

A GUE/NGL PUBLICATION

LAMPEDUSA AND MELILLA

SOUTHERN FRONTIER OF FORTRESS EUROPE



EUROPEAN UNITED LEFT/NORDIC GREEN LEFT
EUROPEAN PARLIAMENTARY GROUP

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“What is the Mediterranean? All in all, it is one thousand things. Not one landscape but many landscapes. Not one sea, but a succession of seas. Not one civilization, but a series of civilizations stacked one upon the other. To travel around the Mediterranean is to find the Roman world in Lebanon, prehistory in Sardinia, Greek cities in Sicily, the Arabic presence in Spain, Turkish Islam in Yugoslavia. It means sinking into the abyss of time to the megalithic constructions of Malta or the pyramids in Egypt. It means meeting ancient truths that still exist today alongside ultra-modern ones. It means dipping into antiquated insular worlds and at the same time being astonished at the extreme youthfulness of very ancient cities that have been open to the winds of culture and profit and that for centuries watched over and consumed the sea. This is because the Mediterranean forms an ancient crossroads. For thousands of years, everything has converged there, complicating and enriching history... The Mediterranean is an excellent opportunity to present ‘another’ way of approaching history.”

Fernand Braudel

PREFACE

SHOULD WE BUILD A FORTRESS OR CHANGE THE WORLD?



Francis Wurtz

The two visits described in this brochure, to Lampedusa and Melilla, are undoubtedly among the most significant initiatives taken by our political group in 2005. We were surprised to discover that neither had been visited by a delegation of European Members of Parliament before, especially in the case of the 'reception' centre on the island of Lampedusa, off Sicily, which had received so much media coverage as a result of all the dramatic and tragic events occurring there. Our visit to Lampedusa was a salutary experience, despite the urgent measures to restore the centre to order carried out by the Italian authorities before our arrival, including the hasty evacuation of hundreds of surplus detainees to other, secret, locations. The in-depth discussions with the two hundred or so migrants at the centre, the inspection of the facilities, and the tenor of our conversations with the authorities would have appalled even those most reluctant to condemn them: Europe, in defiance of the international conventions on the right of asylum, is treating fugitives who have risked their lives as if they were criminals.

Three months later, there was international outrage at the news that, at another of the frontiers between Europe and its neighbours on the southern shores of the Mediterranean, migrants were being shot at on either side of a barrier as hideous as that separating the United States and Mexico. Six migrants were killed, while others were simply dumped in the desert. What kind of world would we be ushering in if we let such barbarous acts continue unchecked? This appalling incident should open our eyes to the real alternatives with which Europe is confronted. Either we blind ourselves to all considerations except security, which will lead to an increasingly frequent repetition of scandalous situations such as those arising in Lampedusa and Melilla, or else we radically rethink our relations with the countries to our south in such a way as to restore the hope of collective progress to those regions of the world – and, in particular, Africa – where the general feeling at present is that there is no future for people in their own country. This is undoubtedly the most important choice confronting Europe at the beginning of the 21st century in terms of opting for civilised values.

Francis WURTZ
President of the GUE/NGL Group

INTRODUCTION

THE END OF A CULTURE OF ACCEPTANCE



Giusto Catania

Lampedusa and Melilla represent the southern frontier of 'Fortress Europe' and have come to symbolize the breakdown in the 'culture of acceptance' which, unfortunately, is occurring throughout the continent.

Lampedusa, an island between Sicily and Africa, is where some 15 000 migrants ended up in 2005, almost all of whom set sail from Libyan ports and reached Europe after crossing the Mediterranean. Sadly, we do not know how many unlamented would-be migrants went to a watery grave in the Sicilian Channel.

Lampedusa is the first European port of call. As soon as they arrive there, after a terrifying journey, migrants are confined in the Temporary Holding Centre (THC), an inhospitable place where they are regularly subject to physical, mental and other forms of abuse. Nearly always, once the summary identification procedures have been carried out, migrants can be expelled in an arbitrary fashion and without the requirement for lawyers or judges to be present.

The migrants detained in Lampedusa have only two possibilities open to them: they will either be handcuffed and bundled off to military or civil airports and deported to Libya or, after a maximum of 60 days in detention, released into Italian territory with instructions to leave the country within five days, thus becoming a source of cheap labour for the European employment market. Consequently, the Temporary Holding Centre on Lampedusa has become a machine for the production of illegal immigrants and deportees.

There have been many instances of migrants being deported to Libya, almost always involving Egyptian citizens, even though the country does not recognise refugees (Libya has not signed the Geneva Convention on Refugees), and human rights are systematically violated there. Furthermore, investigations by journalists and complaints by Non-Governmental Organisations (NGOs) have shown that, on various occasions, the Libyan authorities have simply abandoned large numbers of migrants from sub-Saharan Africa in the desert, where some of them subsequently died of hunger and thirst.

Nowadays, Libya has become one of Europe's external frontiers: in fact Italy has built three temporary holding centres in Libya, trained Libyan police officers and offered military equipment to combat illegal immigration.

Melilla, like Ceuta, is a Spanish enclave in Morocco, and the site of an alarming double barrier separating Europe from Africa.

It was in Melilla, according to reports by various NGOs, that a tragic event which is completely incompatible with Europe's underlying values took place: the Spanish Guardia Civil fired rubber bullets, at close range, at a number of

The Parliamentary Group of the European United Left/Nordic Green Left organised the first official European Parliament delegation to visit both places, and had the opportunity to inspect directly the tangible signs of the construction of 'Fortress Europe'.

migrants from sub-Saharan Africa who were trying to climb over the double fence, killing several of them.

Many of the would-be migrants who had crossed the first fence were deported to Moroccan territory, without having had their identity checked or their condition assessed, and the Moroccan authorities then dumped them in the desert, which resulted in very many deaths.

Only the strongest, who are best placed to survive the natural selection process involved in crossing the second fence as well, reached the Immigrants' Holding Centre in Melilla, which, unlike Lampedusa, is a decent and civilized place.

Following this incident, Europe allocated €40 million to help Morocco combat immigration, and a large proportion of those funds will be used to build immigrants' holding centres such as those which already exist in Libya as well as to dig a trench in Moroccan territory.

The Parliamentary Group of the European United Left/Nordic Green Left organised the first official European Parliament delegation to visit both places, and had the opportunity to inspect directly the tangible signs of the construction of 'Fortress Europe'.

Although the governments of Spain and Italy come from different ends of the political spectrum and have widely diverging attitudes, the abusive and violent treatment of migrants is becoming an increasingly characteristic feature of a Europe which, rather than extending a welcome, has chosen the path of rejection.

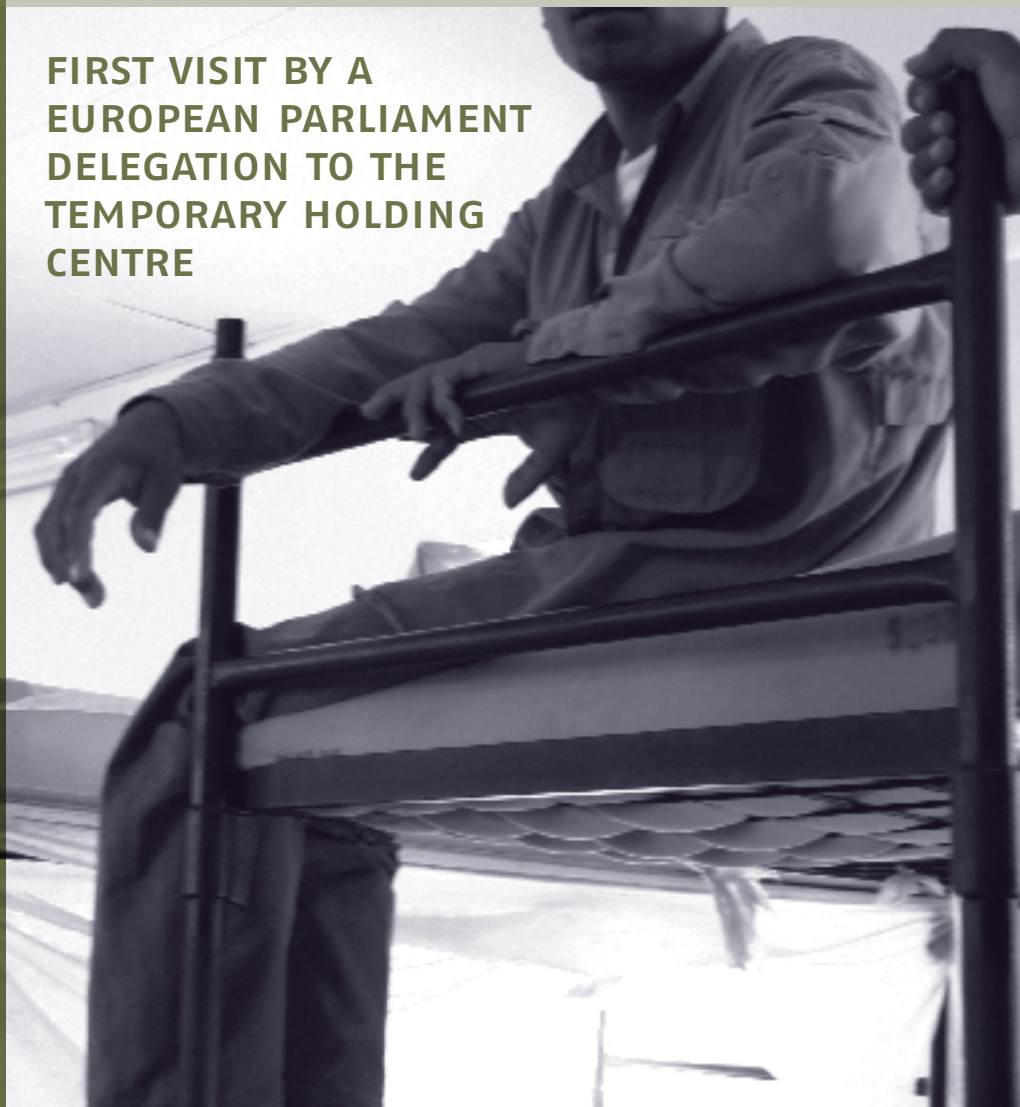
According to studies carried out by the European Commission, Europe is faced with demographic decline and will need, by 2030, a further 20 million immigrant workers to sustain current economic and social standards. Nevertheless, the only harmonisation of immigration policy that has taken place in the European Union has been in the field of repression: deportation, non-judicial detention and the externalisation of the Union's frontiers are the only practices the Member States have in common in this area.

This being so, there is an increasingly urgent need to campaign for the free movement of men and women and the acquisition of citizenship by all those residing on European territory: this is the only way of resuming the task of creating a welcoming community and the great political project known as Europe.

Giusto CATANIA
GUE/NGL Coordinator Justice and Home Affairs Committee

LAMPEDUSA

FIRST VISIT BY A EUROPEAN PARLIAMENT DELEGATION TO THE TEMPORARY HOLDING CENTRE



On Tuesday 28 June 2005, a delegation of 12 MEPs from the Confederal Group of the European United Left/Nordic Green Left (GUE/NGL), accompanied by four officials, a lawyer and representatives of NGOs involved in defending the rights of migrants, visited the Temporary Holding Centre (THC) on the island of Lampedusa, south of Sicily.

The delegation spent a couple of hours in the centre accompanied, at a distance, by the Prefect and senior police officers, and was able to speak to some of the migrants staying at the facility, which held 206 people on that particular day. The facility consists of four prefabricated containers, each of which holds some 40 beds (two rows of bunk beds).

On entering the first container, the impact was oppressive. Although it was only the month of June, the heat was suffocating: there was no ventilation and one container for over 48 people is far too small. The migrants kept showing us the beds: thin, crumbling foam mattresses, often without even a sheet for cover, lying on a rigid metal grill that served as bedsprings.

The migrants said they received one bottle of water a day between two people. Salt water flows from the showers which, with the heat and the burning sun, contribute to the dreadful dermatitis suffered by many of the migrants at the centre. The sick bay was not equipped to treat medical conditions of this kind. The number of people examined by the THC doctor seemed much lower than the number that had passed through the centre: those MEPs who were able to check the registers said that in June 2005 about half the centre's inmates had been examined.

The migrants held at the centre showed us some legal documents concerning themselves: some were only in Italian, others had been translated into English or French and only occasionally into Arabic. Some of the migrants had refused to sign them, while others explained that they had been obliged to sign them even though they did not understand the contents.

The judge had met the migrants, without a lawyer or an interpreter, only two days before the

MEPs' visit although most of them had been held at the centre for a long time. Detaining a person in a centre for more than five days (not to mention a month) without seeing either a lawyer or a judge is against the law in Italy.

Many of them said they had been there for more than a month, even though their detention orders were dated '25/06/2005'. However, a closer look revealed that the date printed by computer was different ('25/05/2005') and had been altered by hand.

They said that the previous night the centre had been thoroughly cleaned and four days before our arrival it had accommodated more than 900 migrants, sleeping out in the open, on the ground. About 700 had been transferred by air to an unknown destination.

The containers are separated by dug-out corridors and the only open space is a tarmac area without any shade. The site is surrounded by a fence of wire mesh and a large amount of barbed wire, typical of military areas.

A large gate separates the containers from the administrative area housing the offices of the centre's administration: the migrants call them, with a bitter smile, 'the air-conditioned offices'. It was there that the delegation was received by the Prefect, the Chief of Police, the centre's security manager and care manager, and by officials from the Ministry of the Interior who had come specially.

It was explained that a €5 telephone card is given to each migrant every 10 days or a €3 telephone card every 6 days, not enough to call family in Africa or a lawyer. In response to pressure, a second telephone booth for making international calls had been installed a few days earlier, but



On entering the first container, the impact was oppressive. Although it was only the month of June, the heat was suffocating: there was no ventilation and one container for over 48 people is far too small.





the only number that could receive calls was temporarily out of order.

Basic care (distribution of meals, water and telephone cards, any medical first aid, etc.) is provided by Misericordia – a non-profit-making social organisation that operates throughout Italy – by a total of nine staff working in three daily shifts. However, when we asked about the terms of the agreement between Misericordia and the Ministry of the Interior, we were referred to the minister's office. This was just the first of a series of surprising refusals and 'referrals to the minister'.

It was the same story when we asked where the 900 migrants, who had been staying at the centre until a few days before, had gone. The police admitted that they had been boarded onto an aircraft but refused to tell us their destination and the Chief of Police even said that he did not know where the flights were going. After a request to see the entry and exit registers and the expulsion orders, the delegation met with a further refusal on grounds of the 'law on privacy'.

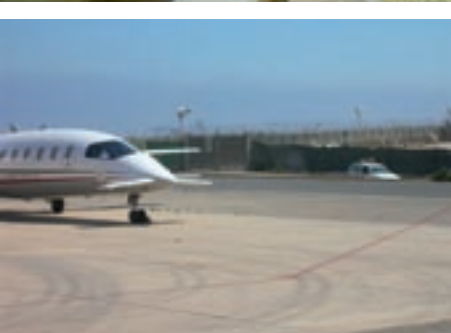
We then entered into a long discussion in an attempt to understand how asylum seekers were identified and treated. We were staggered to learn that the consular authorities of some third countries regularly take part in summary identification procedures to determine migrants' nationalities.

Clearly it is very dangerous for potential asylum seekers to be identified by the consular authorities of the countries from which they are fleeing. This explains why there had been no claims for asylum at Lampedusa recently. This information is inherently incredible: it would be the first centre in Italy in which there are no 'asylum seekers' – something which is inconsistent with the fact that some migrants said they came from Iraq or Palestine.

The Italian authorities explained in justification that asylum seekers were sent to other centres where they could meet the committee responsible for assessing their applications. The explanation was not at all convincing and, in practice, migrants are generally given no information about the possibility of claiming asylum that is open to them under Italian law.

The discussion became farcical when ministry officials denied facts universally known to be true (such as the existence of a bilateral agreement between Italy and Libya) or affirmed the existence of preposterous articles in the European Convention on Human Rights (the 'right of detention'). The watchword was clearly to deny everything or, when that was impossible, refer questions to the minister's office.

The delegation was dismayed by its inspection of the Temporary Holding Centre at Lampedusa and was applauded by the migrants as it left.



At the impromptu press conference at the exit, Giusto Catania stressed the 'cosmetic' operation carried out in preparation for the delegation's arrival, arranging for most of the migrants to 'disappear' and trying to make the facility look more habitable.

Francis Wurtz said that the situation of the migrants at Lampedusa was unacceptable from both a legal and a humanitarian point of view.

Roberto Musacchio noted that the European Parliament had expressed concern in April 2004 about the collective expulsions from Lampedusa by the Italian Government.

Tobias Pflüger pointed out that this type of camp was based on a proposal by the German minister, Otto Schily, and it was a shock to see the idea put into practice.

Vittorio Agnoletto drew particular attention to the precarious health situation in the facility.

Lastly **Miguel Portas** expressed his feelings of incredulity about the place, which resembled a prison rather than a holding centre.

On leaving the centre, the delegation noticed that it is located right next to Lampedusa airport and has direct private access to the runway, certainly a simple and discreet way of boarding migrants quickly on civil or military flights back to Africa.

EUROPE AND MIGRANTS



On 27 June 2005, the day before the visit to the Temporary Holding Centre at Lampedusa, the office of the Group's President organised a conference on immigration in the Sicilian parliament building in Palermo. It was attended by 12 members of the European United Left/Nordic Green Left and by other outside delegates with an interest in this issue. The many contributions now form part of the Group's wealth of complex material on asylum and immigration.

Francis Wurtz
President of the GUE/NGL Group

PARTI COMMUNISTE – FRANCE

[Lampedusa is the outpost of a Europe that has no comprehensive policy on immigration. We must, however, regulate the role of the many holding centres scattered across Europe with a European approach to the question of immigration. According to United Nations estimates, the number of migrants seeking to enter Europe represents a tiny proportion of the 175 million migrants in the world. I note that our group was the first official delegation from the European Parliament to visit the administrative holding centre at Lampedusa and I therefore call for a period of reflection with a view to finding real solutions rather than the Member States' present policies on migration, which are determined exclusively by principles of discrimination and savage violence. In confirmation of this state of affairs, consider Tony Blair's declared priorities for the United Kingdom Presidency: security, crime and immigration. That dangerous combination of objectives will take the form of strengthening agreements on return, externalisation of borders and legalisation of practices such as administrative detention. These proposals reflect the image of a Europe that has no long-term ideas about

migration, which must be tackled at source. So what is the answer? The proposal produced at the European summit is to cancel the debts of 18 of the developing countries. But that will not be enough. Europe must have a firm policy of development aid.]

Giusto Catania
MEP

RIFONDAZIONE COMUNISTA – ITALY

[The island of Lampedusa is a symbol of Fortress Europe, an example of extreme barbarity, and a metaphor for the criminalisation of innocent men and women. The Mediterranean, for thousands of years the scene of intensive social and cultural exchanges, has become a battlefield for the hopes and tragedies of people whose only "crime" is to want a better life in a place, namely Europe, that claims to be the historical home of modern rights. Associating the measures adopted to combat terrorism and organised crime with policies on immigration is a mistake that will have disastrous consequences: it legalises the denial of migrants' rights. We have long insisted that Temporary Holding Centres are inhuman and degrading places, unacceptable from both a legal and a humanitarian point of view. The European Union is at a turning point

for the coordinated management of immigration: greater involvement of the European Parliament in the decision-making process and the creation of the European Border Agency and the Human Rights Agency are important factors which may influence the Union's future approach to these issues. The issue of immigration must be tackled at its social and economic sources and must focus on removing the causes of the North-South divide. Current policies are based on security and control but the outcome is merely an increase in illegal immigration. The direct consequence is a growing black market in labour and falling wages. There is consequently an urgent need for policies based on a completely new approach. As regards asylum policies, we must dispense with the concept of safe third countries and propose the introduction of residence permits enabling migrants to seek work, voting rights for migrants and citizenship based on residence. These are the focal points of this new policy direction.]

Roberto Musacchio

MEP

RIFONDAZIONE COMUNISTA — ITALY

[The crisis in the process of building Europe is an unfortunate result of the liberalising abuses which have intensified in recent years. The direct results of the neo-liberal threat are tangible and can be seen in the increasingly precarious nature of work and in the more general threat to social security. A number of well-established rights are now up for discussion and liberalism is using illegal migration to drum up a war against the poor. Only by understanding the causes of this crisis and undertaking a detailed effort of reflection, will it be possible to re-launch a process of social and cultural dialogue able to rally together the potential protagonists of a social transformation.]

Marco Evola

lecturer at the University of Palermo

[The concept of citizenship, as enshrined in the Treaty and the draft European Constitution, carries strong connotations of "exclusiveness", in fact the rights associated with it are enjoyed only by a select few: the citizens of the Member States. Unfortunately, the secondary role of the European Parliament and the national parliaments in the management of policies on migration means that there is a serious lack of democratic control in this highly delicate area. Present policies on immigration are seeking to establish "imperialist values" that are completely contrary to respect for the rights of migrants.]

Gabi Zimmer

MEP

DIE LINKE.PDS — GERMANY

[Immigration, a policy of fundamental importance to the EU, has so far been based on completely erroneous premises. The Lisbon strategy and the Commission's latest proposals strongly support the idea that migrants are no more than an economic resource. Regularisation of the position of those who are already in Europe should be the first step towards a realistic approach to combat all forms of speculation in connection with the management of immigration. We must pay particular attention to the phenomenon of trafficking in human beings, who are the real victims of this tragedy. Finally, we must avoid capitalising migration policies.]

Alessandra Ballerini

lawyer

[My experience of visiting various Temporary Holding Centres in Italy has revealed all the shortcomings of the system of administrative detention. In addition to systematic violations of the legal rights of foreign citizens and asylum



The issue of immigration must be tackled at its social and economic sources and must focus on removing the causes of the North-South divide.

GIUSTO CATANIA



seekers, reports of physical violence and precarious health conditions have been recorded in all the places inappropriately described as reception centres. The picture that emerges is one in which illegality, legal uncertainty and ignorance on the part of THC managers and the police are undermining the rule of law.]

Kiriacos Triantaphyllides

MEP

AKEL – CYPRUS

[When the subject of immigration comes up, emphasis is always placed on migration itself, leaving out the more important aspect, namely the reasons that prompt thousands of people to leave home to seek their fortune elsewhere. In this respect, our group should make a determined effort to support real programmes of European solidarity with the countries from which immigrants come. These programmes must be underpinned by specific action to lay the foundations for real development in those countries.]

Rosario Scanio

Immigration Department Confederation of Italian Trade Unions (CISL)

[Observing the European States' reaction to migration, the disturbing question immediately arises as to why the only solution offered by the European States, which consider themselves to be repositories of democratic values par excellence, is a repressive response based on the indiscriminate use of force by the police. Shaped entirely by economic considerations, Community policy is directed towards the gradual reduction of the rights of migrants, as workers and as human beings.]

Vittorio Agnoletto

MEP

RIFONDAZIONE COMUNISTA – ITALY

[The reality of the holding centres is absolutely inhuman. In a completely illegal framework, which even goes beyond the legislation in force, the THCs are the scene of daily abuses and violations of fundamental human rights, resulting in mass expulsions and arbitrary refusal of the right of asylum. To deal with the causes of migration, we need to think how the policy of solidarity with the developing countries can be completely overhauled.]

Feleknas Uca

MEP

DIE LINKE.PDS – GERMANY

[People flee their countries because of ethnic, political and religious persecution. They suffer from various harsh conditions in their countries of origin, such as violence against women, social discrimination and poverty. These are only some of the reasons or circumstances that force people to leave their countries. In this situation, the main point is that nobody flees voluntarily. So my approach to the question of European immigration is that no-one should be regarded as illegal in Europe. Nevertheless, governments are building a wall in Europe to prevent refugees from entering the continent. Men, women and children are being expelled and European governments are saying these people are illegal and have no right to stay on European soil. On the contrary, the European Member States have a humanitarian and political duty to care for these people who are merely seeking protection in Europe.]

Federica Sossi

lecturer at the University of Bergamo

[The principal objective of European policy on immigration is to establish an impregnable fortress. Obsessed with talk of security, the European states are engaged in a “perpetual war” against migrants: this strategy reflects a consolidation of the assumption of European superiority in neo-colonialist terms. The only result of this strategy is an increase in illegal migration.]

Luisa Morgantini

MEP, Chair of the European Parliament Committee on Development

RIFONDAZIONE COMUNISTA – ITALY

[Political action must of necessity be linked with specific realities and experience in the field. Closer and more permanent links must be forged with the sections of civil society that are active in the immigration sector. A more humane policy that would give the real protagonists, the migrants, a face and a voice, should prevail over the present idea, which is to erect an impenetrable wall between those who have rights and those who cannot have them. No human being should be regarded as illegal in any part of the world.]

Diamanto Manolakou

MEP

KKE – GREECE

[Immigration is the result of the poverty and misery caused by the growth in neo-liberal violence. Confronted with a blank wall of indifference, the 175 million migrants in the world are trying to assert their rights. There are examples of the exploitation of this mass of des-

Giulia Binazzi, Alessandra Ballerini



The picture that emerges is one in which illegality, legal uncertainty and ignorance on the part of THC managers and the police are undermining the rule of law.

ALESSANDRA BALLERINI



Luisa Morgantini, Vittorio Agnoletto & Roberto Musacchio
Tobias Pflüger, Gabi Zimmer & Feleknas Uca

perate people all over the world. Europe is no exception. Only through greater solidarity will effective support be found to launch a genuine process of change. The working class should play a leading role in this process.]

Fulvio Vassallo
lawyer University of Palermo

[In breach of international treaties and of its own constitution, Italy is guilty of a serious and sustained failure to fulfil its obligation to respect human rights irrespective of the nationality of the persons concerned. The reality of the THCs, the mass expulsions and the lack of transparency in the management of migration policy are only some of the factors determining this appalling state of affairs. At European level, the Left must take a common position that will allow a radical change in the approach to the issue of immigration.]

Giulia Binazzi
Médecins sans frontières

[The reality for asylum seekers in Italy is often very hard: even though responsibility for these people lies with the state, we have to report that in actual fact there is a complete lack of protection for these men and women.]

Tobias Pflüger
MEP

DIE LINKE.PDS – GERMANY

[The attempt to improve coordination of immigration policies at European level has produced ideas such as the externalisation of borders and the concept of safe third countries. These ideas are completely contrary to fundamental rules of international law on human rights and the

rights of refugees. The supervisory function of the European Parliament should not be confined to visiting Temporary Holding Centres in Europe but should also extend to holding centres set up under “secret” agreements between the European Union and the states from which migrant flows originate.]

Angelo Caputo
Immigration Officer
Magistratura Democratica

[In Europe, policies on immigration tend to impose mechanisms to stop migrants entering rather than to encourage the management of the resource they represent. We need to go beyond the idea of “special rights for migrants” which result in practices such as collective expulsion or the system of administrative detention. By acting in this way, the Italian State is effectively legalising the violation of migrants’ personal freedoms and is placing itself outside the system of constitutional guarantees.]

Bairbre de Brún
MEP

SINN FÉIN – IRELAND

[In relation to illegal immigration and asylum seekers, emphasis should be placed on the aspect of protection rather than concentrating mainly on ideas of detention and expulsion. When we consider that most of the refugees live in developing countries, there is no excuse for those “rich European countries” that adopt the “Fortress Europe” approach. We must adopt more humane criteria, based on the rules of international law. We must also address the deeper causes of the conflicts, wars and poverty that cause many to seek refuge within

the confines of Europe. In Ireland, we should remember our forefathers who emigrated to find a better life when Ireland was less prosperous than it is now. What we wanted for them should be what we seek for those arriving on our shores today.]

Francesco Martone

Member of the Italian Senate

[In order to bring about genuine change, it is essential to strengthen the links between civil society and national parliaments. Such coordination, which should involve all European parliamentarians, would lead to greater transparency and the solution of some immediate problems such as the practice of returning migrants and to more transparent methods of receiving them. We also need to take strong measures to reduce the economic and social differences between North and South in the world. At European level, we also need to oppose the idea, implicit in the Commission Green Paper, of "qualitative selection" of migrants, according to which people are considered solely in terms of their economic value.]

Maurizio Zampardi

Amnesty International

[NGOs make a particularly valuable contribution to the examination of migration policies because, being involved on the ground, they can monitor the application of the legislation in force on a daily basis. In Italy, NGO activity is seriously hampered by the State, which conducts operations connected with the management of migration policies in an ambiguous way, with

minimum transparency. In more general terms, the Italian State has been strongly criticised in a number of quarters. In a United Nations report, the content of the Italian law on immigration (Bossi-Fini Law) is deemed to be "aberrant".]

Piero Soldini

Immigration Officer, CGIL

[The reality for migrant workers is inevitably bound up with the reality of the black market in labour. Not only have migrants' personal rights been undermined, the rights of workers have been violated. The concept of citizenship based on residence and the provision of alternatives increasing the ways in which people can legally enter Europe should form the basis of an effective policy on immigration.]

Kartika Liotard

MEP

SOCIALISTISCHE PARTIJ – THE NETHERLANDS

[Examination of the question of immigration should start from the premise of respect and protection of the rights of all migrants. No human being should be regarded as illegal. We must show our solidarity with the migrants' countries of origin and find lasting and effective solutions.]

Giuseppe Casucci

Immigration Officer, UIL

[Immigration is conceived as a cultural battle. At present, the politicians of European States regard it as a purely temporary emergency, without any long-term implications. The most important battle must therefore be fought at a cultural

level by seeking to lay the foundations needed for a constructive political debate that will lead to more active public involvement.]

Luca Cumbo

ZETA Laboratory Social Centre, Palermo

[Many of the players involved in the administrative management of the THCs in Sicily are suspected of profiting from the situation. Greater transparency should be the starting point for a fairer and more humane reception policy.]

Giuseppe Di Lello

judge, former MEP

[The real problem is that policies on immigration are still in the hands of the Council. Unfortunately, the course initiated at the Tampere European Council has not been pursued. The Council has consistently rejected any proposal to improve European coordination on immigration and asylum. We need to insist on strengthening legal ways of entry into Europe. At the same time, the European States should take determined steps to cancel these countries' debts.]

Filippo Miraglia

Immigration Officer, ARCI association

[There has been a proliferation of Temporary Holding Centres in recent years, particularly in the Mediterranean area. The externalisation of borders is a measure designed to ensure that the peoples of Europe are unaware of the tragedy of migrants. In that way, the public will not find out what is really happening. Any initiative to alert civil society is therefore an important step in increasing public awareness.]

Miguel Portas

MEP

BLOCO DE ESQUERDA – PORTUGAL

[The sole purpose of the Right's policy on immigration is to exploit the economic resource it represents. Under constant threat, migrants are forced to work in precarious situations. It is also essential to understand the social and cultural impact of immigration on the target country. Regularisation and the granting of nationality based on residence are measures that represent a move towards fuller recognition of migrants' rights. A campaign to increase public awareness on a European scale should be strongly supported.]

Laura Peduzzo

Cooperativa Rotta Indipendente

[Migrants represent a resource of inestimable value. Through their involvement in the activities of social cooperatives, they make an essential contribution to the smooth running and success of those cooperatives. Also, these projects enable migrants to recover dignity and rights that would otherwise be denied them by the harsh reality of black market work which is often the only way for them to secure the minimum means of subsistence.]

Giorgia Listi

Immigration Department, Cobas

[The Right and the press paint an alarmist picture of immigration but in fact the number of migrants and asylum seekers is quite small in terms of quantity. The Italian Government is giving priority to a security policy that leaves no room for the international obligations to which it is subject (there is no national policy on asylum) or with which it should comply.]

Roberta Fantozzi

*Immigration Officer,
Rifondazione Comunista*

[Italian legislation on immigration is unacceptable. Immigration must be regarded as a priority for political planning purposes. A long-term strategy with a completely new approach based on respect for the dignity of migrants. On a practical level, we and other left-wing bodies must promote initiatives to secure the immediate closure of all THCs in Europe.]

Francis Wurtz

conclusions

[In these brief concluding remarks, I should like to stress the need to oppose the externalisation of borders, which threatens to distract public attention from the tragic reality of immigration. We must therefore support any type of initiative, national or international, to rouse public opinion. We repeat that the cardinal points of a new reception policy must be permission to seek work, abolition of Community preference, citizenship based on residence and, above all, a new and effective European Union policy on development.]

Kartika Liotard, Bairbre de Brún



We must show our solidarity with the migrants' countries of origin and find lasting and effective solutions.

KARTIKA LIOTARD



Diamanto Manolakou

"THE REAL LAMPEDUSA"

HEARING WITH ITALIAN JOURNALISTS FABRIZIO GATTI AND MAURO PARISSONE



Giusto Catania, Fabrizio Gatti, Martine Roure



Josep Borrell, President of the European Parliament

"The Italian Government should give the European Parliament convincing explanations about the abuse and violence committed in the Temporary Holding Centre in Lampedusa. The Interior Minister, Giuseppe Pisanu, should also report to the Justice Committee to discuss the behaviour of the Italian authorities in making a mockery of the visit by the European Parliament official delegation."

This was the opinion which emerged during the hearing of Italian reporters Fabrizio Gatti and Mauro Parissone, organised by four European Parliament political groups and held in Strasbourg in October 2005.

The hearing organisers, Giusto Catania (GUE/NGL), Kathalijne Maria Buitenweg (Greens), Jeanine Hennis-Plasschaert (Liberals) and Martine Roure (Socialists) also arranged for a filmed report on Lampedusa to be shown. The report was produced by Mr Parissone for the Italian TV channel LA7 and unequivocally shows how the European Parliament was duped by the Italian Government.

Fabrizio Gatti told of his extraordinary experience inside the centre in Lampedusa, where he managed to stay for eight days by pretending to be an illegal immigrant.

Numerous MEPs attended the hearing, including the President of the European Parliament, Josep Borrell, as did journalists and representatives of associations and NGOs.

Mr Gatti's statement was highly appreciated. The 'Espresso' magazine journalist spoke of living conditions in the centre, described the violence and abuse perpetrated by the authorities against detainees and highlighted the absurdity of the identification procedures which failed to note the true identity of the fake immigrant 'Bilal'.

Mr Gatti's account confirmed the accusations that the GUE/NGL Group had already made after the visit in June 2005, concerning the shortage of food, terrible hygienic and sanitary conditions, lack of information given to migrants and summary identification and expulsion procedures.

The hearing was widely reported by the media.

Lampedusa:
what the papers said

Abolire gli accordi di riammissione;
istituire la cittadinanza di residenza
**Se i migranti fossero
merci, sarebbero
liberi di circolare
per il mondo**

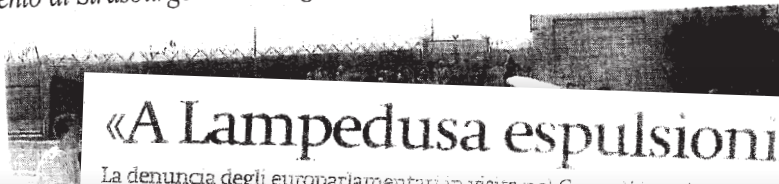
Pisanu: è fuorilegge chi si oppone ai Cpt

Approvata una risoluzione di censura nei confronti del governo italiano. Esultano il centrosinistra e le associazioni, reazioni di stizza nel centrodestra

L'Europa accusa: «A Lampedusa espulsioni illegali»

Il Parlamento di Strasburgo: «Violati gli obblighi internazionali, l'Onu deve poter entrare nel Cpt»

DALL'AVANTO Sergio Sergi
STRASBURGO Aveva ragione l'Alto Commissariato Onu per i rifugiati, avevano ragione Amnesty International e tante altre organizzazioni non governative che sul centro per gli immigrati di Lampedusa hanno intrapreso una battaglia per il rispetto dei diritti umani. Non ultima la Corte europea per i diritti dell'uomo che attende spiegazioni dal governo italiano. Il Parlamento europeo ha fatto proprie ieri le denunce delle organizzazioni internazionali finendo approvando una risoluzione (re, 50 contrari), il compianto italiano. L'aula di Strasburgo è stata un alle espulsi immiseriti, una pratica ch



«A Lampedusa espulsioni sommarie»

La denuncia degli europarlamentari in visita nel Cpt per i rimpatriati

Giusto Catania: «Le deportazioni hanno un protocollo. Illegale»

L'europarlamentare del Prc denuncia: «Tutto funziona in maniera metodica: dopo lo sbarco spariscono»

CONSULENZE «FACILI»
Ministero di Giustizia

contenute nei documenti in possesso dei migranti.

Non basta neanche la strategia del terrore nei confronti dei presidenti di Regione, di associazioni, di movimenti e sindacati, che stanno costruendo un fitta trama di denunce e che, per tale ragione, vengono definiti fiancheggiatori di terroristi.

Gli europarlamentari denunciano le procedure arbitrarie di espulsione collettiva, la scomparsa dei decreti d'espulsione, l'esistenza di

Il Ministro Pisanu ha ragione quando dice che i centri di permanenza temporanea sono

indispensabili. Infatti questi luoghi immondi sono strumenti fondamentali per il dispiegamento della

MEPs on fact-finding mission to Lampedusa refugee camp

MARTEDÌ 28 GIUGNO 2005

10 l'Unità
sabato 8 ottobre 2005

Così hanno nascosto il lager Lampedusa all'Europarlamento

Il rapporto degli europarlamentari in missione al Cpt
«Condizioni totalmente inadeguate, spartiti i registri»

di Martine Roure* / Segue dalla prima

IL QUESTORE di Agrigento ha replicato che il giorno prima ce n'erano 56. Alla domanda di

alcuna accusa di essere scalfisti e altri vittime degli stessi. Tutti insieme, nello stesso Centro. Un cittadino nassano ha affermato di essere nel Centro da 4 mesi, nonostante le autorità avessero annu-

BREVI
PARLAMENTO EUROPEO
Delegazione in visita al Cpt di Lampedusa

Una delegazione di quindici europarlamentari europei, guidato da Giusto Catania (Prc) andrà a visitare il centro di permanenza temporanea di Lampedusa per vedere i migranti.

mentari Ue
Lampedusa

PEDUSA — Dodici europarlamentari della Sicilia europea, in visita al centro di accoglienza per i migranti di Lampedusa, hanno denunciato l'inumanità delle condizioni di per-

MELILLA

REPORT OF THE GUE/NGL DELEGATION VISIT TO MELILLA



On the 10 October 2005, a GUE/NGL delegation visited the town of Melilla, a Spanish enclave in Morocco, following the alarming news of killings and deportations of sub-Saharan migrants.

The delegation was led by Willy Meyer and composed of Giusto Catania, Luisa Morgantini, Sylvia-Yvonne Kaufmann, Tobias Pflüger and Miguel Portas, accompanied by Susana Lopez (Izquierda Unida, responsible for immigration) and Chiara Tamburini (GUE/NGL staff).

The visit had as its **main aims** the verification *in loco* of the situation at the border, the evaluation of the reception conditions in the centre for migrants and an exchange of views with the local authorities and NGOs.

At 12.00, in the seat of local Government, the delegation met the Head of the Technical Office of the Government Delegation, the Head of the "Guardia Civil" and the Director of the Holding Centre for Migrants.

MEPs raised their concerns about the violations of migrants' human rights and asked questions about the number of people that had been expelled and the number of asylum seekers. In particular, MEPs asked about the number of migrants who, having passed only the first of the two barbed wire fences (therefore finding themselves in the so-called "no man's land"), had been returned to Morocco without the possibility of asking for asylum, although many of them had come from countries in a state of war. No precise answer was given. It was only stated that, "once the migrants reach Spanish territory" (in other words after passing the second fence), do they receive assistance.

At 12.30, the delegation met with the President of the Autonomous Assembly, Mr. Imbroda, who affirmed his belief that assaults had become more frequent since the last regularisations in Spain. He stressed that Melilla's problem should be considered a European problem, because this

is not only a Spanish border but a European border with Morocco. MEPs called for a change in European migration policy, opening more legal ways of migration and addressing the roots of this phenomenon.

At 13.00 a press conference took place in the offices of the Government Delegation, attended by several journalists from different countries.

Failure of Europe's immigration policy

While protesting at the treatment received by migrants, **Willy Meyer** in particular affirmed that these events illustrated the failure of European immigration policy, which makes Europe a fortress and does not deal with the roots of migration such as poverty and war. He claimed that Spanish Prime Minister Mr Zapatero was jointly responsible – together with the Moroccan authorities – for the return of thousands of migrants to countries where their lives may be in danger, many of them having been abandoned in the desert.

Giusto Catania stated that representatives from the Spanish government were unable to provide precise numbers about the expulsions from a territory under the control of the Guardia Civil (thus under Spanish jurisdiction) and agreed with Willy Meyer that the Spanish government was co-responsible for what was going on. He added that Europe should welcome people, instead of rejecting them, and that a Europe built of walls had no future.

Luisa Morgantini underlined the tragic situation of migrants, called for a complete change of attitude by Morocco and a new EU policy on reception, on work and on development with their countries of origin.

Tobias Pflüger, Willy Meyer, Miguel Portas, Giusto Catania



The delegation was shocked by the cruelty of these fences, which still showed visible traces such as pieces of torn clothing left by the migrants who had tried to get over the fences.





Luisa Morgantini



Tobias Pflüger said that what was happening now represents the failure of both EU asylum and migration policies: it should not be possible to use armies against refugees and to shoot people in order to defend a border. He stated that the general impression was one of a distribution of work between Spanish and Moroccan authorities, leaving Morocco to do the “dirty work”. He added his feeling of shame as a German at seeing German Minister Schily’s plan to create migrant detention camps outside the Union being put into practice gradually and underlined the duty of MEPs to scrutinise these sites.

A well-functioning but crowded centre

At 13.30, the delegation visited the holding centre for migrants. It was with some surprise that MEPs saw a well-functioning centre where migrants were free to come and go as they pleased, were given food, accommodation, medical care and education (schools for children and language classes for adults) in a clean and pleasant-looking environment with a lot of trees. The centre is managed by the minister for social affairs with the help of the Red Cross and local NGOs working with migrants and asylum seekers.

On the day of the visit, the centre hosted around 1.500 migrants, while its normal capacity is 400 people maximum. Nevertheless it did not appear to be extremely overcrowded; people without a real “roof” could live in Red Cross tents accommodating around 20 people each.

Giusto Catania, Luisa Morgantini, Miguel Portas and Tobias Pflüger (who had also visited the Lampedusa centre during the GUE/NGL visit at the end of June) underlined the huge differences between the two centres.

‘Cruel’ border fences

At 14.00 the delegation visited the border with Morocco: two fences, three to six metres high, topped with barbed wire were separated by a corridor about five metres wide, patrolled by the Spanish Guardia Civil and at certain points also featuring other rolls of barbed wire and vertical iron poles. This corridor is one of the most controversial legal issues, since the Spanish authorities affirm that it is a “no man’s land”.

The delegation was shocked by the cruelty of these fences, which still showed visible traces such as pieces of torn clothing left by the migrants who had tried to get over the fences.

Across the fences, on the Spanish side, you could see a huge pile of hand-made wooden ladders lying on the ground which had been used by migrants to try to get over the border fence.

Terrifying reports from NGOs

After a short lunch with journalists, at 16.00, the delegation met several NGOs working in Melilla for migrants and children’s rights, which brought documents formally accusing the General Office of the State Public Prosecutor to the attention of the MEPs.

Melilla: what the papers said

Their allegations on the behaviour of the Guardia Civil were terrifying, and included violent acts such as beating migrants before delivering them to the Moroccan authorities across the border or in some cases even killing them (at least six killings were reported to us). Allegations also included corruption of border guards in order to send migrants back to Morocco from the corridor between the two fences through "illegal doors" opened temporarily in the fence.

The NGOs also explained that in Melilla and Ceuta there are only reception centres while detention centres are located on the mainland. People can ask for asylum in the holding centres while the detention centres only accommodate illegal migrants who are supposed to be sent back to their country of origin some day. NGOs also reported an interesting fact to the MEPs: the percentage of asylum-seekers in Ceuta is much higher than in Melilla because in Ceuta there are more NGOs informing migrants about their rights to ask for asylum.

Given the length of the asylum procedure, some migrants can stay in the centres for months or even years. Since the Spanish government grants very few asylum visas (less than 3% of all applications in 2004), it results in many potential applicants not even applying.

In other cases, people would be expelled but their countries of origin have not signed any readmission agreement. This means migrants cannot live in Spain, but cannot be expelled either, an absurd legal paradox which keeps people in these centres for years.

At 18.20 the delegation flew to Madrid where at 20.30 they had a working dinner with *Médecins sans frontières* and *Amnesty International* representatives in Madrid. Both sides exchanged views and data on the situation at the border with Morocco and on the initiatives to be taken at EU level.



ANNEX 1

EUROPEAN PARLIAMENT RESOLUTION ON LAMPEDUSA



The European Parliament,

- having regard to the Universal Declaration of Human Rights, particularly Article 14 thereof,
 - having regard to the 1951 Geneva Convention Relating to the Status of Refugees, particularly Article 33(1) thereof, which requires individual cases to be genuinely examined and prohibits the expulsion or return (refoulement) of refugees,
 - having regard to the European Convention on Human Rights, particularly paragraph 4 of Protocol 4 thereto, according to which 'collective expulsion of aliens is prohibited',
 - having regard to the Barcelona Declaration, as well as the programme of work, adopted at the Euro-Mediterranean Conference of 27 to 28 November 1995, which concerns the promotion of the defence of fundamental rights in the Mediterranean area,
 - having regard to the Charter of Fundamental Rights of the European Union¹, and particularly Article 18 thereof on the right to asylum,
 - having regard to Article 6 of the EU Treaty and Article 63 of the EC Treaty,
 - having regard to its written questions E-2616/04 and E-0545/05,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas Lampedusa is a small island of 20 km² located in the middle of the Sicilian Channel, with a population of 5 500, which has obvious limits to its capacity to receive and host the mass of immigrants and asylum seekers who regularly land on its coast, often in desperate conditions,
- B. concerned at the collective expulsions of migrants from the island of Lampedusa in Italy to Libya carried out by the Italian authorities between October 2004 and March 2005,
- C. whereas the United Nations High Commissioner for Refugees (UNHCR) condemned the return of 180 people on 17 March 2005, saying that it was far from certain that Italy had taken the necessary precautions to ensure that it did not send genuine refugees back to Libya, which could not be regarded as a place of safe asylum; whereas the UNHCR profoundly regretted the lack of transparency on the part of both the Italian and the Libyan authorities,
- D. concerned at the refusal of the Italian authorities to give the UNHCR access to the Lampedusa detention centre on 15 March 2005, even though the Italian authorities had, according to the UNHCR, given such access to Libyan officials,
- E. deeply concerned about the fate of the hundreds of asylum seekers returned to Libya, since that country is not a signatory to the Geneva Convention on Refugees, has no functioning asylum system, offers no effective guarantee of refugee rights and practises arbitrary arrest, detention and expulsion; and whereas the people expelled are usually handcuffed and do not know what their destination is,
- F. concerned at the treatment and deplorable living conditions of people held in camps in Libya, as well as by the recent massive repatriations of foreigners from Libya to their countries of origin in conditions guaranteeing neither their dignity nor their survival; concerned also at the reports from Libyan sources of 106 alleged deaths resulting from these expulsions,

¹ OJ C 364, 18.12.2000, p. 1.



- G. having regard to the bilateral agreement between Italy and Libya, the content of which is still secret and which is thought to give the Libyan authorities the task of supervising migration and to commit them to readmitting people returned by Italy,
- H. concerned about the absence in Italy of a law on the right to asylum,
- I. having regard to the demand by the European Court of Human Rights to Italy of 6 April 2005 to provide information on the situation in Lampedusa, following Application No 11593/05 filed by a group of expelled migrants,
 - 1. Calls on the Italian authorities and on all Member States to refrain from collective expulsions of asylum seekers and 'irregular migrants' to Libya as well as to other countries and to guarantee that requests for asylum are examined individually and the principle of non-refoulement adhered to;
 - 2. Takes the view that the collective expulsions of migrants by Italy to Libya, including those of 17 March 2005, constitute a violation of the principle of non-refoulement and that the Italian authorities have failed to meet their international obligations by not ensuring that the lives of the people expelled by them are not threatened in their countries of origin;
 - 3. Calls on the Italian authorities to grant the UNHCR free access to the Lampedusa detention centre and the people held there, who might be in need of international protection;
 - 4. Calls on the Commission, as the guardian of the Treaties, to ensure that the right of asylum is respected in the European Union in accordance with Article 6 of the EU Treaty and Article 63 of the EC Treaty, to put a stop to the collective expulsions and to insist that Italy and the other Member States comply with their obligations under EU law;
 - 5. Recalls the need for a Community immigration and asylum policy based on an opening up of legal immigration channels and on the definition of a common standard of protection of the fundamental rights of immigrants and asylum seekers throughout the European Union, as established by the 1999 Tampere European Council and confirmed by the Hague Programme;
 - 6. Reiterates its deep reservations about the lowest common denominator approach in the proposal for a Council Directive on asylum procedures (COM(2002)0326) and calls on Member States to ensure a prompt transposition of Directive 2004/83/EC¹¹ on minimum standards for the qualification and status of refugees;
 - 7. Calls on the Commission to conduct a transparent dialogue on this subject that includes making publicly available the outcome of its technical mission to Libya in November and December 2004 on illegal immigration;
 - 8. Calls on Libya to allow access to international observers, to call a halt to the expulsion and arbitrary arrest of migrants, to ratify the Geneva Convention on Refugees and to recognise the mandate of the UNHCR, and demands furthermore that any readmission agreement with Libya is made public;
 - 9. Calls for a delegation of members of the relevant committees to be sent to the Lampedusa refugee centre and to Libya to assess the magnitude of the problem and to verify the legitimacy of the actions of the Italian and Libyan authorities;
 - 10. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Government of Libya and the United Nations High Commissioner for Refugees.

¹¹ OJ L 304, 30.9.2004, p. 12.

ANNEX 2

REPORT FROM THE JUSTICE AND HOME AFFAIRS COMMITTEE DELEGATION

on the visit to the Temporary Holding Centre in Lampedusa

RAPPORTEUR: MS MARTINE ROURE



Report on the visit

A delegation of 12 MEPs travelled to the island of Lampedusa in southern Sicily to visit the Temporary Holding Centre. Prior to visiting the centre, the EP delegation questioned the Italian authorities for more than two hours in order to obtain information on the centre. Among the representatives of the Italian authorities were: Deputy Minister Mr Giampiero D'Alia; Provincial Governors Bruno Pezzuto, Michele Lepri Gallerano and Nicola Prete; Quaestor of Agrigento, Mr Nicola Zito; the Mayor of Lampedusa, Mr Bruno Siragusa, and other law-enforcement officials. The delegation then visited the THC for approximately one and a half hours and afterwards gave a press conference. The visit received broad media coverage, especially on television. The simulation of a sea rescue operation by coastguard boats did not take place.

Briefing with the Italian authorities

Figures

The Italian authorities informed the MEPs that on the day of the visit there were 11 people at the centre. The delegation was surprised at this, as the figure did not in any way reflect the everyday reality of the Lampedusa centre. The Quaestor of Agrigento replied that on the previous day there had been 56 people. When asked how many had been present at the centre during the previous 96 hours, the authorities stated the number of arrivals as 200 on 21 August, 148 on 7 September and 29 on 11 September. This did

not clarify the question of the total number of inmates during the days leading up to the MEPs' visit. The MEPs were not able to establish the number of people present from the record of arrivals and departures because these records were not held at the centre, but at the prefecture of Agrigento. The MEPs asked to see this information on several occasions, but were refused. Neither was it possible to see the expulsion orders, which were also at the prefecture of Agrigento.

The authorities provided other figures:

- the capacity of Lampedusa THC is 186 places;
- 10 497 people were housed in Lampedusa THC in 2004, 412 of whom were minors and 309 were women;
- the average daily number of inmates between April and October was 350 to 400;
- on certain days in summer the centre had had to take up to a thousand people;
- the average length of stay at the centre is between 4 and 5 days.

The Quaestor admitted that the presence of only 11 people in summer was quite exceptional. From October to March the centre was almost empty.

In connection with the text of the European Parliament resolution of 14 April 2005, which declared itself *'concerned at the collective expulsions of migrants from the island of Lampedusa in Italy to Libya carried out by the*

Italian authorities between October 2004 and March 2005, the Italian authorities had provided the following figures:

- **from 29 September to 8 October 2004** 1 787 people arrived in Lampedusa, 544 of whom expressed their intention to claim asylum and were immediately transferred to the Crotone centre. Of these, 181 had obtained a temporary residence permit and 140 had absconded. A total of 1 153 of these people, all presumed to be Egyptians, were sent to Libya on 11 charter flights. There was no mention of the 90 people who did not fall into either of these categories.
- **from 13 to 21 March 2005** 1 235 people arrived on the island, 421 of whom expressed their intention to claim asylum and were immediately transferred to the Crotone centre. All 421 fled the Crotone centre after overpowering the Carabinieri. Of the others, 494 were sent back to Libya and 126 repatriated to Egypt.

Management of the centre

The centre is run by an NGO known as Misericordia, which provides basic assistance (distribution of meals, water and telephone cards, first-aid treatment where necessary, etc.). Misericordia has a team of nine people who work on a three-shift daily rota. We did not receive any answers to our questions regarding the terms of the agreement between Misericordia and the Ministry of the Interior

Reception procedure

The Italian authorities gave an in-depth description of the reception procedure:

Normally boats carrying illegal migrants were stopped in the waters off Lampedusa and very rarely reached the coast. People were first frisked in an area at the entrance to the centre, and

then underwent an initial health check. They then received clothing, cigarettes and telephone cards. Bed linen was changed every three days. Nationality was determined by means of an interview with interpreters and also by taking into account physical characteristics. The authorities stated that most arrivals were Egyptian. The news that nearly all the migrants were from Egypt surprised most of the MEPs. They also expressed their doubts about the possibility of identifying a person after a meeting lasting only a few minutes and depending entirely on the person's accent and skin colour. MEPs were astonished to hear that almost all the migrants were considered to be of Egyptian nationality, and that there was a total absence of any other nationalities, especially Iraqis and Palestinians, among the people identified at the centre.

Those arriving in Lampedusa either had no documents or held false papers.

The centre's inmates were able to have access to legal aid and interpreters, and their religious beliefs were respected. In actual fact, they received a list with the names of the lawyers of the Agrigento forum resident in Sicily. In the centre's dormitory we saw a notice written in Arabic, French and English explaining the 'rights and duties of migrants'. The interpreters work from Arabic and English, but not from French.

Everyone arriving at Lampedusa THC has to be fingerprinted using a high-tech ink-free scanner system. Asylum seekers' fingerprints are sent to the Eurodac system, whereas those of other arrivals remain with the Italian authorities. The archives on these prints were not available at the Lampedusa centre. It was not possible to determine what use was made of these fingerprints by the police authorities. Doctors use X-rays to identify children at the centre.





Tobias Pflüger



The Italian authorities stated that the THC was a temporary holding centre. The average length of stay in the centre was said to be 4-5 days. If the judge so decided, migrants could be detained at the centre for up to 60 days. In practice, if anyone expressed the wish to claim asylum, they were transferred to the Crotona reception centre. For the others, Italian law on refusal of entry at the border applied. People had the right to an individual interview, but if they did not request asylum they were immediately sent to Libya or repatriated to their country of origin.

The Italian authorities stated that in general there were very few claims for asylum and that most people arriving at Lampedusa were economic migrants. The Lampedusa centre was not an identification centre for asylum seekers, but a temporary holding centre, which in certain cases became a provisional detention centre for a maximum of 60 days (30 + 20 + 10 days), if the judge considered this necessary in order to conduct enquiries (trafficking in human beings).

The Italian authorities explained that, according to Italian immigration law (Article 10 of the 'Bossi-Fini' Law 189/2002 of July 2002), the authorisation of a judge was not required for refusal of entry procedures (*respingimento* in Italian, *refoulement* in French), because it was not a case of expulsion, but of refusal of entry at the border on an individual basis. In cases where the authorities running the centre were unable to repatriate people within 3-4 days, the authorisation of a judge was required in order to detain inmates at the centre. Decisions on 'refusal of entry' were made by the quaestor.

The Italian authorities insisted several times on the difference between 'refusal of entry' and 'expulsion'¹⁰⁰. Expulsion required an order from a judge and was valid for 10 years. Refusal of entry was an administrative measure decided by the quaestor and did not prevent the migrant from returning to Italian territory.

The Italian authorities denied that collective repatriations were taking place. They reaffirmed their respect for international and European law on the protection of refugees and respect for human rights.

The Italian authorities explained that migrants were sent back to Libya because that was where the boats came from.

The cost of air tickets and other technical expenses in 2004 amounted to €21 326 000. The Italian authorities were currently setting up a larger centre in a former military barracks to provide greater reception capacity.

Visit to the centre

The MEPs were allowed access to the centre along with staff, interpreters and one accompanying person each, many of whom were journalists. For almost two hours, the delegation was able to visit the whole centre and meet the 11 people who were staying there on that day.

The entire centre was surrounded by an enclosure made of metal grilles and a large amount of barbed wire, like a military zone. The centre was right next to Lampedusa airport and had direct private access to the runway.

¹⁰⁰ Reference to the Bossi-Fini Law: Article 10: refusal of entry; Art 13: expulsion.

There were four prefabricated containers each containing about 40 beds (two rows of bunks).

The first container appeared clean and freshly painted, with the charter of migrants' rights displayed in French, English and Arabic. The MEPs noted that this charter had been put up recently. The bunk beds were made of iron and had new foam mattresses. There were no sheets or blankets on the beds. There was no glass in the windows. The explanation was that the centre's windows were constantly being broken because of the many fights and disturbances. There was a single common structure that served as a communal bathroom, with toilets without doors, a wash basin and showers, also without doors. There were only about ten toilets in the entire centre. The showers and wash basins were fed with salt water from the sea. There were no windows.

The sick bay was small and contained only one bed, a desk and a small cupboard. There were no medicines in sight.

Another container held:

- the kitchen, well-stocked with foodstuffs;
- a separate hall for women and children and entire families, which MEPs were not able to visit;
- an empty room to be used for meetings with lawyers, containing neither a desk nor chairs. There was a single living room to serve the entire centre. The MEPs expressed their surprise at the lack of space. It seemed impossible to be able to assess everyone's situation in a calm and clear manner. With average stays

of four days it seemed impossible to grant everyone an individual interview, especially at times when there were up to 1 000 people at the centre;

- an office with equipment for taking fingerprints and digital photographs.

Statements by the migrants

Among the 11 people present were a number of Tunisian nationals, some of whom were accused of being traffickers and others the victims of these traffickers. They were held all together at the same centre. One Tunisian declared that he had been at the centre for four months, despite assurances by the authorities that the law permitted a maximum stay of 60 days. Others stated that they had never seen a lawyer and did not know why they were being held at the centre.

Request for clarification from the Italian Government

Once back in Brussels, the delegation decided to send a formal request to the Italian Government for further information. The Deputy Minister, Mr Giampiero D'Alia, said that he was willing to send all the necessary documents and to take part in a Committee on Civil Liberties hearing, if necessary.

The information requested by the Committee on Civil Liberties delegation concerned:

- more precise and detailed figures for the people held at the centre, in order to check arrivals and departures;
- copies of the expulsion orders, especially during the period covered by the EP resolution of 14 April 2005;

- a copy of the agreement between Italy and Libya concerning the sending of illegal migrants to Libya;
- figures for people sent to Libya since the start of 2004.

Conclusions

1. The delegation expressed its concern regarding the Italian Government's expulsion of migrants to Libya.
2. The living conditions at the centre were makeshift and totally inadequate in view of the considerable flow of migrants into Lampedusa.
3. The Italian authorities had not shown sufficient transparency in providing access to documents certifying the legal situation of the people housed at the centre. The delegation awaited details from the Italian Minister of the Interior concerning the numbers of inmates at the centre and of expulsion orders.
4. On behalf of the Committee on Civil Liberties, the delegation requested that the European Commission report to the European Parliament on its recent mission to Libya to examine the conditions of the migrant holding centres.

Comments from the Rapporteur

The MEPs heard numerous accounts from inhabitants of Lampedusa who had noticed that military aircraft traffic had been exceptionally intense in the days preceding the delegation's visit to the city.



External sources indicated that the amount received by the association from the Ministry of the Interior had risen from €21 to €85 per person per day. When the municipal administration ran the centre, the figure was €21.

As for the reception procedure, we observed that throughout the visit the Italian authorities referred to these people as 'illegal migrants' and never 'refugees or asylum seekers'.

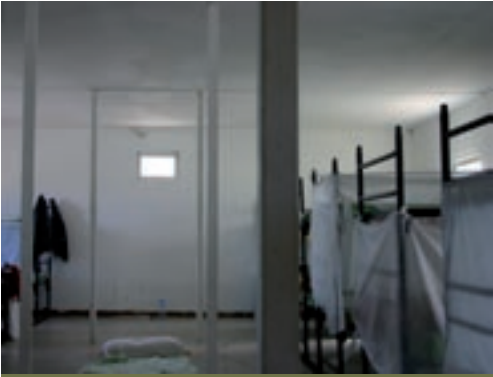
Inside the centre, inmates theoretically had access to legal aid and interpreters, with respect shown for their religious beliefs. In reality, people received only a list with the names of lawyers from the Agrigento forum residing in Sicily, who were very difficult to contact.

The Italian authorities' statement that in general there were very few claims for asylum surprised most of the delegation, who compared the situation to other countries where there was a large number of asylum seekers.

During a visit in June by a delegation from a parliamentary group, the delegation had observed that the charter of rights was not displayed and the authorities had said that the necessary information was provided only when specifically requested.

During an interview with a member of the Carabinieri, the latter denied that there had been any fights in the centre recently and it could therefore be presumed that the toilet doors and windows had been broken for a long time. This was confirmed in the report by a delegation from a parliamentary group concerning a visit in October 2004.

According to the accounts of parliamentary groups who had already visited the centre on several occasions, the Lampedusa centre as it had been portrayed to the MEPs bore no resemblance to reality.



Lampedusa Temporary Holding Centre

Melilla: the border between Spain and Morocco

Reception centre in Melilla

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