

German captain of refugee rescue ship “Lifeline” acquitted of criminal charges in Malta

Marianne Arens
16 January 2020

Captain Claus-Peter Reisch was acquitted of all charges laid against him in Malta last week. The trained vehicle mechanic from Landsberg am Lech, Germany has rescued hundreds of refugees from drowning in the mediterranean Sea.

The judge at the appeals court, Consuelo Scerri Herrera, took just five minutes to issue her ruling overturning the decision of a lower court. As she explicitly declared, the captain neither knowingly nor intentionally violated the regulations of the Maltese authorities.

Captain Reisch rescued over 450 refugees from damaged dinghies off the Libyan coast in June 2018 by taking them on board the “Lifeline.” The vessel belongs to the Dresden-based aid organisation Mission Lifeline, which is funded through donations. Reisch, his crew, and ultimately 235 refugees were forced to survive at sea for six days before they were given authorisation to enter Valletta harbour. Reisch was arrested upon arrival and the “Lifeline” was seized.

Following long, drawn-out legal proceedings, a Maltese court imposed a €10,000 fine on Reisch on May 24, 2019. The ruling was justified with the claims that Reisch had failed to properly register his ship and sailed under a Dutch flag without authorisation. The captain published a fax of the ship’s papers on the internet, which show clearly that it was registered in the Netherlands.

With the “full acquittal” issued by the appeals court last week, the court threw out all charges. The seized ship will also be released. However, the “Lifeline” no longer fulfills the requirements to sail under a country’s flag. According to the organisation’s spokesperson, Axel Steier, Mission Lifeline is in the

process of overhauling a vessel at a shipyard in northern Germany, “Rise Above,” which will begin operations in the spring.

The acquittal reveals the fact that the entire legal process was driven by political motives from the outset. The social democratic Labour Party government of Joseph Muscat was chiefly concerned with criminalising naval rescue operations and preventing refugees from reaching Malta.

Reisch was initially surprised by the positive outcome, which neither he nor Steier had expected. “Wow, unbelievable,” he tweeted. “I won.”

However, the ruling can be understood within the context of the current government crisis in the central Mediterranean county. The crisis developed due to the brutal murder of investigative journalist Daphne Caruana Galizia. Utilizing documents contained in the leaked Panama Papers, she revealed that the government was involved in serious corruption, money laundering, tax evasion, and the trade in “golden passports,” which grant Maltese citizenship to any member of the super rich willing to pay enough money. Caruana Galizia was killed in a car bomb attack in October 2017.

The judiciary, which is heavily dominated by the government, systematically suppressed and delayed the investigation into the murder for two years. Businessman Jorgen Fenech, who collaborated closely with the government, was finally exposed as the man who ordered the killing and was arrested in November 2019. Fenech accused none other than businessman Keith Schambri, the chief of Muscat’s cabinet, as being the mastermind behind the murder. Schambri was subsequently arrested and forced to resign, but he was

later released.

Protests involving thousands of people in Valletta have erupted repeatedly ever since, with calls being raised for Muscat to resign immediately. The official seat of government has repeatedly been besieged and stormed by protestors. Both the government and the judiciary confront substantial popular pressure. Prime Minister Muscat agreed to initiate a handover of power on January 12, with Robert Abela, the son of former president Goerge Abela, chosen by the Labour Party as the new leader.

Caruana Galizia's family pointed out that Muscat tried to directly influence the investigation and criminal prosecution, and added that he should only continue to participate in the proceedings as "a potential suspect."

The European Parliament even felt compelled to call for Muscat's resignation in a resolution in December, noting that recent events on the island pose an acute danger to "constitutionality, democracy and basic rights, including press freedom, the independence of the police and judiciary, and freedom of assembly."

Consuelo Scerri Herrera, the same judge who took just five minutes to acquit Reisch, recused herself in another appeals case the same day. She had been due to preside over a hearing into the corruption of three government ministers in relation to hospital privatisation. She recused herself by noting that her brother, Jose Herrera, was a cabinet minister and a colleague of the accused.

The judiciary is coming under fire from protestors in Valletta since November, and the same applies to the government's refugee policy. The judge evidently had no desire to preside over another politically explosive case under these conditions.

The acquittal in Malta can thus be seen as the result of the reawakening of a culture of protest, and as an indication of the coming revolutions in Europe and around the world.

However, Scerri Herrera's ruling has done nothing to change the horrific conditions facing refugees in the Mediterranean. According to figures from the Missing Immigrants project run by the refugee aid organisation IOM, 1,317 refugees drowned in the Mediterranean during 2019. Forty-eight deaths were already counted in the first nine days of the new year, up sharply from 27 over the same period in 2019.

The European Union has transformed the

Mediterranean into a mass watery grave, and the Labour Party government is by no means an innocent bystander in this. Prime Minister Muscat played an important role in EU refugee policy. He supported and signed all of the decisions taken. They mean that the EU's border security agency, Frontex, was significantly strengthened, while refugees were confined to military camps known as "hot spots."

Neither Malta nor the EU have retreated from this inhumane and murderous policy. Valletta continues to prevent NGO ships from entering its waters.

The situation in Italy also remains the same following a change of government in August. Although the far-right Lega leader Matteo Salvini left the post of Interior Minister and was replaced by a more pro-EU government made up of the Five Star Movement and the Democratic Party, the new coalition left Salvini's security decrees in place.

Reisch is thus by no means in the clear following his acquittal in Malta. He also faces the threat of a fine in Italy of €300,000. He is accused of violating the security decrees by rescuing 104 refugees with the ship "Eleonore" and transporting them to Pozzallo in Sicily. The "Eleonore" was also seized by the authorities. Reisch and his first officer not only face financially crippling fines due to the charge of "assisting illegal immigration," but also 20 years in prison.



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact