



The Court decides not to indicate an interim measure requiring that the applicants be authorised to disembark in Italy from the ship Sea-Watch 3

The European Court of Human Rights has today decided not to indicate to the Italian Government the interim measure requested by the applicants in the case of **Rackete and Others v. Italy** (application no. 32969/19), which would have required that they be allowed to disembark in Italy from the ship Sea-Watch 3.

The Court also indicated to the Italian Government that it is relying on the Italian authorities to continue to provide all necessary assistance to those persons on board Sea-Watch 3 who are in a vulnerable situation on account of their age or state of health.

Under Rule 39 of the Rules of Court, the Court may indicate interim measures to any State Party to the European Convention on Human Rights. Interim measures are urgent measures which, according to the Court's well-established practice, apply only where there is an imminent risk of irreparable harm.

The applicants are Ms Rackete – captain of the ship Sea-Watch 3 – and about forty individuals who are nationals of Niger, Guinea, Cameroon, Mali, Ivory Coast, Ghana, Burkina Faso and Guinea-Conakry.

On 21 June 2019 the applicants applied to the European Court of Human Rights under Rule 39 of its Rules of Court, requesting to be permitted to disembark from Sea-Watch 3.

The applicants have been on the ship Sea-Watch 3 since 12 June 2019, when they were rescued in international waters within the Libyan SAR (Search and Rescue Region).

The ship is currently outside Italian territorial waters.

Following a health inspection on board on 15 June 2019, ten persons were permitted to disembark, namely three families, underage children and pregnant women. Another individual was permitted to leave in the night of 21 to 22 June on health grounds.

On 17 June 2019 Sea-Watch 3 asked the regional administrative court, under an urgent-application procedure, to suspend the inter-ministerial order forbidding the ship from entering Italian territorial waters. On 19 June 2019 that court dismissed the applicants' request.

In his reasoning the president of the court noted, *inter alia*, that the vulnerable individuals, children and pregnant women on board had been disembarked on 15 June and that Sea-Watch 3 had not indicated that other individuals from vulnerable categories were on the ship. In consequence, he considered that there were no exceptionally serious and urgent reasons justifying the application of the urgent measures.

Relying on Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) of the Convention, the applicants ask to be permitted to disembark in order to be able to apply for international protection or, at the least, to be taken to a safe place.

The Court submitted questions to the parties, asking them to give their replies in the course of Monday 24 June 2019.

The questions put to the Government concerned the number of persons who had been disembarked from the boat, their possible vulnerability, the measures envisaged by the Government, and the

current situation on board the ship. The questions put to the applicants concerned the physical and psychological conditions of the applicants on board the ship and their possible vulnerability.

On 25 June 2019, after examining the responses received, the Court, sitting as a Chamber, decided not to indicate to the Italian Government under Rule 39 the interim measure requested by the applicants, namely authorisation to disembark in Italy from the ship Sea-Watch 3. The Court indicated to the Government that it was relying on the Italian authorities to continue to provide all necessary assistance to those persons on board Sea-Watch 3 who are in a situation of vulnerability as a result of their age or state of health.

Measures under Rule 39 of the [Rules of Court](#) are decided in connection with proceedings before the Court, without prejudging any subsequent decisions on the admissibility or merits of the case. The Court grants such requests only on an exceptional basis, when the applicants would otherwise face a real risk of irreversible harm. For further information, see [the factsheet on interim measures](#).

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.