

## SOLIDARITY IS NOT A CRIME

### DECLARATION BY

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The recent proliferation of prosecutions in Italy and France towards people who showed solidarity with the refugees is a disturbing attempt to create division among NGOs active in Search and Rescue operations, and to isolate common European citizens who are concerned with the safety of the forced exiles who embarked in perilous journeys from Eritrea, Sudan, Libya, Syria, Afghanistan and many other distressed countries. Since years, they risk death on land and sea on a daily basis – in a sort of Darwinian selection – and the European Union, where only a part of them arrive, is closing more and more its doors and externalizing its asylum policies. The vast majority of migrants and refugees (80%) finds shelter in developing, mostly African countries. The extraordinary activity of NGOs in the Mediterranean is due to the absence of proactive public Search and Rescue operations carried out by the Union and its Member States, since the end of "Mare Nostrum".

Solidarity must not be considered a law-breaking offense. It is not a crime, but a humanitarian obligation.

Today, we are particularly concerned about two persons who took action to rescue migrants and asylum-seekers, in Italy and France. In both cases, their solidarity towards people in mortal danger is equated with the activity perpetrated by smugglers. In both, we are confronted with anachronistic laws whose purpose is to criminalise the so-called clandestine immigration and whosoever could be suspected of favouring it: the Bossi-Fini law in Italy and, in France, the CESEDA (Code of the Entry and Residence of Foreigners and of the Right of Asylum), which charges up to five years of prison and a fine of € 30,000 for those "passeurs" who facilitate or attempt to facilitate the entry, reception and circulation of migrants and refugees.

In Italy, Mussie Zerai, an Eritrean priest who has been nominated for the Nobel Peace Prize for helping save the lives of thousands of migrants and refugees crossing the Mediterranean, is now under investigation on suspicion of abetting illegal immigration.<sup>1</sup> On Monday 7 of August the President of the agency Habeisha received a notification of being under investigation from the Trapani public prosecutor's office. Having fled Eritrea as a youngster, after his seminary Father Zerai became a reference point for migrants and refugees in distress. For a long time, his telephone number was the only one that many could call in case of emergency assistance. He would sometimes receive calls for help from people in distress calling from a satellite phone from their rickety vessels at sea. Each time, he transmitted the coordinates of the boats to the Italian coast guard and, afterwards, to private rescue ships known to be in the vicinity.

That is likely the reason his name ended up in a probe which Trapani prosecutors opened into illegal immigration, focusing on the roles allegedly played in migrant rescues by some NGOs. The candidate for the Nobel Prize rejects the accusation of having taken part in clandestine messaging. "I have never been

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<sup>1</sup> <http://habeshia.blogspot.fr/2017/08/la-solidarieta-non-e-un-crimine.html>

part of the alleged secret chats”. “The reports are the result of requests for help from vessels in difficulty outside of the Libyan waters and in any case after hours of precarious and dangerous navigation”.

In France, on Tuesday 8 of August a farmer, Cédric Herrou, has been convicted of helping refugees to cross the border between his country and Italy.<sup>2</sup> The appeal court of Aix-en-Provence gave Mr Herrou a suspended four-month prison sentence. Authorities said Herrou assisted some 200 migrants over the past year, housing some in his farm in the Roya valley in the Alps, near the Italian border. A 2012 French law provides legal immunity to people helping migrants with "humanitarian and disinterested actions" but the prosecutor has argued Herrou was subverting the law. Herrou said that he "has no regrets" and will not stop helping migrants, calling it his citizen's duty.

At an earlier trial in January, Herrou said: "I picked up kids who tried to cross the border 12 times". "There were four deaths on the highway. My inaction and my silence would make me an accomplice. I do not want to be an accomplice."

We ask the European Union and its Member States to stop the defamatory campaign conducted against NGOs and those citizens who are taking emergency humanitarian actions in favour of refugees and migrants. We ask the Commission and the Member States to be fully respectful, for their part, of the international law – Geneva Convention, Law of the Sea, Convention on the Rights of the Child, Charter of European Fundamental Rights – as regards the principle of *non-refoulement*, the protection of children and non accompanied minors and the obligatory Search and Rescue of people in distress or imminent danger at sea.

<http://habeshia.blogspot.fr/2017/08/la-solidarieta-non-e-un-crimine.html>

[http://abonnes.lemonde.fr/immigration-et-diversite/article/2017/08/08/poursuivi-pour-aide-a-l-immigration-clandestine-cedric-herrou-attend-son-jugement-en-appel\\_5169880\\_1654200.html](http://abonnes.lemonde.fr/immigration-et-diversite/article/2017/08/08/poursuivi-pour-aide-a-l-immigration-clandestine-cedric-herrou-attend-son-jugement-en-appel_5169880_1654200.html)

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<sup>2</sup> [http://abonnes.lemonde.fr/immigration-et-diversite/article/2017/08/08/poursuivi-pour-aide-a-l-immigration-clandestine-cedric-herrou-attend-son-jugement-en-appel\\_5169880\\_1654200.html](http://abonnes.lemonde.fr/immigration-et-diversite/article/2017/08/08/poursuivi-pour-aide-a-l-immigration-clandestine-cedric-herrou-attend-son-jugement-en-appel_5169880_1654200.html)