

Table 2: Legal proceedings by EU Member States against private entities involved in SAR operations in the Mediterranean Sea (15 June 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				
'Aita Mari' (operated by Salvamento Maritimo Humanitario (SMH))	--	--	May 2020 : Administrative seizure in Palermo (Sicily) due to operational and technical irregularities	P
'Alan Kurdi' (operated by Sea-Eye)	--	--	May 2020 : Administrative seizure in Palermo (Sicily) due to operational and technical irregularities	P
'Mare Jonio' (operated by Mediterranea Saving Humans)	Sept. 2019 : 300.000 EUR fine for violating the Security Decree Bis	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
	May 2019 : Investigation against the captain & the mission head for aiding of illegal immigration by finance police in Rome and prosecutors 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	A

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
			May 2019 : Seizure of the vessel in Lampedusa due to accusations against the captain and the Mission Head	
	<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
'Eleonore' (operated by Mission Lifeline)	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	Sept. 2019 : Administrative seizure of the vessel in Pozzallo (Sicily) for violating the Security Decree Bis	P
'Open Arms' (operated by ProActiva Open Arms)	--	--	Aug. 2019 : The ship was released	A

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
			Aug. 2019 : Seizure of the vessel in Licata by the Prosecutor of Agrigento (Sicily)	
	<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	<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
'Alex Mediterranea' (operated by Mediterranea Saving Humans)	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) & 16.600 EUR fine for violating the Security Decree Bis	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

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
'Sea Watch 3' (operated by Sea Watch)	<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>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>May 2019: Investigation of the captain for aiding illegal immigration & hearing of captain by the Prosecutor of Agrigento (Sicily)</p>	P	<p>June 2019: The ship was released</p> <p>May 2019: Seizure of the vessel in Lampedusa (Sicily)</p>	A
	<p>Febr. 2019: Case discontinued and no investigations were</p>			

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
	<p>initiated; crew cleared of all accusations</p> <p>Jan. 2019: Investigation against crew members for violating environmental laws, navigation safety, and facilitating illegal immigration by the Prosecutor of Catania (Sicily)</p>	A	--	--
<p>'Aquarius' (operated by <i>SOS Méditerranée</i> & MSF)</p>	<p>Nov. 2018: 24 MSF staff members under investigation initiated by the Prosecutor of Catania (Sicily) for "illegal management of waste"</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 <i>'Aquarius'</i> <i>in absentia</i> (while docked in Marseilles) and the seizure of 200.000 EUR from MSF</p>	A
<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>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>	C

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
' Vos Hestia ' (operated by Save the Children)	Oct. 2017: Captain interviewed by the Deputy Prosecutor of Trapani and investigation discontinued Oct. 2017: Police search on board after an undercover agent worked on the ship	A	--	--
' 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	--	--

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
Médécins 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	--	--
THE NETHERLANDS				
'Sea Watch 3' (operated by Sea Watch)	--	--	August 2019 : The court in The Hague ruled on the appeal lodged by Sea Watch and extended the transitional period until December 2019 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 April 2019 : Dutch government imposed more stringent technical safety requirements for the ship without a transition period & blocked the ship	A
			Feb. 2019 : The flag state granted the ship permission to set sail again	A

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
			Jan. 2019 : Extensive inspections mandated by the Dutch authorities, ship blocked in Italy	
'Lifeline' (operated by Mission Lifeline)	See description of proceedings for Malta below		See description of proceedings for Malta below	
'Seefuchs' (operated by Sea-Eye)				
'The Sea Eye' (operated by Sea-Eye)				
MALTA				
'Lifeline' (operated by Mission Lifeline)	<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</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

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
	following orders of the Italian MRCC & entering Maltese territorial waters illegally			
'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 by Sea-Watch)			Oct. 2018: the aircraft resumed operations	

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
	--	--	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 and membership in a criminal organisation by the police in Mytilene (Lesvos)	P	--	--
Three volunteers (Spanish firefighters) working for the NGO PROEM-AID (no vessel seized) A volunteer working for Team Humanity	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	--	--

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
A German pensioner couple (private individuals, not associated with any NGO)	<p>March 2017: Court of Appeal of the Dodecanese acquitted the wife and reduced the husband's prison sentence to 3,5 years</p> <p>Couple accused of and convicted for migrant smuggling to 16,5 years of imprisonment each by the local court in Symi (Aegean Sea)</p>	A/C	Boat (a recreational craft) confiscated	C
SPAIN				
<p>'Open Arms' (operated by ProActiva Open Arms)</p> <p>'Aita Mari' (operated by the Humanitarian Maritime Rescue Association (SMH))</p>	--	--	<p>April 2019: Spanish authorities have allowed the vessels to deliver humanitarian aid to refugee camps in Lesbos and Samos but not to conduct SAR operations</p> <p>Jan. 2019: Spanish Maritime Authorities deny permission to sail due to "violations of maritime regulations", ships blocked in Spain</p>	A
GERMANY				
' Mare Liberum ' (operated by Mare Liberum)			Sept. 2019 : Higher Administrative Court of Hamburg confirmed the Administrative Court decision	

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
	--	--	May 2019 : The Administrative Court of Hamburg granted the ship permission to set sail April 2019 : Seizure of the ship on the basis of safety requirements by the German Professional Association for Transport and Traffic	A

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 and June 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 June 2020.