detention in Ortona and the associated fine.

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

- June 2021: The vessel was seized after a port state control due to technical irregularities related to maritime security, including the transportation of too many passengers.
- August 2021: The vessel was released with the support of the Ship Safety Department of BG Verkehr (German insurance company).

Aurora, operated by *Sea-Watch* – operational

Measures against the vessel

Start date: August 2023
Status: Procedure pending
Key steps:

- August 2023: The vessel disembarked 72 rescued people in Lampedusa (Sicily) instead of heading towards the allocated place of safety in Trapani, due to the lack of fuel to reach Trapani. Following an inspection by the Italian Coast Guard, the prefecture of Agrigento imposed a fine (3,333 EUR) and blocked the vessel.
- September 2023: The NGO appealed against the detention and the fine before the Civil Court of Agrigento.

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

- June 2023: The vessel was blocked in the port of Lampedusa (Sicily) for 20 days and fined 3,333 EUR for refusing to head to the assigned port after its rescue operation and instead proceeding to the nearest one.
- June 2023: Sea-Watch appealed the detention and the fine and sought interim measures to request the release of the vessel.

Sea-Watch 5, operated by *Sea-Watch* – operational

Measures against the vessel

Start date: March 2024
Status: Procedure pending, vessel released
Key steps:

- March 2024: After disembarking 56 people, the port authorities in Pozzallo (Sicily) detained the vessel for 20 days for not following the instructions of the Italian Maritime Rescue Coordination Centre.
- March 2024: The Court of Ragusa (Sicily) issued a suspensive order because it did not find any unlawful behaviour.
- April 2024: The NGO sent a notice to the Italian Maritime Rescue Coordination Centre to not subordinate the activities of SAR vessels to the instructions of the Libyan Coast Guard.

Seabird 1 & 2, reconnaissance aircraft operated by *Sea-Watch* – operational

Measures against the aircraft

- May 2024: The Italian Civil Aviation Authority imposed a fine of 2,064 EUR on the NGO for disregarding the requirement to depart for search operation from specific airports in Sicily.

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: The vessel was subjected to an 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: The vessel was released pending the outcome of the preliminary ruling.
- May 2021: The vessel was detained again following an appeal by the Italian Coast Guard.
- September 2021: The vessel was released and headed for the port of Burriana (Spain) to prepare for further operations.
- August 2022: The CJEU delivered its preliminary ruling, declaring that rescue at sea is a duty and port state controls must not be used arbitrarily against NGOs in the future. The CJEU also emphasised that Italy cannot demand a certification that does not exist under the German flag. Additionally, 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: Acquittal
Key steps:

- June 2019: The captain was investigated by the Prosecutor of Agrigento (Sicily) for resisting or engaging in violence against warships and for "aiding illegal immigration". The captain was placed under house arrest in Lampedusa.
- July 2019: The Court of Agrigento (Sicily) did not validate the arrest, resulting in the captain's release.
- January 2020: The Court of Cassation (Rome) rejected the appeal of the Public Prosecutor of Agrigento (Sicily) regarding 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: Acquittal
Key steps:

- January 2019: The Prosecutor of Catania (Sicily) initiated an investigation against crew members for violating environmental laws, navigation safety, and for "facilitating illegal immigration".

- February 2019: The case was discontinued, no further investigations were initiated, and the crew members were 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: An appeal against the detention of Sea-Watch 3, including a request for interim measures, was filed with the Administrative Regional Tribunal of Reggio Calabria.
- January 2023: The court rejected the request for interim measures.
- April 2023: The ship, granted with a Single Voyage Permission, left the port of Reggio Calabria to reach a scrapyard in Belgium, where it was demolished and recycled.

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

- March 2021: The vessel was seized in the port of Augusta (Sicily) and was allowed to proceed to a shipyard in the port of Burriana (Spain) in May 2021.
- July 2021: The ship became operational again.

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

- July 2020: The vessel was subjected to an administrative seizure due to technical irregularities related to maritime security. In September 2020, it was granted a single voyage authorisation to proceed to Burriana (Spain).
- February 2021: The ship was released.

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

- May 2019: The vessel was seized in Lampedusa (Sicily).
- June 2019: The ship was released.

Start date: June 2019
Status: Vessel released

Key steps:

- June 2019: The vessel was seized in Lampedusa due to accusations against the captain and the mission head.
- December 2019: The ship was released.

Humanity 1, operated by *SOS Humanity* – operational

Measures against the vessel

Start date: March 2024
Status: Procedure pending, vessel released
Key steps:

- March 2024: After disembarking 77 people, the port authorities detained the vessel for 20 days in the port of Crotone (Calabria) for not following the instructions of the Libyan authorities.
- March 2024: An appeal was lodged against the detention.
- April 2024: The Civil court of Crotone released the vessel.

Start date: December 2023
Status: Procedure pending
Key steps:

- December 2023: After disembarking 46 people, the port authorities detained the vessel in the port of Crotone (Calabria) and imposed a fine of 3,333 EUR on the NGO for not following the instructions of the Libyan Coast Guard and Libyan Maritime Rescue Coordination Centre to leave the area.
- December 2023: The NGO filed a lawsuit against the detention and the fine.

Iuventa, operated by *Jugend Rettet* – not operational

Measures against crew members or staff

Start date: July 2018
Status: Acquittal
Key steps:

- July 2018: The Prosecutor of Trapani (Sicily) opened investigations into individual (former) crew members.
- March 2021: The prosecutor brought charges against individual (former) crew members for

"aiding and abetting illegal immigration", along with staff members from MSF and Save the Children (see Vos Prudence and Vos Hestia).

- May 2022: Preliminary court hearings for the 21 former crew members started.
- June 2022: The proceedings were suspended due to procedural errors by the prosecution.
- February 2023: The court rejected 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.
- March 2023: The judge upheld Italy's jurisdiction and referred the question of territorial competence to the Court of Cassation (Rome).
- May 2023: The judge rejected previous claims of inadequate evidence sharing. Iuventa's lawyers submitted a constitutional complaint challenging the legal basis of the crew's criminalisation for facilitating irregular entry.
- June 2023: The judge rejected Iuventa's constitutional complaint.
- February 2024: The Trapani prosecutor requested the dismissal of the case and the return of the vessel, which had been irreparably damaged.
- April 2024: The preliminary hearing judge decided to dismiss the case due to insufficient evidence.
- May 2024: The Trapani tribunal published the reasoning behind the acquittal.

Measures against the vessel

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

- August 2017: The 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 was 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 it was seized in August 2017.
- February 2023: The Iuventa crew filed a criminal complaint with 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: Procedure pending, vessel released
Key steps:

- October 2020: The vessel was subjected to an administrative seizure in Olbia (Sardinia) due to technical irregularities related to maritime security, including the transportation of too many passengers.
- January 2021: Sea-Eye filed a lawsuit against the Italian Ministry of Transport and the Olbia Port Authority for the blockage.
- April 2021: The vessel was released pending a decision on the legality of the detention.
- July 2021: The vessel was sold to the NGO ResQPeople for financial reasons.

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

- May 2020: The vessel was subjected to an administrative seizure in Palermo (Sicily) due to technical irregularities related to maritime security.
- June 2020: The 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 the 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: Acquittal
Key steps:

- August 2017: The Prosecutor of Trapani (Sicily) initiated investigations against MSF staff, along with staff from Save the Children and Jugend Rettet staff, for allegedly aiding irregular migration.
- March 2021: The Prosecutor's Office in Trapani charged the Vos Hestia crew with accusations of "aiding and abetting illegal migration".
- May 2024: The Trapani tribunal published the reasoning behind the acquittal (see 'Iuventa' for more details).

Start date: October 2017
Status: Vessel released

Key steps:

- October 2017: The police conducted a search on board after an undercover agent worked on the ship.
- October 2017: The captain was interviewed by the Deputy Prosecutor of Trapani and the investigation was 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: The Italian magistrates accused the crew of the ship, along with the crew of the Aquarius vessel, of alleged illegal management of waste before the Criminal Court of Catania.
- September 2023: The trial opened before the Criminal Court of Catania.

Start date: August 2017
Status: Acquittal
Key steps:

- August 2017: The Prosecutor of Trapani (Sicily) initiated investigations against MSF staff, along with staff of Save the Children and Jugend Rettet, for allegedly aiding irregular migration.
- March 2021: The Prosecutor of Trapani (Sicily) concluded its investigations concerning allegations of facilitating irregular migration.
- May 2021: The MSF staff was summoned to a preliminary hearing before the Criminal Court of Trapani.
- May 2024: The Trapani tribunal published the reasoning behind the acquittal (see ‘ Iuventa’ for more details).

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 posing a risk of endangering ongoing SAR operations carried out by state actors and navigation safety 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: Acquittal
Key steps:

- July 2019: The Prosecutor of Agrigento (Sicily) initiated an investigation against the captain and the mission head for "aiding illegal immigration" and for refusing to obey a warship. The prosecutor imposed a fine of 65,000 EUR on them for violating the Security Decree Bis.

Measures against the vessel

Start date: July 2019
Status: Acquittal
Key steps:

- July 2019: The vessel was seized in Lampedusa for violating the Security Degree Bis.
- February 2020: The ship was released.
- The vessel has not been operational since March 2020 due to COVID-19 protocols.

Eleonore, operated by *Mission Lifeline* – not operational

Measures against crew members or staff

Start date: September 2019
Status: Acquittal
Key steps:

- September 2019: The Prosecutor of Ragusa (Sicily) initiated an investigation against the

captain and the mission head for "aiding illegal immigration". The prosecutor imposed a fine of 300,000 EUR on them for violating the Security Decree Bis.

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

Measures against the vessel

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

- September 2019: The vessel was subjected to an administrative seizure 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: The Prosecutor of Catania (Sicily) initiated an investigation against staff members of the Aquarius (operating from January 2017 to May 2018) for "illegal management of waste".
- September 2023: The trial opened 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 Marseilles) and the seizure of 200,000 EUR from MSF.
- January 2019: The Court of Catania (Sicily) annulled the decision on the seizure of 200,000 EUR.

Golfo Azzurro, operated by *ProActiva Open Arms* – not operational

Measures against crew members or staff

Start date: May 2017
Status: Acquittal
Key steps:

- May 2017: The Prosecutor's Office in Palermo initiated investigations against the crew, who were accused of criminal association with the aim of "facilitating illegal immigration" and of 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 for the ship to sail due to "violations of maritime regulations", resulting in the ship being blocked in Spain.
- April 2019: Spanish authorities allowed the vessel to deliver humanitarian aid to refugee camps in Lesvos and Samos but prohibited it from conducting 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 the ship permission to sail due to "violations of maritime regulations", resulting in the ship being blocked in Spain.
- April 2019: Spanish authorities allowed the vessel to deliver humanitarian aid to refugee camps in Lesvos and Samos but prohibited it from conducting 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: The vessel was blocked at the port of Burriana (Spain) due to registration issues.
- January 2022: The vessel returned to 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 legislative changes.
- 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: The ship was seized for not respecting safety requirements stipulated 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 upheld the decision of the Administrative Court.

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: The 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 that the transitional period was too short. The judges lifted the blockade and suspended the new 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 were mandated by the Dutch authorities, resulting in the ship being 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: Acquittal
Key steps:

- July 2018: The Public Prosecutor's Service accused the captain of not following orders from the Italian Maritime Rescue Coordination Centre and illegally entering Maltese territorial waters.
- May 2019: The Court of Valletta fined the captain 10,000 EUR 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: Vessel confiscated
Key steps:

- June 2018: Maltese authorities launched investigations due to potential issues with the registration of the ship under the Dutch flag.
- June 2018: The vessel 'Lifeline' was 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: Sea-Eye was transferred to Hamburg, where it has since served as a documentation ship for SAR.

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 provided a report to the Maltese authorities confirming the correct registration of Sea-Watch 3.
- October 2018: 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 a lack of permits for SAR operations.
- October 2018: The aircraft resumed operations.

About this publication

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Luxembourg: Publications Office of the European Union, 2024

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