

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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ITALY: THE MARE JONIO/MAERSK ETIENNE CASE

Six human rights defenders stand accused of aggravated facilitation of irregular migration before the criminal court of Ragusa, Italy.¹ The charges relate to the disembarkation in Italy in 2020 of 27 people who had been rescued at sea by the Danish-flagged oil tanker *Maersk Etienne*. The failure of all the countries involved in the case to ensure the prompt disembarkation in a place of safety of the 27 individuals, who included one woman and several unaccompanied teenagers, led to them spending nearly six weeks at sea in extremely challenging conditions, on the deck of the cargo ship, until they were eventually transferred aboard the NGO Mediterranean Saving Humans' ship *Mare Jonio* and disembarked in Sicily.

Amnesty International monitored the unfolding of the incident at the time and interviewed key people involved in the events as they were happening.² The organization, which has extensively documented the misuse of criminal and administrative proceedings against individuals and NGOs that provide life-saving assistance to refugees and migrants, regards the prosecution of the *Mare Jonio's* crew and of the representatives and employees of the shipping company Idra social shipping, which operated the *Mare Jonio*, as yet another case of 'criminalization of solidarity'. Italy continues to violate its obligation to ensure that human rights defenders are free to operate in a safe and enabling environment,³ and that shipmasters who rescue people at sea are assisted to disembark rescued people as soon as possible in a place of safety.⁴ The ongoing misuse of criminal and administrative rules to restrict NGOs' activities is unlawful and must end.⁵

Amnesty International stands in solidarity with the human rights defenders in the docks and calls on Italy to halt all obstructions to humanitarian activities and criminalization of individuals and organizations who provide life-saving assistance to refugees and migrants in the central Mediterranean.

RESCUE, DISEMBARKATION AND AFTERMATH

On 4 August 2020, the Danish-flagged oil tanker *Maersk Etienne* rescued 27 people, including a woman who believed she was pregnant and several teenagers travelling alone, from a sinking wooden boat, following a request to attend to the distress situation by the Maltese authorities.⁶ The group of people, who included refugees and migrants, had fled Libya two days earlier. After the rescue, for nearly six weeks, Malta refused to allow the oil tanker to disembark the shipwrecked people.⁷ No solution for their disembarkation in a place of safety was offered by any of the countries involved, including Denmark. As days passed, conditions on board the *Maersk Etienne* grew increasingly difficult.⁸ As recorded by the captain at the time "Our crew continue to provide as much support and assistance as they can to this vulnerable group, but they lack the resources to offer sustained humanitarian and medical care. A tanker ship is neither designed nor

¹ The bill of indictment and other trial documents are on file with Amnesty International. The radio station Radio Radicale has recorded the trial hearings of 21 October 2025 and 13 January 2026, available at: Processo Pietro Marrone ed altri (caso nave "Mare Jonio" dell'Ong Mediterranean Saving Humans) | Radio Radicale

² Notes of telephone interviews made in September 2020 are filed by Amnesty International

³ Declaration on human rights defenders | OHCHR

⁴ Italy ratified the International Convention for the Safety of Life at Sea of 1974; the International Convention on Maritime Search and Rescue of 1979; and the United Nations Convention on the Law of the Sea of 1982

⁵ Italy: A slippery slope for human rights: The Iuventa case - Amnesty International; Italy: Withdraw measures that hinder the work of search and rescue NGOs and increase the risk of drownings - Amnesty International; see also Italy's chapter in The State of the World's Human Rights: April 2026 - Amnesty International, and in The State of the World's Human Rights: April 2025 - Amnesty International

⁶ Details of the rescue and the situation on board were confirmed to Amnesty International by the Chief Technical Officer of Maersk Tankers, Tommy Thomassen, on 6 September 2020

⁷ At the time of the incident, Amnesty International had just published a report documenting Malta's failures to ensure prompt rescue and disembarkation of refugees and migrants at sea, Malta: Illegal tactics mar another year of suffering in central Mediterranean – European Institutions Office

⁸ Notes of telephone interviews made in September 2020 are filed by Amnesty International

equipped to accommodate additional people; we therefore find ourselves in a situation where our supplies are rapidly depleting.”⁹ The situation on board deteriorated further on 6 September 2020, when three of the rescued people jumped overboard in despair. They were recovered by the crew of the merchant vessel, who continued to appeal for a solution for the shipwrecked people and for the increasingly exhausted crew members.¹⁰

On 7 September 2020, the International Chamber of Shipping, the UN Refugee Agency, and the International Organization for Migration issued a joint call for the immediate disembarkation of the 27 rescued people, stating that governments’ refusal of permission to disembark was in breach of their international obligations.¹¹

As Malta’s, Denmark’s and other states’ failure to ensure the disembarkation in a place of safety of the 27 individuals persisted, Maersk Tankers, the company that owned the *Maersk Etienne*, appealed to the international community, NGOs and human rights groups for assistance. On 11 September 2020, Maersk Tankers requested the assistance of the NGO Mediterranean Saving Humans and agreed that the medical team onboard the NGO’s ship *Mare Jonio* would conduct a health assessment of the rescued people. The NGO’s medical team concluded that the individuals’ conditions required immediate care in suitable medical facilities, leading to their transfer on board the *Mare Jonio*, which disembarked them in the port of Pozzallo, Sicily on 12 September 2020.¹² According to the *Mare Jonio*’s crew, the disembarkation at the port of Pozzallo had been indicated and authorized by the Italian Maritime Rescue Coordination Centre. The woman and her husband were evacuated from the *Mare Jonio* by the Italian Coastguard for medical reasons, on 11 September 2020, and were also brought to Italy.

In October 2020, Maersk Tankers, together with Danish Shipping – the organization representing shipowners – met with Mediterranean Saving Humans’ staff to thank them for their support in resolving the humanitarian situation on board the *Maersk Etienne*. In November 2020, Maersk Tankers donated the sum of Euros 125,000 in support of civil rescue at sea, to the shipping company Idra social shipping.¹³ As indicated in their official statement, Maersk Tankers maintains that “at no time before or during the operation was any financial compensation or support discussed or agreed.”¹⁴

CRIMINALIZATION OF HUMAN RIGHTS DEFENDERS PROVIDING LIFE-SAVING ASSISTANCE TO REFUGEES AND MIGRANTS AT SEA

The accused in this case – three members of *Mare Jonio*’s crew and three representatives and employees of Idra social shipping – are charged with “illegally facilitating” the entry into Italian territory of 27 people, aggravated by the conduct being committed in association and for profit. The minimum punishment they face is imprisonment for a period between six and 16 years and a fine of Euros 15.000 for each person illegally smuggled.¹⁵

Amnesty International has documented the misuse of charges of facilitation of irregular migration to restrict the humanitarian activities of rescue NGOs in several EU member states for many years.¹⁶ It has been heartening to see courts acquitting the accused or dismissing these baseless cases time and again, but the criminal investigations and prosecutions do take a toll. The human rights defenders who have been embroiled in criminal proceedings have lived with uncertainty and have endured financial and other personal consequences. The criminal proceedings have also caused serious damage to the reputation of the NGOs involved, regardless of their outcome.¹⁷ According to a 2024

⁹ Safe disembarkation of the 27 rescued persons from Maersk Etienne — Maersk Tankers

¹⁰ Safe disembarkation of the 27 rescued persons from Maersk Etienne — Maersk Tankers

¹¹ ICS, UNHCR and IOM call on States to end humanitarian crisis onboard ship in the Mediterranean | UNHCR

¹² Safe disembarkation of the 27 rescued persons from Maersk Etienne — Maersk Tankers

¹³ L’armatore della Mare Jonio: “Il bonifico della Maersk è una donazione, i pm di Ragusa si sbagliano” - la Repubblica; Mare Jonio, ecco le carte dell’inchiesta. Tra falle e contraddizioni

¹⁴ Maersk Etienne company statement — Maersk Tankers, 2 March 2021

¹⁵ Articles 81 and 110 of the Italian penal code and articles 12.3.d), 12.3bis and 12.3ter.b) of the Immigration Act, DECRETO LEGISLATIVO 25 luglio 1998, n. 286 - Normattiva; and article 25duodecies of Law 231 of 2001, on the administrative responsibility of legal entities

¹⁶ Europe: Punishing compassion: Solidarity on trial in Fortress Europe - Amnesty International; Italy: A slippery slope for human rights: The Iuventa case - Amnesty International; Greece: Seán Binder acquitted of all charges - Amnesty International; Norway: Release human rights defender Tommy Olsen and reject his extradition to Greece - Amnesty International

¹⁷ Greece: Seán Binder acquitted of all charges - Amnesty International; Italy: Imminent court decision on Iuventa crew in final preliminary hearing - Amnesty International

Recommendation by the Council of Europe Commissioner for Human Rights, “Even if criminal proceedings for smuggling or facilitation of irregular migration rarely lead to convictions, their practical effect is often to sap the energy, time, financial resources and will of human rights defenders, and forcing them to devote significant efforts to their case, thus preventing them from fully continuing their human rights work. In this way, criminal proceedings in relation to smuggling or facilitation have become one of the most blatant and visible forms of harassment of human rights defenders helping refugees, asylum seekers and migrants in Europe.”¹⁸

To respond to the growing evidence of misuse of charges of facilitation of irregular migration against human rights defenders, in September 2020 the European Commission issued guidance for the interpretation at national level of EU rules on the facilitation of unauthorized entry, clarifying that “humanitarian assistance that is mandated by law cannot and must not be criminalized” and that “the criminalization of NGOs or any other non-state actors that carry out search and rescue operations at sea, while complying with the relevant framework, amounts to a breach of international law, and therefore is not permitted by EU law.”¹⁹ In November 2023, the European Commission published a proposal to review the EU anti-smuggling legal framework, whose poorly drafted offence of “facilitation of unauthorized entry, transit and residence” has considerably contributed to the criminalization of human rights defenders across Europe. The proposal is currently being debated by the European Parliament. Amnesty International is advocating for a thorough review of the EU anti-smuggling legal framework – the so-called Facilitators Package – including calling for the broadest definition of a humanitarian exemption clause and for ensuring that only a financial or material benefit that is “unjust” can be subject to prosecution, to avoid criminalizing the *bona fide* provision of services and humanitarian assistance.²⁰

Criminalizing human rights defenders who provide life-saving assistance may place a state in breach of its obligations under the law of the sea, international human rights law and refugee law. The prosecution in the *Mare Jonio/Maersk Etienne* case ignores states’ and shipmasters’ obligations to protect life at sea and ensure access to international protection for those who may need it. It is a commonly accepted and longstanding maritime tradition that shipmasters have an obligation to render assistance to those in distress at sea, regardless of their nationality, status or the circumstances in which they are found. The integrity of the maritime search and rescue system depends upon it. This obligation is accepted as customary international law and has been codified in the international law of the sea.²¹ The law of the sea further requires that states coordinate and ensure the provision of search and rescue procedures and that they operate to ensure that people rescued at sea are delivered to a place of safety.²² States’ attempts at preventing and hampering the rescue of refugees and migrants on the basis of immigration status also violates the prohibition against discrimination enshrined in many human rights treaties.²³ Furthermore, because a rescue operation is not concluded until disembarkation in a place of safety, actions to prevent the disembarkation of rescued refugees and migrants in a place where they would be at risk of human rights abuses should not be subjected to prosecution and instead be deemed legitimate. In this respect, while Malta and Denmark were the main states responsible for finding a solution for the disembarkation of the rescued people in line with their international law obligations, Italy was also bound by the obligation to “co-ordinate and co-operate to ensure that masters of ships providing assistance by embarking persons in distress at sea are released from their obligations”, and to ensure that rescued people are disembarked in a “place of safety”²⁴, defined as “a location where rescue operations are considered to terminate. It is also a place where the survivors’ safety of

¹⁸ Protecting the Defenders: Ending repression of human rights defenders assisting refugees, asylum seekers and migrants in Europe, p15

¹⁹ “Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence” available at EUR-Lex - C:2020:323:FULL - EN - EUR-Lex

²⁰ Amnesty International’s Considerations on the Facilitators Package, www.amnesty.eu/news/amnesty-international-considerations-on-facilitators-package/

²¹ Article 98(1) of the 1982 UN Convention on the Law of the Sea (UNCLOS) and Regulation V/33.1 of the 1974 International Convention for the Safety of Life at Sea (SOLAS); on these obligations, see Amnesty International, *Lives Adrift: Refugees and Migrants in Peril in the Central Mediterranean*, 30 September 2014, Index: EUR 05/006/2014, <https://www.amnesty.org/en/documents/EUR05/006/2014/en/>, p 28; see also: UNHCR, *Rescue at sea, a guide to principles and practices as applied to refugees and migrants*, at <https://www.unhcr.org/uk/publications/brochures/450037d34/rescue-sea-guide-principles-practice-applied-migrants-refugees.html>

²² Amnesty International, *Lives adrift: Refugees and Migrants in Peril in the Central Mediterranean*, 30 September 2014, Index: EUR 05/006/2014, <https://www.amnesty.org/en/documents/EUR05/006/2014/en/>

²³ For example, Article 14 of the European Convention on Human Rights

²⁴ Resolution MSC.155(78), Adoption of Amendments to the International Convention on Maritime Search and Rescue, 1979 | Refworld

life is no longer threatened and where their basic human needs (such as food, shelter and medical needs) can be met. Further, it is a place from which transportation arrangements can be made for the survivors' next or final destination."²⁵ The Italian Court of Cassation emphasized this obligation in a ruling in 2020 regarding another ship, an NGO vessel called the *Sea-Watch 3*, stating that a maritime rescue includes the obligation to disembark the rescued people in a place of safety, with reference to the conduct of the shipmaster in that case who, without the Italian authorities' permission and in breach of a prohibition to enter territorial waters, had nevertheless entered the port of Lampedusa to disembark the people she had rescued.²⁶

Moreover, criminalizing human rights defenders who provide life-saving assistance may place a state in breach of its obligations to protect the right to life, which is codified in multiple international instruments, notably in Article 6 of the International Covenant on Civil and Political rights and in Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In her report on the criminalization and targeting of life-saving and protective services for people in need, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions made some crucial remarks on the matter, noting that acts prohibiting or otherwise impeding humanitarian services violate the state's obligation to respect the right to life and that any death that may be linked to such prohibition would constitute an arbitrary deprivation of life. The Special Rapporteur also noted that both within and outside the context of armed conflict, laws and policies that seek to prevent life-saving and life-sustaining services to populations because of their ethnicity, religion, or immigration status constitute a violation of Article 6 of the International Covenant on Civil and Political Rights, stressing that "[t]he State may not fail to discharge its obligation to respect and protect the right to life, and then exacerbate and compound that failure by precluding others from undertaking activities aimed at providing that core obligation, particularly if the State's actions or inactions are driven by discriminatory motives or result in discrimination."²⁷ The Special Rapporteur's remarks are especially pertinent to the criminalization of rescue NGOs and of those human rights defenders who have been helping people in distress at sea to be rescued.

Furthermore, Article 31 of the Refugee Convention prohibits the penalization of asylum-seekers and refugees for irregular entry in the territory of a country in contravention to the right to seek and enjoy asylum enshrined in Article 14 of the Universal Declaration of Human Rights. It follows that providing humanitarian assistance to people who need to enter a country irregularly, including to access protection, should also not be a criminal offence.²⁸

MISUSE OF SURVEILLANCE TO CRIMINALIZE HUMAN RIGHTS DEFENDERS

Italy's foreign and domestic intelligence services targeted two of the human rights defenders in this case with surveillance activities involving wire-tapping and digital surveillance, as confirmed by the Italian parliamentary committee for the security of the Republic, in two operations between December 2019 and March 2020, and again between May 2020 and May 2024, on alleged national security grounds.²⁹ This means that they were under surveillance at the time of the events of the *Mare Jonio/Maersk Etienne* case and during the investigation by Ragusa prosecutors. In September 2024, while the preliminary hearings of the trial regarding this case were ongoing, they started being targeted also with the highly invasive Paragon's Graphite spyware, which is capable of covertly accessing the most intimate and sensitive data on an individual's phone and cannot be independently audited.³⁰ Criminal investigations by Rome and Naples prosecutors are ongoing against unknown perpetrators regarding the targeting with the Graphite spyware of journalists and activists, including the two accused in the *Mare Jonio/Maersk Etienne* case.³¹

The human rights defenders' lawyers have also denounced grave procedural irregularities regarding the scope and targets of the wiretapping ordered by Ragusa judicial authorities as part of the criminal investigation into the *Mare Jonio/Maersk Etienne* case. Conversations and chats between the accused and their defence lawyers, and between the accused and

²⁵ Resolution MSC.167(78), Guidelines on the Treatment of Persons Rescued At Sea | Refworld

²⁶ Cassazione Sea Watch: illegittimo l'arresto di Carola Rackete | Sistema Penale | SP

²⁷ See paras 25, 26 and 29, Report of the Special Rapporteur of the Human rights Council on extrajudicial, summary or arbitrary executions, Saving lives is not a crime, A/73/314, 6 August 2018, https://www.ohchr.org/Documents/Issues/Executions/A_73_42960.pdf

²⁸ Amnesty International, Hungary: Crackdown on the Rights of Refugees and Migrants Continues Unabated Amidst European Commission Inaction, 6 July 2016, <https://www.amnesty.org/en/documents/eur27/4405/2016/en/>

²⁹ Comitato Parlamentare per la Sicurezza della Repubblica, Relazione sull'utilizzo dello spyware «graphite» da parte dei servizi di informazione per la sicurezza della Repubblica, XIX Legislatura - Camera dei deputati - Documenti "

³⁰ Italy new spyware case points to widespread unlawful use

³¹ Caso Paragon, pm: 'Spiati tre telefoni, anche attivisti e giornalista' | Sky TG24

members of parliament were unlawfully recorded, as well as exchanges with journalists and members of the clergy which had no relevance to the prosecution. These unlawfully recorded conversations were leaked to the media by unknown individuals, triggering a slanderous campaign against Mediterranean Saving Humans and the crew of the *Mare Jonio*.³²

In January 2026, at the second hearing of the trial, the Ragusa court asked the prosecutors to identify which specific wiretapped communications will be used as evidence and may order the destruction of all recorded telephone conversations and chats that were either irrelevant to the case or unlawfully obtained.³³ The NGO Mediterranean Saving Humans noted that this means that materials that in the past five years were misused to tarnish the reputation of NGOs rescuing people at sea by anti-immigration media outlets will finally be removed from the trial.³⁴

Human rights defenders' essential role has been recognized by all states in the 1998 UN Declaration on Human Rights Defenders (A/RES/53/144). The Declaration, which articulates legally binding obligations enshrined in human rights treaties, requires states to guarantee a safe and enabling environment in which they can operate without fear of reprisals. Instead, human rights defenders, including those working for the rights of people on the move, continue to face challenges, inextricably linked to the treatment and migration laws and policies applied to the people whose rights they defend. While some limitations to the right to defend human rights can be justified under international human rights law, these should always be provided by law, and be necessary and proportionate to the pursuit of a legitimate aim.³⁵ Amnesty International is concerned that, as in the *Iuventa* case, this threshold has not been met in the *Mare Jonio/Maersk Etienne* case. As the court order to destroy the intercepted communications suggests, the environment for human rights defenders assisting migrants in Italy is far from an "enabling" one".

CONCLUSIONS

Under international human rights law and standards, Italy is obliged to ensure that human rights defenders are free to operate in a safe and enabling environment, and that shipmasters who rescue people at sea are assisted to disembark rescued people as soon as possible in a place of safety. The misuse of criminal and administrative rules to restrict NGOs' activities is unlawful and must be brought to an end.

Amnesty International will continue to monitor the trial against the human rights defenders of Mediterranean Saving Humans.

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³² See for example: Le intercettazioni che inchiodano la Ong: "Coi soldi festeggiamo a champagne" - il Giornale; L'inchiesta de La Verità «I denari della "banda dei buoni"» prosegue. L'editoriale: «La brama di denaro. La Chiesa trascinata in un abisso di cinismo» I Korazym.org;

³³ <https://mediterraneaescue.org/it/news/caso-mare-jonio-maersk-etienne-per-il-tribunale-di-ragusa-devono-essere-distrutte-intercettazioni-e-chat-non-pertinenti-o-vietat>

³⁴ <https://mediterraneaescue.org/it/news/caso-mare-jonio-maersk-etienne-per-il-tribunale-di-ragusa-devono-essere-distrutte-intercettazioni-e-chat-non-pertinenti-o-vietat>

³⁵ The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, UN Commission on Human Rights, 28 September 1984, <https://www.refworld.org/docid/4672bc122.html> 18 Report of the Special Rapporteur on the situation of human rights defenders, 16 January 2018, UN Doc. A/HRC/37/51 <https://undocs.org/A/HRC/37/51>