

# Prosecuted for saving the lives of refugees

## The case of Cap Anamur president Elias Bierdel and his crew

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On Wednesday a court in Sicily acquitted the former president of the Cap-Anamur aid organisation, Elias Bierdel, and two co-workers, who had been charged with aiding illegal immigrants following an incident in 2004. In fact the “offence” of Bierdel, ship captain Stefan Schmidt and first officer Vladimir Daschkevich was to rescue a boatload of African migrants who had been stranded in the Mediterranean Sea.

On June 20, the rescue ship Cap Anamur picked up 37 African refugees from a sinking inflatable boat in the Mediterranean Sea, near the Italian island of Lampedusa. When the Cap Anamur tried to dock at Empedocle, the nearest port in Sicily, Italian navy frigates and helicopters as well as the Coast Guard were sent to force it back to sea.

For 12 days, the Cap Anamur—a converted freighter—navigated in international waters off the Sicilian coast, while the situation onboard deteriorated. Some of those rescued suffered nervous breakdowns and wanted to throw themselves overboard.

Only when the captain issued an emergency call was permission given to enter port, but any help was short-lived. Elias Bierdel, Schmidt and his Russian first officer were all arrested immediately after setting foot on Italian soil. They were accused of aiding illegal immigrants. The ship was seized, and the remaining crew ordered to leave the vessel.

The refugees, whom aid agencies initially believed had fled from the Sudan, were brought to the reception camp at Agrigento, and then to Caltanissetta two days later. Their claims for asylum were dealt with in express proceedings, without the individuals receiving any legal assistance. All of the refugees were deported back to their land of origin.

Having undoubtedly saved the lives of the refugees, Bierdel and his collaborators were promptly rewarded

with five days’ detention in an Italian prison. One and a half years later, in November 2006, the court in Agrigento, Sicily, began proceedings against the three men, with the Italian state prosecutor demanding a sentence of four years in prison and a €400,000 fine for Bierdel.

In the event, the court decided in favour of the accused. The decision by the judges, however, in no way detracts from the fact that the prosecution of the three Cap Anamur workers is a scandal initiated at the highest political level in Germany and Italy.

Following the incident in 2004 both the German and Italian interior ministers at the time, Otto Schily (Social Democratic Party) and Giuseppe Pisanu, (Forza Italia)—were united in their opinion that the saving of refugees lives in the Mediterranean should not allowed to become a “precedent.” According to the arguments of Schily and Pisanu, the Cap Anamur’s crew should have abandoned the shipwrecked refugees to their fate.

In 2004, Otto Schily denied that German authorities had any responsibility regarding the refugees’ requests for asylum—even though the Cap Anamur sailed under the German flag, and the requests were made in writing. Then, after the rescue, German Interior Ministry spokesman Rainer Lingenthal described as “irresponsible” Bierdel’s announcement that he would undertake further missions in the Mediterranean to save shipwrecked refugees. Pressure was exerted from both the Italian and German authorities for the “test case” prosecution of Bierdel and Schmidt.

Following the announcement of the acquittal on Wednesday, Bierdel told the press that while he obviously was pleased with the verdict, there was no cause for jubilation. He had been treated like a criminal for the past five years and hounded by sections of the media. For his part, Captain Stefan Schmidt noted after

the judge's decision that if he were again confronted with a similar situation, he would do exactly the same, i.e., rescue stranded refugees. At the same time, there is no guarantee that the case is finished. The Italian state prosecutor has 90 days to consider an appeal against the judgment.

The scandalous treatment of Bierdel and his crew is a direct result of the criminal immigration policy adopted by the EU that aims to turn Europe into a fortress. It is those EU government representatives responsible for this policy who should be tried for their crimes.

As part of the EU's immigration policy enshrined in the Lisbon Treaty, the coast guards of those states bordering the Mediterranean have been doing everything possible to keep refugees away from the EU. Using billions of tax euro, the coasts of Spain, Italy and Greece have been transformed into a tight grid, patrolled by boats and helicopters, through which even a small dingy cannot pass undetected. Refugees are to be prevented from reaching EU territory at any price. The right to asylum in the EU only exists on paper, with no legal means for refugees to enter the EU.

Supported by NATO naval units, overloaded and ancient boats are stopped and forced back into African territorial waters. The corpses of those who die attempting to flee eventually wash up on the beaches of Europe. According to Bierdel, the total number of documented casualties on European borders during the past decade total 15,000, but he describes this figure as the "tip of the iceberg," with the real numbers likely to be far higher. More than 400 such deaths at sea have been reported so far this year.

In one of the most recent incidents, 73 African refugees drowned in the Mediterranean in August after attempting to sail from Libya to Italy.

The reports of their ordeal by five survivors make clear that the intimidation tactics adopted by EU courts and border troops are having an effect. The five exhausted survivors declared that several ships had crossed their path, but none of them made any attempt to help. A patrol boat went so far as to give them fuel and rescue vests, but "then they headed off again and left us behind despite our condition."

During his spell as German interior minister in the SPD-Green coalition (1998-2005), Schily arrogantly declared that he was unaware of the number of casualties amongst refugees attempting to reach

Europe. In fact it is the policy of the German and EU government to swathe the operations of their naval and military units (the so-called FRONTEX agency) in the Mediterranean in a cloak of silence.

In a recent interview with Deutschlandradio, Bierdel declared that his main concern was the fact that nobody could access information about the actions undertaken by the border forces assembled in the EU FRONTEX agency, whose headquarters are in Warsaw. Bierdel quoted refugees who said that their boat had actually been rammed at sea by FRONTEX ships, a fact the agency is not required to reveal. The agency insists that its operations remain secret and refuses to reveal any details of its activities to both the media and political agencies.

Meanwhile the endless series of interceptions and deportation of refugees desperately seeking a haven in Europe continues. On the same day as the announcement of the Cap Anamur verdict, Italy deported 18 Egyptians who had come ashore in Sicily a day earlier. And in a few months the same court will announce a verdict in the trial of 7 Tunisian fishermen, whose "crime" was to rescue 44 refugees off the coast of Lampedusa in August 2007.



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