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Criminalizing compassion: humanitarian aid on trial in Europe

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[Pan-European overview: Laws turning help into hazard 2](#_Toc199868730)

[Introduction 2](#_Toc199868731)

[Political and public discourse: From welcoming to withholding 3](#_Toc199868732)

[Impact on civil society and NGOs: Chilling effect on solidarity 4](#_Toc199868733)

[The EU’s Role and Democratic Consequences 5](#_Toc199868734)

[Additional Liurature 6](#_Toc199868735)

[Detailed Case Studies: Personal stories behind the crackdown 7](#_Toc199868736)

[Tommy Olsen – The Watchdog of the Aegean 7](#_Toc199868737)

[Pieter Wittenberg – Rescuer turned “smuggler” in Lesbos 8](#_Toc199868738)

[Ingeborg Beugel – When Journalism and solidarity collide 9](#_Toc199868739)

[EU commission proposal analysis: The facilitation directive revisited 11](#_Toc199868740)

[Additional Liurature 12](#_Toc199868741)

[Concluding reflection: When compassion becomes a crime 13](#_Toc199868742)

# Pan-European overview: Laws turning help into hazard

## Introduction

Across Europe, a patchwork of laws has increasingly been used to prosecute those who aid refugees. At the center is the EU’s *Facilitation Directive* of 2002, which urges states to criminalize facilitating unauthorized entry or stay – but leaves a humanitarian exemption optional. Many countries, such as Greece and Hungary, chose not to exempt humanitarian acts, creating legal gray zones where volunteers can be [charged as smugglers](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2025)765787).

The result is a broad “crime of solidarity”: helping a migrant, even with no personal gain, can fall under smuggling laws. In France, for example, farmer Cédric Herrou’s conviction for aiding migrants was overturned in 2018 when courts affirmed that “fraternité” (solidarity) is a constitutional value – effectively carving out a humanitarian defense. But elsewhere, ambiguity persists. Authorities have stretched vaguely worded statutes – some dating back decades – to ensnare helpers. Greece applied a 1991 law against [journalist Ingeborg Beugel](https://balkaninsight.com/2022/06/01/dutch-journalists-trial-accused-in-greece-of-helping-an-asylum-seeker-was-set-to-start-today-but-postponed/) for housing an asylum-seeker. Hungary in 2018 passed a “[Stop Soros](https://www.justiceinitiative.org/newsroom/eu-top-court-strikes-down-hungarian-stop-soros-law#:~:text=Top%20EU%20Court%20Strikes%20Down,civil%20society%20breaches%20EU%20norms)” law criminalizing assistance to asylum seekers (later struck down by the EU’s top court for breaching EU law. These laws, often justified as anti-smuggling measures, have been used to blur the line between genuine criminal networks and ordinary people driven by conscience.

Importantly, many of these prosecutions ultimately collapse in court only after years of legal ordeals. *At least* [*102* individuals](https://picum.org/wp-content/uploads/2023/03/More-than-100-people-criminalised-for-acting-in-solidarity-with-migrants-in-the-EU-in-2022_EN.pdf#:~:text=Between%20January%202022%20and%20December,The) across the EU faced criminal or administrative proceedings in 2022 for acts of solidarity. Yet observers note that a majority are eventually acquitted or have charges dismissed. Successful defenses – such as citing humanitarian intent or lack of evidence – have [cleared](https://picum.org/wp-content/uploads/2024/04/Cases-of-criminalisation-of-migration-and-solidarity-in-the-EU-in-2023.pdf#:~:text=criminalised%20in%202023%2C%2083,24%20human%20rights%20defenders%E2%80%99%20legal) rescue crew members in Greece and [truck drivers](https://blogs.law.ox.ac.uk/border-criminologies-blog/blog-post/2023/06/imprisonment-boat-drivers-greece-examples-lesvos) in Italy. In January 2023, a Greek appeals court [dropped](https://www.lemonde.fr/en/europe/article/2023/01/14/greek-court-drops-espionage-charges-against-24-aid-workers-who-helped-migrants-in-lesbos_6011584_143.html) all misdemeanour charges against 24 aid volunteers (including Dutch retiree Pieter Wittenberg) after finding [no proof of wrongdoing](https://www.legalfutures.co.uk/latest-news/grays-inn-admits-student-charged-in-greece-over-refugee-work).

Courts in Belgium and Italy have also thrown out cases against volunteers. However, legal victory comes at a [high cost](https://www.dw.com/en/greece-ngo-workers-could-face-prison-for-helping-migrants/a-59857314): years of uncertainty, expense, and stress. As one report noted, trials often drag on for *3 to 4 years* on average, leaving defendants in limbo. This lengthy process *is* the punishment – a deterrent signal to other would-be volunteers. In short, uneven laws and aggressive [prosecutions across Europe](https://www.rainews.it/tgr/sicilia/articoli/2023/11/caltanissetta-attivisti-bloccano-il-bus-dei-migranti-da-rimpatriare-a-pian-del-lago--328816b4-293e-4403-b53b-ecc339abe362.html) have made humanitarian aid risky, even if final judgments sometimes vindicate the helpers.

## Political and public discourse: From welcoming to withholding

The shift in Europe’s tone on refugees since 2015 has been stark. After an initial wave of public sympathy during the 2015 refugee crisis, a backlash set in as populist and right-wing forces reframed the narrative. Leaders and media began portraying migration less as a humanitarian issue and more as a security threat – terrorism, crime, cultural change – and even an economic burden. Far-right and nationalist parties capitalized on fears, gaining ground by painting migrants as invaders and those who help them as enablers. In Central Europe, governments themselves trumpeted anti-migrant rhetoric.

Hungary’s Viktor Orbán and Poland’s leaders openly vilified NGOs and “activist liberal” helpers as part of a supposed plot to undermine national sovereignty. Elsewhere, populist politicians spoke of NGO rescue ships as a “taxi service” for illegal migration. This narrative seeped into mainstream policy: by 2018, *member states replaced solidarity with calls for national solutions*, and xenophobic sentiment had increased across the continent, [fueling the rise of anti-immigrant platforms](https://freedomhouse.org/report/analytical-brief/2016/central-europes-faceless-strangers#:~:text=The%20refugee%20and%20migrant%20crisis,current%20trends%20in%20xenophobia%20within).

Afbeelding met tekst, schermopname, Lettertype, ontwerp

Automatisch gegenereerde beschrijvingPublic opinion data show how fear took hold. Surveys in 2015–2016 recorded growing anxiety about refugees among Europeans, often tied to cultural and security worries more than jobs. The main driving force behind xenophobia is fear of certain groups of people that are different from the group perceived as “us”. This fear mainly relates to economic, cultural, and security threats that could be abstract or realistic. Historically, the level of fear has been high in all Visegrad countries. In 2015, the most anxious countries were the Czech Republic and Slovakia, followed by Hungary, while the figures in Poland were considerably lower.

As Figure 1 shows, worries around health and social changes (deterioration of way of life) are the most profound, closely followed by public security concerns and fear of cultural changes. Except for Poland, where economy-related worries are the second most prevalent, people [are less worried](https://freedomhouse.org/sites/default/files/2020-02/July12016_xenophobia_final_brief_FH.pdf). High-profile events – the Paris terror attacks, the New Year’s Eve incidents in Germany – intensified suspicions, unfairly linking refugees with crime in the public mind. Right-wing media and politicians fanned these flames with narratives about “losing our way of life” and straining welfare systems.

Consequently, by the late 2010s, many voters viewed tough migration control as imperative. Governments responded to (and often stoked) these sentiments by cracking down not just on migrants, but on those who support them, under the banner of national security. [Italy’s hardline](https://www.independent.co.uk/news/world/europe/matteo-salvini-italy-giorgia-meloni-italian-rome-b2711096.html) interior minister Matteo Salvini, for example, equated NGOs with smugglers and pushed decrees to bar rescue ships from ports. In Greece, officials [accused aid groups](https://www.bbc.com/news/world-europe-59330363) of espionage or collusion with traffickers.

Such claims, amplified by state-friendly media, cast doubt on humanitarians’ motives – were they “do-gooders” or part of the problem? This hostile discourse provided political cover to prosecute activists, framing it as fighting crime rather than eroding compassion.

The climate has also grown less tolerant of dissent. In places like Greece, journalists and advocates who challenge the official narrative face smear campaigns. When Dutch correspondent Ingeborg Beugel [directly asked Greece’s prime minister](https://nos.nl/artikel/2405989-nederlandse-journalist-vertrekt-uit-griekenland-na-bedreigingen) about illegal pushbacks of migrants, she was lambasted in the press and received death threats – pressure so intense she temporarily fled the country ([Ingeborg Beugel - Wikipedia](https://en.wikipedia.org/wiki/Ingeborg_Beugel#:~:text=Ingeborg%20Beugel%20,Prime%20Minister%20about%20%2043). The Greek media (some towing government lines) depicted aid workers and reporters as “foreign agents” or traitors undermining border security.

In Italy, leaders of rescue NGOs have been [grilled in parliament as if criminals](https://www.infomigrants.net/en/post/25232/amnesty-warns-of-human-rights-situation-in-italy-crimnalization-of-rescue-ngos). This fusion of populist rhetoric and state policy has normalized the idea that protecting borders justifies almost any measure, even if it means criminalizing compassion. Still, there is pushback in the public discourse: pro-refugee demonstrations and solidarity movements have emerged to counter xenophobia. Their message – “Solidarity is not a crime” – directly confronts the prevailing narrative and aims to remind Europe of its humanitarian ideals.

## Impact on civil society and NGOs: Chilling effect on solidarity

*Volunteers and activists rally in Brussels, Belgium, declaring “*[*Solidarity is not a crime*](https://www.euronews.com/video/2018/11/07/solidarity-is-not-a-crime-brussels-demo-for-migrant-hosts)*.” Across Europe, humanitarian organizations face growing legal and political pressure for aiding refugees.*

The crackdown on refugee aid has deeply affected Europe’s civil society. Humanitarian NGOs and volunteer networks, once welcomed as partners in managing refugee flows, now often operate in a [climate of intimidation](https://sea-watch.org/en/statement-by-civil-rescue-organizations-new-italian-government-decree/). Organizations have been hit with onerous administrative requirements, surveillance, and even outright bans. In multiple countries, governments have ordered [police raids](https://ecre.org/germany-far-right-remigration-meeting-provokes-anger-in-the-streets-chancellor-attributes-decrease-in-irregular-border-crossings-to-stronger-controls-despite-concerns-over-schengen/) of NGO offices, confiscated rescue equipment, and imposed fines on charities for minor infractions.

A recent monitoring found *at least 17 individuals and 12 NGOs* in 2023 were targets of administrative sanctions or harassment – from fines and asset seizures to smear campaigns. In Italy, [new rules introduced](https://www.infomigrants.net/en/post/49418/sea-rescue-ngos-face-detention-after-rescued-migrants-disembark-in-italy) in 2023 force rescue ships to [disembark migrants](https://www.infomigrants.net/en/post/49418/sea-rescue-ngos-face-detention-after-rescued-migrants-disembark-in-italy) after each rescue, drastically limiting how many people they can save in one mission. Authorities there detained vessels operated by groups like Sea-Watch and Médecins Sans Frontières (MSF) for “violations” such as conducting multiple rescues. [MSF’s ship *Geo Barents* was repeatedly](https://www.msf.org/msf-ends-operation-geo-barents-commitment-return-central-mediterranean-sea) impounded and finally withdrew from the central Mediterranean in protest at what it called “absurd” anti-rescue laws.

Meanwhile in Germany, a 2023 law expanded liability for anyone helping unauthorised entry, raising alarms among aid groups that even land-based assistance (like giving a ride to an asylum-seeker) could be criminalized. The [amendment](https://picum.org/wp-content/uploads/2024/04/Cases-of-criminalisation-of-migration-and-solidarity-in-the-EU-in-2023.pdf#:~:text=In%20Germany%2C%20an%20amendment%20to,50) to the Residence Act expanded criminal liability for assistance to entry into member states, raising concerns about the criminalisation of humanitarian aid.

The human cost for civil society is immense. Protracted legal battles drain NGOs’ limited funds and staff energy, diverting resources away from aid work into court defenses. Small volunteer groups, lacking big legal teams, have been especially strained – some have disbanded under pressure. Activists enduring multi-year investigations [report](https://www.infomigrants.net/en/post/52548/charges-dropped-against-riace-exmayor-mimmo) severe stress and burnout.

*Even if ultimately acquitted*, defenders often suffer irreparable damage to their finances, reputations, and mental health. For example, [Sarah Mardini](https://www.amnesty.org/en/latest/news/2023/05/greece-prosecution-appeal-prolongs-ordeal-of-rescue-workers/) and colleagues on Lesbos spent more than 100 days in jail and years entangled in legal proceedings before charges were dropped. The process left a lasting chill: [fewer locals now dare](https://www.ibtimes.com/locals-tourists-refugees-fear-loathing-greek-island-lesbos-2106848) to volunteer on Greek islands for fear of meeting the same fate. This “chilling effect” is widely felt – rescue hotline operators, charity medics, even parish priests offering shelter have stepped back, worried they could be next to face accusations.

Yet, European civil society has also shown resilience[. Solidarity networks](https://www.amnesty.org/en/documents/eur01/1828/2020/en/) have sprung up to support those on trial – fundraising for legal fees, lobbying officials, and rallying public opinion. Transnational coalitions of NGOs share strategies and amplify each other’s cases, under slogans like “Free to help” and “Defend solidarity.” In some instances, public outcry has forced authorities to temper their approach.

In Greece, intense international scrutiny of the Lesvos aid workers’ trial embarrassed the government and likely influenced the court’s decision to [dismiss the most ludicrous charges](https://www.reuters.com/world/europe/greek-court-drops-criminal-charges-against-35-international-aid-workers-2024-04-30/). In Belgium, citizen groups formed “[humanitarian corridors](https://www.santegidio.org/pageID/30284/langID/en/itemID/26000/Humanitarian-corridors-in-Belgium-Europe-that-welcomes.html)” and challenged restrictive laws, leading to debates about clarifying the difference between smuggling and solidarity. These acts of resistance highlight that civil society is down but not defeated. [NGOs are adapting by training](https://assembly.coe.int/LifeRay/MIG/Pdf/TextesProvisoires/2020/20200907-MigrantsObligationsNGOs-EN.pdf) volunteers on legal rights, documenting every step of their work to defend against false allegations, and forging alliances with journalists and sympathetic local officials. Still, the space for humanitarian action is undeniably shrinking. Where volunteers [once filled gaps](https://ecre.org/stepping-in-to-plug-the-gaps-the-role-of-volunteers-in-the-european-humanitarian-crisis-a-tale-from-lesvos-op-ed-by-zoe-gardner/) in state assistance, many now hesitate – and refugees in need ultimately pay the price as help recedes.

## The EU’s Role and Democratic Consequences

Europe’s institutions are at a crossroads in this saga. On one hand, the European Union has funneled vast funds to member states to bolster border security, inadvertently bankrolling some of the policies that criminalize aid. *“The EU has poured millions into Poland’s border enforcement — even as human rights groups accuse Warsaw of illegal pushbacks,”* one [report](https://www.oxfam.org/en/research/brutal-barriers-pushbacks-violence-and-violation-human-rights-poland-belarus-border) notes ‘Poland accused of brutality as Belarus border crackdown escalates’. Similar patterns appear in the [Balkans](https://borderviolence.eu/app/uploads/Balkandac-report-2.pdf), where EU aid and equipment support border police who have been documented pushing back asylum-seekers and harassing volunteers.

By financing ever-tougher migration control without stringent human rights conditions, Brussels risks enabling the [crackdowns on solidarity](https://borderviolence.eu/). There is also a degree of [political complicity](https://www.politico.eu/article/europe-migration-crackdown-far-right-deportations/): EU leaders under pressure from anti-migrant member states have largely stayed silent or offered muted criticism when NGOs are vilified. This tacit approval emboldened national governments to continue prosecutions, believing they won’t face serious rebuke as long as they frame it as “fighting illegal migration.”

At the same time, the EU professes core values of human rights, rule of law, and support for civil society – values directly undermined by the criminalization trend. This contradiction has not gone unnoticed. The European Parliament and rights officials have warned that targeting humanitarians erodes democracy. In extreme cases, like [Hungary’s “Stop Soros” law](https://www.aljazeera.com/news/2021/11/16/top-eu-court-hits-hungary-over-stop-soros-migrant-law#:~:text=Top%20EU%20court%20hits%20Hungary,refugees%20to%20apply%20for%20asylum), the European Commission launched infringement proceedings and the European Court of Justice struck down the law for violating EU protections on the right to asylum and freedom of association[. Democratic backsliding and the criminalization of aid](https://utrechtlawreview.org/articles/10.36633/ulr.1138) often go hand in hand.

Governments with authoritarian tendencies use anti-migrant fervor to consolidate power, weaken independent oversight, and cast NGOs as public enemies. As a [Freedom House analysis](https://freedomhouse.org/report/analytical-brief/2016/central-europes-faceless-strangers#:~:text=power%20longer%20by%20playing%20on,establishment%20forces%20that) put it, exploiting xenophobia while undermining checks and balances is a “dangerous cocktail” for democracy. Crackdowns on refugee aid are thus a bellwether – when a state starts treating lifesavers as criminals, it frequently coincides with attacks on the press, judiciary, and minority rights.

Nowhere is this clearer than in Greece. The same environment that led to Beugel’s prosecution (hostility toward refugee advocates) is reflected in Greece’s plummeting [press freedom rankings](https://www.hrw.org/news/2023/05/05/greece-stuck-bottom-eu-press-freedom#:~:text=Greece%20Stuck%20at%20Bottom%20of,2023%20World%20Press%20Freedom%20Index) – the worst in the EU in recent years. Silencing those who spotlight humanitarian crises goes along with limiting democratic oversight. The consequences long-term are [stark](https://www.brusselstimes.com/924418/eu-migration-pact-moves-forward-but-with-devastating-implications-for-human-rights): if fear of prosecution muzzles civil society, who remains to hold authorities accountable for abuses like illegal pushbacks or detention conditions? The EU faces the challenge of reasserting its principles. Some steps are being discussed in Brussels – for instance, tying migration-control funding to human rights performance, or creating an EU-level monitor for civic space to flag when activists are persecuted. MEPs and legal experts also argue for strengthening the “humanitarian exemption” [in EU law](https://www.bghelsinki.org/media/uploads/special/2018-right_to_a_lawyer_and_to_legal_aid_in_criminal_proceedings_in_five_european_jurisdictions_-_comparative_report.pdf) to shield bona fide aid work from prosecution (more on this in the next section). Ultimately, Europe must reckon with the damage to its democracy if solidarity is deemed a crime: today it’s refugee helpers, tomorrow it could be any civil society actor that displeases those in power.

## Additional Liurature

<https://srdefenders.org/greece-criminal-investigations-opened-against-human-rights-defenders-panayote-dimitras-tommy-olsen-madi-williamson-and-ruhi-akhtar-joint-communication/>

<https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=37396>

<https://kisa.org.cy/wp-content/uploads/2022/04/Report-on-KISA-Attacks-EN-180222.pdf>

<https://hfhr.pl/en/news/update-the-case-of-an-activist-suspected-of-leading-a-criminal-ring-a-judge-seconded-by-the>

<https://srdefenders.org/latvia-alleged-undue-use-of-criminal-proceedings-against-human-rights-defenders-ieva-raubisko-and-egils-grasmanis-joint-communication/>

# Detailed Case Studies: Personal stories behind the crackdown

To understand the human impact of these policies, one must look at the individuals caught in the crosshairs. The experiences of Tommy Olsen, Pieter Wittenberg, and Ingeborg Beugel – a volunteer, a sailor, and a journalist – reveal how ordinary people’s compassionate acts have been twisted into criminal allegations. Their stories, spanning from the Aegean Sea to a Greek island village, put faces to the broader trend and illustrate the costs of Europe’s crusade against humanitarian aid.

## Tommy Olsen – The Watchdog of the Aegean

*A volunteer on a Greek shore cradles a refugee child, exemplifying the humane response to arriving asylum-seekers. Tommy Olsen has dedicated himself to such frontline aid – and now* [*faces prison*](https://www.bghelsinki.org/media/uploads/special/2018-right_to_a_lawyer_and_to_legal_aid_in_criminal_proceedings_in_five_european_jurisdictions_-_comparative_report.pdf) *for it.*

Tommy Olsen is a 51-year-old Norwegian who never intended to become an activist. A former kindergarten teacher from Tromsø, he first traveled to Greece at the height of the 2015 refugee crisis to volunteer. What he saw there – overcrowded dinghies arriving on Lesbos, families risking drowning – moved him deeply. He began coordinating assistance for arrivals and took meticulous notes of every boat landing.

In 2017, Olsen channeled this into a small NGO, [Aegean Boat Report](https://aegeanboatreport.com/), creating a public bulletin of real-time refugee movements and, later, documenting illegal pushbacks in the Aegean. Over the years, he has built perhaps the most comprehensive database of how Greek authorities intercept and expel asylum-seekers at sea – incidents that often go unreported in official records. His work has been lifesaving (running a hotline for migrant boats in distress) and also embarrassing for authorities. By painstakingly recording testimonies, GPS coordinates, and video evidence, Olsen’s team exposed dozens of cases where refugees who reached Greek islands were secretly towed back out and left adrift. This made him a thorn in the side of the Greek government, which insists it does not conduct pushbacks.

In 2023, the situation escalated. Greek prosecutors on the island of Kos issued an [arrest warrant](https://euobserver.com/migration/arc4387302) for Tommy Olsen, accusing him of being part of a criminal smuggling network. He was charged in absentia with *facilitating illegal entry* and *belonging to a criminal organization* – charges that carry up to 20 years in prison. Olsen, who was back in Norway at the time, was stunned. “I’ve perhaps made people angry,” he said wryly when the news broke.

The indictment claims that by providing information and guidance to migrant boats (for example, directing them via WhatsApp to safer landing spots), he is effectively collaborating with traffickers. Olsen flatly denies this, noting that he never arranged journeys, he only responds to emergency calls from people *already at sea* and tries to ensure they don’t die.

His lawyers point out the irony: Greek officials have not prosecuted the actual smuggling kingpins – the organized networks in Turkey – but have targeted a humanitarian who made their abuses public. Indeed, Olsen’s reports on pushbacks are likely the real reason for the charges. By charging him as a smuggler, critics say, Greek authorities seek to discredit his evidence of pushback violations and frighten others who might monitor the coast. “His alleged crime involves assisting refugees in safely reaching Greek shores and exposing pushbacks,” one case summary notes, highlighting how his work *directly challenges* the official narrative.

Today, Tommy Olsen remains in legal limbo. Norway has so far not extradited him, and he continues to run Aegean Boat Report from afar, but the threat looms. If he sets foot in Greece, he could be arrested. His case has drawn international attention; human rights groups call it *“an attack on truth-telling.”* Olsen himself has said he won’t be deterred – “If I stop, who will document these violations?” – yet he admits the stress is heavy. He fears for his family’s well-being and struggles with being labeled a criminal. As Europe debates migration policy, Olsen’s ordeal poses uncomfortable questions: Should saving lives and documenting human rights abuses ever be a crime? And if Europe punishes those who spotlight its failings, what hope for accountability? Tommy’s story underscores how far authorities will go to *shoot the messenger* – in this case, a man whose only weapon is data and compassion.

## Pieter Wittenberg – Rescuer turned “smuggler” in Lesbos

[Pieter Wittenberg](http://nltimes.nl/2023/01/10/dutch-rescue-worker-among-24-trial-greece-people-smuggling) never imagined his retirement would lead to a courtroom. A 78-year-old retired Dutch banker and avid sailor; Wittenberg was enjoying a quiet life cruising the Mediterranean when the refugee crisis unfolded on his horizon. Anchored near Lesbos in 2015–2016, he witnessed flimsy dinghies overflowing with desperate people landing on Greek beaches. “I saw they needed help, so I helped,” he says simply. Using his boat, he began assisting refugees whenever he could – pulling people from the water, offering first aid, or ferrying stranded families to safety on shore.

He also volunteered with a local NGO to distribute dry clothes and meals to newcomers. For Pieter, it was a moral imperative born of seeing men, women, and children in mortal danger at sea. “Would I do it again? Yes, of course,” he later said. “There is nobody else who can”. This spirit of basic human decency, however, would land him in the crosshairs of Greek prosecutors.

In 2018, Wittenberg became one of [*24 volunteer rescuers*](https://www.reuters.com/world/europe/aid-workers-accused-spying-go-trial-greece-over-refugee-rescues-2021-11-18/#:~:text=One%20of%20the%20defendants%2C%2073,meals%20and%20handing%20out%20clothes) arrested on Lesbos and accused of an array of serious crimes. Alongside lifeguards, medics, and even a Syrian refugee volunteer, he was charged with human smuggling, espionage, and membership in a criminal organization – the same sweeping case that ensnared Syrian swimmer-hero Sarah Mardini and others. Authorities alleged that the group’s coordinated rescue operations were a cover for illegally facilitating migrant entry.

Wittenberg, then in his late 60s, endured nights in jail and a protracted legal saga. The trial, bogged down by procedural delays and lacking evidence, dragged on for years. It wasn’t until *January 2023* that a Greek court finally dismissed the baseless misdemeanor charges (like espionage) against the 24 defendants due to lack of evidence and procedural errors. Pieter was thus acquitted of the minor offenses, a moment of relief after nearly five years of uncertainty. However, the more severe felony charges – notably smuggling and criminal organization, which carry up to 20–25 years in prison – remained unresolved as the state continued investigating. This left Wittenberg in a legal limbo, not convicted but not free from the threat of future prosecution. “It’s like a sword hanging over you,” he described. Every few months, he must check if Greek authorities have decided to refile a case.

The impact on Pieter Wittenberg has been profound. Financially, he incurred heavy legal expenses traveling back and forth to Greece for hearings. Emotionally, the ordeal aged him beyond his years; he spoke of sleepless nights and the toll of being painted as a criminal. More broadly, his case sent a message that echoed across volunteer communities: if a grandfather who handed out blankets can be treated as a smuggler, then *no one* aiding refugees is safe from suspicion. “By labeling rescuers as smugglers, governments shift focus from their own failures to protect people onto those who step in,” an analysis of his case noted.

Indeed, Wittenberg’s willingness to help exposed how Greek (and EU) authorities were falling short of their humanitarian obligations – something his prosecution conveniently obscured by putting the volunteers on the defensive. Despite it all, Pieter’s resolve hasn’t entirely faltered. His famous words – *“Would I do it again? Yes.”* – stand as a quiet rebuke to the criminalization he suffered. Now back in the Netherlands, he awaits a final closure of the case. His hope is not just to clear his name, but that no one else will have to endure what he did simply for saving lives. Until then, Wittenberg remains a reluctant symbol in the fight for the right to rescue.

## Ingeborg Beugel – When Journalism and solidarity collide

Ingeborg Beugel, a Dutch journalist, spent decades reporting from Greece – her adopted home – until her commitment to telling the truth and helping those in need put her on a collision course with the law. Beugel’s story gained international attention in late 2021 when she directly challenged Greek Prime Minister Kyriakos Mitsotakis in a press conference, asking why his government kept denying well-documented refugee pushbacks.

Mitsotakis bristled at the question, but in the ensuing days Beugel became the target of a vicious smear campaign by Greek media and online trolls, some calling her a traitor. Under escalating harassment, she left Greece for a period in November 2021. Yet her legal troubles had already begun months earlier, rooted not in her journalism per se but in an act of personal solidarity.

Earlier in June 2021, Beugel was [arrested](https://www.theguardian.com/global-development/2021/jun/24/greek-police-arrest-dutch-journalist-for-helping-afghan-asylum-seeker#:~:text=Ingeborg%20Beugel%2C%2061%2C%20a%20freelance,%C2%A34%2C300) on the island of Hydra and accused of “facilitating the illegal stay of a foreigner”. The “foreigner” was *Fridoon*, a 23-year-old Afghan asylum seeker who had lived in Greece for years. His refugee status had briefly lapsed due to a bureaucratic delay, and during that gap Beugel allowed him to stay in her home – a humane response to prevent him from becoming homeless. Local islanders, however, reported her to police, apparently unhappy about an Afghan guest in their community. Beugel was detained overnight in a cell. “They treated me like a dangerous terrorist,” she recounted, describing how police even denied her basic needs during custody. Though Fridoon soon received asylum, authorities chose to press charges against Beugel under a little-used law from 1991. This decades-old Greek law makes it a crime to shelter an undocumented migrant – a provision rarely enforced against those acting for humanitarian reasons. If convicted, Beugel faced up to a year in prison and a €5,000 fine.

The case languished for a while, amid international criticism that Greece was penalizing compassion. Finally, in December 2024, a court in Piraeus delivered its verdict: Ingeborg Beugel was found guilty. The judge handed her an [eight-month prison sentence](https://thepressproject.gr/ingeborg-beugel-journalist-convicted-for-hosting-a-refugee/#:~:text=Dutch%20journalist%20Ingeborg%20Beugel%20was,seeker%2C%20was%20later%20granted%20asylum), suspended for three years. In effect, she would not go to jail unless she reoffended, but the conviction itself was a bombshell – the *first known instance of this law being used to punish someone for housing a refugee*. The ruling drew widespread condemnation. Critics called it *“an attack on solidarity and humanity,”* noting the irony that for years politicians had implored citizens to help integrate refugees, and when someone did so, she was criminalized. Beugel’s prosecution under [Konstantinos Mitsotakis’s 1991 law](https://www.macropolis.gr/?i=portal.en.newsletter-articles.14550) (the current PM’s father’s law) also highlighted a political undercurrent. Some saw it as retribution: Beugel had embarrassed the government on the international stage with her pointed questioning, and the state “did not forget the humiliation,” as one commentator put it.

Beyond the legal sentence, Ingeborg Beugel endured intense personal attacks. Greek tabloids painted her as a serial “illegal immigrant host” and even questioned her motives with lurid insinuations. [Strangers sent her threats](https://greekcitytimes.com/2021/11/10/dutch-journalist-who-took-greek-pm/), and a nationalist group hung banners against “those who house illegals.” Her experience illustrates how the criminalization of aid doesn’t happen in a vacuum – it is often accompanied by efforts to demonize the individual in public opinion. Despite the strain, Beugel has remained defiant. “If standing with refugees is a crime, then we are all criminals,” a prominent refugee supporter said in her defense. Beugel’s own stance is that she merely did what was right in a country that itself had failed to provide timely protection to an asylum seeker.

Her case has become emblematic of the “criminalization of solidarity” in Europe’s migration crisis. As she noted, the verdict sends a chilling message: even journalists and ordinary citizens acting out of compassion can be made into criminals. Nevertheless, Beugel continues to speak out from the Netherlands (where she relocated). Her story, painful as it is, shines a light on the extreme steps authorities will take – enforcing obscure laws, smearing reputations – to deter people from aiding those in distress. It poses a direct challenge to Europe: Will acts of kindness be met with handcuffs?

# EU commission proposal analysis: The facilitation directive revisited

While individual states have been driving the criminalization trend, the European Union’s own laws provide the scaffolding – and now there is movement in Brussels to reform them. In late 2023, the European Commission introduced a proposal to revise the [Facilitation Directive (COM(2023) 755)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=COM:2023:755:FIN) as part of a package aimed at combating migrant smuggling. On paper, this was an opportunity to clarify the law: to draw a bright line between prosecuting *actual smugglers* and protecting humanitarian assistance. However, experts and rights groups have sharply criticized the draft revision, warning it may do too little to stop the witch-hunt against humanitarians. [A *2025 European Parliament impact assessment* delivered](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2025)765787) a blunt verdict.

It found the Commission’s proposal “misaligned with international and EU legal standards,” raising “concerns about definitional issues, the lack of sufficient human rights safeguards, and the absence of a clear distinction between facilitation offences and…humanitarian assistance.” In other words: the very flaws of the [2002 directive](https://blogs.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2020/07/humanitarian) that allowed humanitarian aid to be treated as smuggling remain largely unaddressed.

One major point of contention is that the proposal still does not make a humanitarian [exemption mandatory](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2025)765787). It keeps it optional for member states to waive punishment for those [helping migrants for altruistic reasons](https://picum.org/wp-content/uploads/2022/06/CriminalizationStudy_EN_web.pdf). Critics argue this isn’t good enough – they want an ironclad clause protecting anyone offering basic humanitarian aid (rescue, food, shelter, legal advice) from prosecution. The Commission’s draft instead adds a Recital (an introductory note) [suggesting authorities](https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-against-smuggling-migrants-land-sea-and-air) “may refrain” from prosecuting purely humanitarian acts, but stops short of a binding rule. The European Parliamentary study slammed this approach, noting the “absence of a legally binding humanitarian exemption” as *“especially problematic.”*

It warned that without clear protections, the door stays open for national authorities to continue harassing NGOs and volunteers – essentially business as usual under a new directive. Another worrying element is the introduction of a new offense of “[facilitation by incitement](https://borderviolence.eu/app/uploads/BVMN-Analysis-_Proposed-Facilitation-Directive-1.pdf)” (sometimes called *public instigation*). This could criminalize those who *encourage* undocumented migration, a vaguely defined concept that observers fear could be used against activists or even journalists who speak sympathetically about migrants’ plight. Vague language around “[financial or material benefit](https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/UNODC_Issue_Paper_The_Profit_Element_in_the_Smuggling_of_Migrants_Protocol.pdf)” also persists; currently, EU law doesn’t require profit motive for smuggling, meaning even free help can be deemed illegal. If that isn’t fixed, service providers – like bus drivers or landlords – might err on the side of refusing migrants, “for fear of penalisation.”

[Civil society groups](https://apnews.com/article/migration-rescue-italy-libya-sos-humanity-ship-420076f54f129157ae75935d306dc0b5) and some EU lawmakers have responded with a flurry of [recommendations](https://pace.coe.int/en/files/33813/html). They urge that the revised law explicitly exclude humanitarian acts and family reunification efforts from criminal liability. They also call for proportionality checks – requiring prosecutors to consider whether pressing charges serves the public interest or simply punishes kindness. Notably, in March 2024 the European Parliament’s LIBE Committee (Civil Liberties, Justice and Home Affairs) requested this impact study as it was dissatisfied with the Commission’s draft. Parliament’s involvement hints that the final directive (still under negotiation) could see amendments more favorable to human rights. An EU Commission spokesperson, however, defended the proposal, stating it aims to better harmonize definitions and strengthen cross-border police cooperation against *“migrant smugglers and traffickers.”* The spokesperson insisted it’s not meant to target NGOs – but trust is low. After all, just as the Council (member state governments) agreed in principle on tougher anti-smuggling rules, critics pointed out that *“it may be used to target people or charity groups that try to help migrants in trouble.”* This fear isn’t hypothetical; it’s exactly what has happened under current rules.

The ongoing debate around the Facilitation Directive’s revision will be a bellwether for the EU’s course. Will Europe choose to enshrine protections for the “crime” of compassion, or will it double down on a security-first approach that leaves Good Samaritans as collateral damage? [The 2025 EP study stresses](https://www.europarl.europa.eu/RegData/etudes/STUD/2025/765787/EPRS_STU(2025)765787_EN.pdf) the need for coherence and respect of fundamental rights, cautioning that measures which undermine humanitarian principles could also undercut “civic space and democracy at large.” It’s a rare moment where Brussels has acknowledged the wider stakes: this isn’t just about migration, but about what kind of society Europe wants to be. As of now, the ball is in the legislators’ court to fix the legal ambiguities that have been weaponized against the likes of Olsen, Wittenberg, and Beugel. Their fates, and the fates of countless unnamed volunteers, may well hinge on these technical-sounding definitions being negotiated in EU halls.

## Additional Liurature

<https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf>

<https://rm.coe.int/expert-council-conf-exp-2019-1-criminal-law-ngo-restrictions-migration/1680996969>

# Concluding reflection: When compassion becomes a crime

Europe’s crackdown on humanitarian aid to refugees forces a reflection on fundamental values. In the narratives above, we’ve seen acts of great compassion – rescuing a capsizing family, offering a home to the homeless, bearing witness to injustice – met with handcuffs, trials, and prison threats. This normalization of criminalizing compassion is a deeply worrying development. Not long ago, such compassionate actions were celebrated; volunteers were the heroes filling gaps in state responses.

Today, they are too often treated as suspects. What does it say about our shared humanity when helping a drowning child or sheltering a persecuted man is viewed as aiding and abetting a crime? This question echoes across the continent, from the central Mediterranean to the Baltic forests. It is not only a legal or political question, but a moral one. The stories of Tommy Olsen, Pieter Wittenberg, and Ingeborg Beugel illustrate the personal toll – the fear, the defamation, the uncertainty – yet they also highlight something hopeful: the enduring commitment of individuals to *do what’s right despite the risks*. Olsen still updates daily reports of refugee arrivals, even under threat of prison. Wittenberg said he would save those lives again, law be damned.

Beugel continues to speak out for refugees and truth, even as a convicted “criminal.” Their perseverance is a reminder that solidarity can survive even the harshest attempts to stifle it. Across Europe, many others quietly continue to volunteer at food banks for undocumented families, to bring blankets to border encampments, or to advocate in court for asylum seekers’ rights. This undercurrent of human solidarity persists. However, the long-term consequences of Europe’s current path are sobering. If left unchecked, the criminalization of aid could fundamentally reshape civil society – turning Europe from an open society that encourages civic engagement into one where fear silences humanitarian impulses. The democratic backsliding tied to these trends cannot be ignored: a Europe that persecutes its humanitarians is a Europe at risk of losing its democratic soul. Refugee rights and human rights are often the first to erode when authoritarianism creeps in. Conversely, defending the space to act with compassion is part of defending democracy itself. European institutions and citizens are gradually waking up to this realization. Courts have started tossing out unjust cases; EU lawmakers are pushing back on draconian laws; and public solidarity campaigns are gaining traction. There is a growing call to reaffirm that empathy is not a crime.   
  
In the end, the fight over the criminalization of refugee aid is about more than migration policy. It strikes at the heart of who Europeans believe themselves to be. Will Europe be “Fortress Europe,” where fortress walls not only keep out refugees but also jail those who show them kindness? Or will it live up to the ideals of human dignity and solidarity that it often professes? The coming years – through legal reforms, court rulings, and societal attitudes – will provide the answer. For now, each prosecuted volunteer and each banned NGO rescue ship stands as a challenge to our collective conscience. Europe must decide whether it will continue down this road or remember the simple truth: saving lives should never be a crime.