

German Sea Captains Put Duty Before The Law

31-year-old Captain Carola Rackete's decision to enter the port of Lampedusa and dock the private rescue ship Sea-Watch 3 with 40 migrants on board led to her immediate arrest following express orders by Italian authorities to stay out of Italian waters and ports.

Her supporters immediately rallied around her cause and raised over €1 million within a few days – which may assist her in the weeks and months to come with covering potential legal costs she may incur, as she could theoretically face a decade in prison, according to media reports.

Rackete is not the only German citizen facing the full brunt of the Italian law after defying immigration orders and guidelines under the leadership of Italian Interior Minister Matteo Salvini. Pia Klomp faces up to 20 years in prison for personally helping to rescue at least 1,000 migrants at sea.

The 35-year-old was the captain of the Luventa sea vessel, which scoured the Mediterranean in 2016 and 2017 in search of migrants at risk of drowning. The boat was seized in August 2017, and charges were filed against Klomp a year later, with allegations including cooperation with migrant smugglers and the encouraging of illegal immigration.

Klomp's case is potentially even more dramatic than that of Rackete. She could face up to twice the jail-time as Rackete, and has been instrumental in the rescue of a far higher number of people. Though her name is known among migrant supporters, the case against Klomp received somewhat less coverage, which might be due to the fact that Rackete's arrest took place against the backdrop of Interior Minister Salvini's tightening grip on immigration with his "closed-ports" policy.

Salvini, who is also the Federal Secretary of the populist Northern League Party as well as the Deputy Prime Minister of Italy, went as far as saying that Rackete's defiance of his orders was "a criminal act and an act of war" by a "pirate ship." However, Salvini did not hold any public office yet when charges were brought against Pia Klomp and thus may have had a more limited scope to use her arrest and ongoing trial for publicity purposes – even though Klomp did in the past refer to the charges brought against her as a "show trial."

Klomp, however, holds the European Union equally responsible for the changing rhetoric against migrants in Italy and elsewhere. In an editorial in Newsweek magazine published in June 2019, Klomp wrote that such attempts at criminalizing acts of solidarity with migrants trying to come to Europe "demonstrated the lengths to which the European Union will go to make migrants' lives expendable."

"The ensuing media and political campaign against us has gradually succeeded in removing almost all NGOs from the central Mediterranean, leaving migrants braving the sea crossing with little chance of survival," she said in the Newsweek editorial.

"The transformation of the Mediterranean into a mass grave for migrants is a European political project."



Carola Rackete has thus far only spoken about her current situation and has not made any statements on Europe's ongoing refugee policies other than stressing that to her, saving migrants at sea is a "principle of human rights."

"Of course it's a situation I didn't wish for," Rackete meanwhile said about her arrest, adding that when some of the migrants got so frustrated that they threatened to jump overboard she knew she had to dock.

Hung Jury on Scott Warren; Hang'm Again

It was a hung jury, but the Feds decide to try and hang Scott Warren again for his humanitarian aid work. The 36-year-old geographer and border-based volunteer for the group "No More Deaths", was arrested with two undocumented migrants on January 17, 2018, and accused of providing the men with food, water, and a place to sleep over three days. A month later, an Arizona grand jury indicted him on two counts of harboring and one count of conspiracy, bringing the total amount time he could spend in prison – if convicted on all counts and sentenced to consecutive terms – to 20 years. No More Deaths' organization, is a humanitarian and faith group located in southern Arizona which aims at providing assistance to migrants at the Mexico-U.S. border.

The jury was unable to agree on a verdict for felony charges for helping and harboring migrants at the border with Mexico and conspiring to transport them. Warren will be tried again without the conspiracy charge on November 12 for sheltering migrants by the U.S. Attorney's office in Arizona. Prosecutors opposed that the migrants in question were not in distress and did not need the help that was given to them.

"Warren was arrested after Border Patrol agents set up surveillance around one of "No More Deaths" aid shelters. The day of his arrest, his humanitarian group released a video showing U.S. Border Patrol agents destroying water bottles they left for migrants. Warren's lawyers believe his arrest was a revenge for the video. They added he was simply exercising his religious beliefs and his rights to help migrants in distress.

"The targeting of humanitarian aid workers, though new, is only an escalation of the kind of violence and repression that BP and other state agencies have been unleashing on migrants and undocumented communities for decades," they wrote on their website. The initial trial was supposed to pave the way as being the first one of its kind since Donald Trump's administration asked prosecutors to take severe measures on people caught helping migrants.

Mary Katherine Morn, president, and CEO of Unitarian Universalist Service Committee said that Warren should have never been arrested and the retrial "highlights just how far the Trump administration is willing to go to punish migrants and those who provide them with life-saving assistance."

More than 3,000 migrants have died since 2001 trying to cross through the harsh conditions of the Sonoran Desert which covers large parts of southwestern U.S. in Arizona and of northwestern Mexico in Sonora. The temperatures there routinely exceed 40°C.

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Other than Carola Rackete and Pia Klomp, there have been two other cases of German nationals in the past, who risked facing legal consequences for helping migrants and refugees at seas.

Claus-Peter Reisch, the captain of German organization Mission Lifeline, was sentenced to pay a fine of €10,000 earlier in 2018 after entering Malta with 230 refugees on board the Sea-Eye rescue mission. He is not allowed to leave the country while court proceedings presently continue. It is alleged that the Sea-Eye, which operated under a Dutch flag, was not registered properly.

In 2004, Stefan Schmid, the former captain of the German rescue boat Cap Anamur, was charged with assisting illegal immigration after docking in Sicily with 37 African refugees on board. He was cleared of his charges five years later.

"Everybody knows you can be next," Carola Rackete says about the ongoing plight facing those who try to assist migrants in the Mediterranean. Courts in Italy now have to decide in coming days what charges they might bring against here.

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INDEFINITE DETENTIONS REJECTED BY COURT

A federal judge in Seattle ruled Tuesday that asylum-seeking migrants detained for being in the U.S. illegally have the right to a bond hearing in immigration court rather than being held until their cases are complete. U.S. District Judge Marsha Pechman said it is unconstitutional to indefinitely detain migrants who fled to the U.S. seeking asylum protections.

The decision reverses an April directive from Attorney General William Barr ordering immigration judges not to release migrants on bail. Such release has been a policy since 2005 after an applicant successfully establishes "a credible fear of persecution or torture" in the home country. **"The court finds that plaintiffs have established a constitutionally-protected interest in their liberty, a right to due process, which includes a hearing before a neutral decision maker to assess the necessity of their detention and a likelihood of success on the merits of that issue,"**

In her ruling, Pechman also took issue with an aspect of Barr's policy that left open the possibility that migrants, still awaiting a hearing, could be re-detained by ICE after being released on bond. *"The Government's unwillingness to unconditionally assert that Plaintiffs will not be re-detained means that the specter of re-detention looms and these Plaintiffs and many members of their class face the real and imminent threat of bondless and indefinite detention ...,"* she said.

Pechman's decision comes amid a widespread shortage of immigration judges that has caused massive delays in processing hearings. The most recent data available show a total of 424 judges nationwide face a backlog of 892,517 cases on the courts' active dockets as of the end of April. Hearing dates were being scheduled as far out as August 2023 in New York City, October 2022 in Los Angeles, and April 2022 in San Francisco.

Pechman also modified a preliminary injunction issued earlier this year. The new injunction requires the government to ensure bond hearings are held within seven days after they are requested by eligible asylum-seekers. If the government exceeds that limit, the undocumented immigrant must be released.

In a statement, Matt Adams, legal director of Northwest Immigrant Rights Project, said: **"The court reaffirmed what has been settled for decades: that asylum seekers who enter this country have a right to be free from arbitrary detention."** Michael Tan, senior staff attorney for the ACLU's Immigrants' Rights Project, added: **"Try as it may, the administration cannot circumvent the Constitution in its effort to deter and punish asylum-seekers applying for protection."**

Northwest Immigrant Rights Project @NWIRP