

Constantin Nestler speech

Thank you chair.

Thank you for giving me the opportunity to speak and to represent the humanitarian groups and individuals affected by the outcome of this truly important discussion

My name is Constantin Nestler, i am a medical doctor and i have been working since 3 years in emergency medicine, intensive care medicine and anesthesia in Berlin.

Since 2015 i have been active in the medical support of refugees. First in improvised reception facilities in Berlin, then in irregular refugee camps in northern Greece and since 2017 in civil Search and Rescue Operations in the central Mediterranean sea.

I have been crewed as medic by different German Non-Governmental Organizations for multiple missions on the rescue-ships Iuventa, Lifeline and Sea-Watch 3.

In the following i would like to give a brief overview on the outstanding criminalization campaign that has led to the seizure of the rescue-ships Iuventa and Lifeline and the prosecution of their crew members.

The IUVENTA started its rescue operations in July 2017 and got seized by Italian authorities in august 2018.

In this brief time its voluntary crew has been involved in the rescue of 14.000 people that fled lybia on overcrowded, unseaworthy boats.

As every other vessel in the area, the Iuventa has been commanded during every single rescue operation by the Italian Maritime Rescue Coordination Center in Rome.

The people saved from drowning, as well as the many bodys we discovered in the sea have been brought to Italian harbors. In most cases after being transferred to Italian Coast-Guard, or NATO vessels.

During all of these rescue operations we have been strictly following international and national laws and cooperated fully with all relevant authorities.

In the beginning of 2017 Italian prosecutors started a secret investigation against the IUVENTA and other NGO ships.

During these operations secret service agents and anti-mafia police forces have been deployed to infiltrate the crews of NGO ships, to tab humanitarian workers phones and to place a recording device on the bridge of the IUVENTA.

To enable these surveillance measures, the Iuventa has been ordered by the Maritime Rescue Coordination Center on multiple occasions to leave the Search and Rescue Zone and head to the port of Lampedusa.

During these occasions we were forced to abandon refugee boats in distress.

The fate of these boats has in parts never been determined and we fear many of them have been lost at sea.

Ultimately, in August 2018, the IUVENTA got „preemptively“ seized after entering the port of Lampedusa by order of the prosecutor of Trapani. A year later an official investigation was opened on the charge of „facilitation of illegal migration to Italy“ against a total of 22 humanitarian workers of which 10 have been part of the IUVENTA-CREW.

The prosecutor has already acknowledged, that the NGOs have not been financially benefiting from their work, nor had they any ties with people smugglers. Nevertheless the Italian authorities argument, that the IUVENTA has been part of a „chain of events“ that has led to the „illegal entering of migrants to Italian territory“ and therefore can be charged under the laws that have been created to prosecute people smugglers.

Following the seizure of the Iuventa, many other NGOs and individuals that perform civil Search and Rescue operations have been confronted with a massive campaign using legal and bureaucratic instruments to hinder or stop them from doing their lifesaving work.

In June 2018 the Rescue ship „Lifeline“ was denied entry to European ports after rescuing 234 migrants in international waters.

The so called Libyan Coast Guard had requested the migrants to be handed over to them, so they could be brought back to Libya.

The captain of the Lifeline, Claus-Peter Reisch rightfully denied this order and insisted, that the migrants would have to be brought to a port of safety, where they would not be subject to extortion, torture, rape and other violations of their rights as they are frequently in Libya.

In reaction to this, Italy and Malta refused to assign the ship a port of safety while their flag state, the Netherlands refused to take any responsibility and publicly questioned the correct registration of the Lifeline.

The ship was forced to stay in open waters for 6 days with many sick, weakened and underage migrants cramped on its open decks.

Eventually the Lifeline was allowed to enter Malta after an agreement was reached among several European governments to receive some of the rescued migrants for processing.

Shortly after, however, Maltese authorities brought criminal charges against the captain, accused him of irregularities regarding the ships registration, and impounded the ship.

The Lifelines Captain now faces a prison sentence of up to one year for operating the ship without a proper registration, even though the ship has been sailing under the Dutch flag for almost a year and all the relevant papers proving its registration status have been produced in front of the court and the public on multiple occasions.

Another civil rescue-ship, the Sea-Watch 3, has since these events been denied the right to leave the Maltese Harbor without any explanation given at all.

The rescue-ship Aquarius, operated by MSF and SOS Mediteranee, will soon lose its flag state after an Italian Intervention with the Panamanese ship register. The explanation given by the panamanese authorities is, that the Aquarius had failed to return migrants rescued in international waters to Libya, an act that would have been an illegal breach of the Non-refoulment Principle of the Geneva Convention and therefore has never been performed by neither NGO ships nor by vessels operated by Frontex, the EUs Mission Sophia, or any European coast guard.

As a direct result of these actions the death rate among those attempting the crossing from Libya has surged to 1 in 16 in the period June-July 2018. This is four times higher than the rate recorded in the first five months of this year, which has been 1 in 64.

If deemed guilty, the crew of the Luventa faces up to 20 years in prison and fines up to 15.000 Euro for every person that entered Italy after reviving their assistance. We are still convinced, that they will be eventually found to be not guilty, but as we have learned from previous cases like the „Cap Anamour“ the process might take many years and will cost hundreds of thousands of Euros in legal fees.

The people, that are now under investigation, are professional sailors, firefighters, paramedics, lifeguards, cultural mediators and technicians. Many of them have sacrificed their careers, their savings and their comfortable lives in order to stop the dying at Europes doorstep. They have worked voluntarily for years to assist those fleeing war, famine, torture and rape.

I have met among them the kindest, most engaged and most selfless people i have ever known.

To see them now being publicly declared criminals and extremists, being prosecuted and threatened with prison sentences breaks my heart.

It was a shock to realize, that this kind of political prosecution is possible today in the European Union, that instead of honoring people that clearly embody European and humanitarian values we disregard them as criminals and systematically stop their work and destroy their lives.

As a medical professional i have the legal obligation to actively assist in any emergency, regardless of the victims religion, nationality, sex or insurance status. It can not be the responsibility of medical and humanitarian workers to assess the legal and political circumstances before they render assistance.

I very much fear, that if this example of scapegoating humanitarians for political purposes goes unchallenged, it will gravely undermine the ability and willingness of

individuals to help and assist each other in the European Union and at its borders.

I therefore urge you to establish binding legal frameworks, that protect Humanitarian projects from the kind of widespread prosecution we are seeing today, that distinguish clearly between those profiting of migrants and refugees and those who wish to help them.

Thank you.