

Solidarity - Hundreds of Europeans 'criminalised' for helping migrants, new data shows - as far right aims to win big in European elections

Sunday 19 May 2019, by [ARCHER Nandini](#), [LOBOS Belen](#), [NABERT Alexander](#), [PROVOST Claire](#), [TORRISI Claudia](#) (Date first published: 18 May 2019).

Elderly women, priests and firefighters among those arrested, charged or 'harassed' by police for supporting migrants, with numbers soaring in the past 18 months.

Contents

- ['Criminalised' for basic \(...\)](#)
- [Priests and firefighters](#)
- ['Here to help'](#)
- [Far-right crackdown](#)
- ['Recommit to European values'](#)

Five months ago, at 10 o'clock in the morning, German police arrived at the home and parish of [Christian Hartung](#), a pastor in Rhineland-Palatinate. At the same time, they descended on the residences of four other Protestant pastors, seizing some of their cell phones, correspondence with lawyers and church records.

It was an "attempt at intimidation," Hartung told openDemocracy. The pastors have been under police investigation since 2018, after allowing Sudanese refugees to sleep in church buildings in rural, western Germany. It's a region where the far-right AfD party is aiming for record votes in this week's hotly-contested European Parliament elections.

Hartung described an "emergency situation" in which church sanctuary was "the last lifeline" for these refugees, some of whom had life-threatening health problems. While he believes the investigation against him and his fellow pastors will eventually be dropped, he says that if it goes to court they "are ready to fight".

These pastors are among the hundreds of Europeans who have been arrested, investigated, or threatened with prison or fines over the past five years under a range of different laws that rights advocates say are "criminalising solidarity" with migrants, according to a new dataset of these cases compiled by openDemocracy.

Individuals affected include a priest nominated for the Nobel Peace Prize, a football player, firefighters, rural farmers, ex-soldiers, pensioners, a university professor and several local politicians. Their numbers have risen sharply in the last 18 months, particularly in Italy and France, where far-right parties are in power at national and local levels respectively.

In Italy, the leader of the far-right Lega party Matteo Salvini has made targeting those who “facilitate illegal migration” a hallmark of his reign as interior minister. In France, the far-right National Rally party leader Marine Le Pen has for years represented Calais in parliament. The port city is [a hotspot](#) for arrests of volunteers who help migrants.

The Lega and National Rally are among the far right parties aiming to make big gains in this week’s European elections, promising to further control borders and crack down on those who move ‘illegally’. If they succeed, arrests of Europeans could also rise further.

In Spain, Paula Schmid Porras, an international human rights lawyer who has defended a group of firefighters in these cases, warned: “Punishing or criminalising people who help other people is something that violates all human rights conventions since the second world war. This is something that cannot be tolerated... or accepted – period”.

‘Criminalised’ for basic support

Countries across Europe have [criminalised acts that facilitate illegal immigration](#). Some laws intended to deter human smugglers have also been used against humanitarian actors, including search and rescue boat crews and volunteer lifeguards.

openDemocracy worked with journalists across Europe to compile the longest known list of more than 250 people across 14 countries who have been arrested, charged or investigated under a range of laws over the last five years for supporting migrants.

Most of the cases we found occurred in just seven countries: Italy, Greece, France, the UK, Germany, Denmark and Spain. But, because of the myriad difficulties involved in gathering comprehensive data, the full figures are likely much higher.

These cases – compiled from news reports and other records from researchers, NGOs and activist groups, as well as new interviews across Europe – suggest a sharp increase in the number of people targeted since the start of 2018. At least 100 people were arrested, charged or investigated last year (a doubling of that figure for the preceding year).

Most of these people appear to have been targeted for providing food, shelter, transport, or other support to migrants without legal papers.

There were also at least 22 people arrested or charged last year for disrupting deportations in the UK, France, Germany, Iceland, Spain, and Sweden, and three charged with other crimes after documenting or challenging abuse against migrants.

Responding to our findings Thomas Huddleston, research coordinator at the Migration Policy Group think-tank in Brussels, said: “OpenDemocracy’s database captures not only the most shocking cases of criminalisation, but also so many insidious cases of intimidation and harassment on many other grounds”.

He added: “Europe’s main civil society groups and researchers are working together to dig into this database in order to demand action after the elections from the new European Commission and Parliament”.



The individuals involved in the cases compiled by openDemocracy include religious leaders such as evangelical pastor [Norbert Valley](#), who was [arrested](#) in the middle of a church service in the Swiss mountains. He was charged and later [fined 900 euros](#) for helping a Togolese man whose asylum application was denied.

They also include first responders like Spanish firefighter Miguel Roldan, currently on trial in Italy facing [up to 20 years in prison](#) and elderly women including [Lise Ramslog](#), age 70, convicted for offering a lift to a migrant family in Denmark.

[Claire Marsol](#), a 71-year-old retired lecturer, was convicted in France in 2015 of facilitating illegal immigration, after giving a young boy and his mother a lift from the Nice to Antibes stations. Police searched her home, seized her belongings, handcuffed her and placed her in custody for 24 hours. She described her experience as “a violation of my dignity”.

These cases can have heavy consequences. According to the EU Agency for Fundamental Rights, a [German pensioner couple](#) who allowed migrants to board their private boat were taken to court in Greece, convicted for smuggling and given 16.5-year sentences each. In 2017 these were reduced on appeal to 3.5 years.

Several journalists have also been arrested including while documenting police violence against migrants. In Belgium [Anouk Van Gestel](#), an editor of Marie Claire magazine, who was charged with human smuggling after hosting, feeding and clothing a Sudanese teenager who wanted to travel to the UK. She was acquitted in December 2018.

In Denmark and Greece, authors of children’s books [Lisbeth Zornig Andersen](#) and [Daphne Vloumidi](#), respectively, were charged after giving migrants lifts in their cars.

Zornig Andersen, the Danish author, and her husband Mikael Lindholm were convicted in 2016 of harbouring and transporting people without valid documents. They had [reportedly](#) asked the police whether it would be legal to give a Syrian family a lift. The officers said they didn’t know. The next day, the couple were charged.

Local politicians involved in these cases include [Fernand Bosson](#), former mayor of Onnion in France. He was convicted in 2017 for housing a family from Kosovo after their asylum application was dismissed, with the prosecutor requesting a ‘symbolic fine’ of €1,500.

Priests and firefighters

Last year, [Benoit Duclois](#), a French mountain guide, was charged with aiding and abetting illegal immigration after he was 'caught' by police assisting a pregnant Nigerian migrant woman across the Italian-French border on foot in the snow.

In Italy, a Catholic priest who was nominated in 2015 for the Nobel Prize for Peace for his work supporting refugees told openDemocracy about "a long criminalisation campaign against solidarity" - including against "those who try to save people from certain death".

"This is a smear campaign, aiming to make all NGOs and activists lose all credibility, and I ended in this 'meat grinder' too," said [Don Mossie Zerai](#), who has been under police investigation himself for allegedly aiding illegal immigration into Italy.

He says there has not been "a precise allegation of a crime" against him or a "particular act or case on which this accusation was based," but that he has been targeted because migrants stranded on sinking boats in the Mediterranean have contacted him before.

Father Don Mussie, a Catholic priest who has been under investigation in Italy for supporting migrants without legal papers. | Picture: Courtesy of Father Don Mussie.

"It was a surreal situation," [Manuel Blanco](#) - another Spanish firefighter recently tried in Greece - told openDemocracy about his arrest in 2016. He had moved to the island of Lesbos to volunteer for a search and rescue NGO, and was charged with facilitating illegal immigration. With two other firefighters, he faced up to 10 years of imprisonment.

Blanco was eventually acquitted of all charges. But the long two-year process "has affected me a lot, both on a personal and a professional level". He said he also had to pay a fine of €15,000 that only recently has been given back to him.

He told openDemocracy the arrest had taken him by surprise and he feared how the trial would affect his career and his family. The work he was doing had also taken a toll on his health. "It's a huge responsibility. Who the hell is going to help [people who need rescuing] in the middle of the sea. If it's not us, who else is going to be there?"

Porras, the human rights lawyer who represented the Spanish firefighters, said: "They are using laws that are intended for international criminal organisations that are earning money from trafficking, smuggling, prostitution and slavery to prosecute humanitarian workers and volunteers who are just trying to save the lives of people".

'Here to help'

Dozens of the cases compiled by openDemocracy involve activists and NGO volunteers. [Tom Ciotkowski](#) is a 30-year-old British volunteer currently awaiting trial in French court, who faces up to five years in prison and €7,500 in fines on contempt and assault charges.

Last summer Ciotkowski recorded on his mobile phone a police officer pushing and kicking another volunteer who was trying to distribute food to migrants and refugees in Calais. [Amnesty International](#), the human rights group, says he has been "unjustly targeted for documenting the abusive behaviour of the police" and that his case is "sadly emblematic".

In France, there is a specific *délit de solidarité* ('crime of solidarity') in the [immigration law](#). A 2018 court judgement ruled it unconstitutional to use this law against people who act for humanitarian reasons. But it's not the only French law used against volunteers.

Amnesty International's Maria Serrano [said](#) Ciotkowski's case "reflects a wider European trend of criminalising acts of solidarity". Another volunteer in Calais told openDemocracy that many that have arrived in the city are "here to help" people in desperate situations and "they should be able to do so without risk of prison time or harassment".

Previously, Rob Lawrie, a British ex-soldier, was charged with attempted smuggling, after trying to reunite a young child living in the 'jungle' camp in Calais with his family in Leeds. While he was eventually acquitted, [he's since described](#) online abuse from "keyboard warriors" and far-right vitriol reminiscent of what preceded the second world war.

Also in France, an activist was recently [prosecuted for a post on his Facebook page](#) criticising the treatment of migrants by comparing it to that of Jewish people under the occupation - while [a volunteer](#) was convicted of defamation for tweeting a photograph of police officers standing over a homeless migrant evicted from informal camps in Calais.

Last year, [a report](#) from a group of migrant rights organisations said that, along with prosecutions and legal actions, volunteers in Calais face intimidation from "systematic identity checks to parking fines, threats, insults and physical violence" from police.

They recorded 646 of these incidents in just eight months, noting: "Young adults, scarcely 25 years old, find themselves accused of criminal activities because of their humanitarian work and because they stand in solidarity with the displaced population in France".

Agnès Antoine, a member of the French "Tous Migrants" activists collective told openDemocracy she knows of dozens of cases where volunteers in Calais have been fined for speeding or parking or followed by police to deter them.

In Greece - where supporters of the far right party Golden Dawn have also [attacked](#) NGO workers on the island of Lesbos - citizens who rescue migrants from the sea have been prosecuted under [a 2014 law](#) designed to punish traffickers who profit from migrants.

In Germany, Karl Kopp at the human rights organisation Pro Asyl said the criminalisation of solidarity with migrants means that many of his colleagues "stand with one foot in jail".

Far-right crackdown

Last year a network of Italian rights groups called for the "decriminalisation of solidarity", saying: "European citizens should be able to offer humanitarian aid and services to all the people in need, regardless of their status, without fear of penalties or prosecution".

In July 2018, the European Parliament told the European Commission to create an observatory of these criminalisation cases, a project that is ongoing. In the meantime, Antonella Soldo of Radicali Italiani, who was involved in the Italian campaign, told openDemocracy that NGOs and volunteers continue to face "repeated attacks".

Ahead of the European elections this week, Matteo Salvini from Italy's far-right Lega party is pledging to clamp down on "barconi" - his term for boats carrying migrants across the

Mediterranean that are often rescued by NGOs. He's also repeatedly [called for the prosecution of ship crews](#) rescuing people off Italy's coast.

In other places, the pressure on those helping migrants takes on different forms. In some countries, including Poland and Romania, "there are also tendencies... to reduce the rule of law, to take away the money from humanitarian organisations or to criminalise humanitarian aid," Kopp from the German Pro Asyl group said.

Last year, Victor Orban's government in Hungary famously imposed a special [25% tax](#) on groups that support migrants and receive money from abroad.

In Germany, the far-right AfD's European elections programme criticises Frontex, the EU border agency, claiming that it "even supports illegal immigration" and that because of "a lack of security of the external borders there is still an uncontrolled influx of illegally arriving foreigners".

"We want to reduce illegal migration to the EU to zero," said the party's chairman, Jörg Meuthen, [last month](#) after travelling to Milan to [join Salvini](#) in announcing a new bloc of nationalist anti-immigrant parties to join forces ahead of the European elections.

'Recommit to European values'

Critics of these controversial policies agree that the rise of the far-right is concerning - but point out that the criminalisation of solidarity pre-dates it.

Along with "the Salvinis, the Orbans", Kopp added, "also the established parties, which take over the agenda of right-wing populists and right-wing radicals" are attacking Europe's "essence" - its support for human dignity, human rights, the rule of law and minority rights.

In Italy, Salvatore Fachile, a lawyer and member of the Association for Juridical Studies on Immigration (ASGI) described a "criminalisation campaign" against NGOs that began under the last government and has continued with Salvini as interior minister.

Attacks on search and rescue ships by politicians, in the media and in courts, he said, have caused "very serious damage" including "at a personal level, for the individuals put under investigation," as well as for organisations that have been "forced to decrease a lot or to stop their actions. The goal was achieved: to reduce or eliminate the sea rescue".

Responding to our findings, Danish MEP Margrete Auken said: "The EU has a humanitarian responsibility, and a moral duty, to rescue and assist people in danger. But is currently far from living up to its own values, with large human cost - for refugees as well as for those European citizens criminalised in their effort to help".

Dunja Mijatović, the Council of Europe's commissioner for human rights, said it is "troubling to see" increasing pressure being put by governments on people and organisations assisting migrants, refugees and asylum seekers in Europe.

"Instead of clamping down on those who help migrants live a more dignified life," she said, European leaders must "recommit with human rights, the rule of law and European values. This is both a legal and a moral duty".

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P.S.

- Open Democracy, 18 May 2019:

<https://www.opendemocracy.net/en/5050/hundreds-of-europeans-criminalised-for-helping-migrants-new-data-shows-as-far-right-aims-to-win-big-in-european-elections/>