



Statewatch analysis

Italy:

Open-ended emergencies: deployment of soldiers in cities and summary treatment for Roma people

by Yasha Maccanico

The measures by the current government that came to power on a platform in which “security” was a priority to which all other concerns were subordinated, confirmed its approach whereby a number of issues were to be treated as “emergencies”, thus justifying the introduction of policies and practices that would appear at best unusual under normal conditions. Measures targeting Roma whose mere “presence” and “illegal settlements” were certified as an emergency by decree on 21 May 2008 due to the perception of insecurity that it caused among citizens, and public order and security issues, led to an outcry, both by human rights and anti-racist associations in Italy and at an international level, whereas the temporary deployment of 3,000 soldiers in sensitive sites in cities since 4 August 2008 was accepted without much complaint. Defence minister Ignazio La Russa did not feel that it was necessary to justify its reasons at length as he failed to see why the routine deployment of soldiers in the cities in a democratic state in peacetime should be controversial: “No decent person has ever been scared of a police officer, a *carabiniere* or a [member of the] military”. Both these measures were renewed and extended a year after they came into force.

More soldiers in a longer list of cities

The presence of the 3,000 members of the armed forces in August 2008 was to be equally distributed (1,000 each) between three key tasks. External surveillance of “identification and expulsion centres”, CIEs, as detention centres were re-named, in the sixteen provinces where they have been set up (Agrigento, Bari, Bologna, Brindisi, Cagliari, Caltanissetta, Catanzaro, Crotone, Foggia, Gorizia, Milan, Modena, Rome, Siracusa, Turin and Trapani). Protection of sensitive sites including embassies and consulates, predominantly in Rome (where 50 sites were identified), Milan (20) and Naples (1). Finally, a further 1,000 were to be made available to the prefects [government representatives responsible for security in a given city] for patrol and reconnaissance purposes, to be used in joint police-military patrols or posts comprising two members of the military and one or two police officers. The lion’s share of the soldiers were deployed in Rome, to which 1,092 military personnel were allocated, and where they have been a regular presence in sites including important train and metro

stations (for a more in-depth breakdown, see *Statewatch news online*, July 2008). On 3 August 2009, a joint decree by the interior and defence ministers renewed the measure, as interior minister Roberto Maroni cited a considerable decrease in criminal offences as proof of their “effectiveness”.

The decree was included in law 102/2009 of 4 August 2009, which extended this measure for a further year and envisaged increasing the number of soldiers deployed to 4,250, confirmed in the 10 cities where the pilot scheme had started (Bari, Caserta, Catania, Milan, Naples, Padua, Palermo, Rome, Turin and Verona), and spreading it to 13 others (Bergamo, Bologna, Florence, Foggia, Genoa, Messina, Piacenza, Pordenone, Prato, Rimini, Treviso, Venice and Vercelli) throughout the country. The 1,250 soldiers that were added will all be made available to prefects to be used for joint patrol and reconnaissance operations. At a time when police trade unions have been demonstrating in opposition to cuts in their budget and to the security budget, the government has chosen to favour the deployment of military personnel, as well as the controversial *ronde* (citizen patrols, authorised to operate since August 2009), whose uptake has been very small in spite of them causing heated discussion while the security package that introduced them was being debated in parliament.

Roma “state of emergency” renewed and extended to Piedmont and Veneto

The “state of emergency” declared on 21 May 2008 in Lazio, Lombardy and Campania as regards the presence and illegal settlement of Roma people and third-country nationals, which envisaged the adoption of exceptional measures and entailed the appointment of the prefects of Rome, Naples and Milan as “special commissioners” to deal with this problem (see *Statewatch*, vol. 18 no. 2), was renewed on 28 May 2009 for a year and a half, until 31 December 2010, and it was also extended to Piedmont and Veneto, with the prefects of Venice and Turin appointed as special commissioners. For the three regions in which it was already operative, the prime ministerial decree explains that phase one, involving the “monitoring of authorised camps, the detection of unauthorised settlements and the identification and census of people” therein, has been completed. Phase two is now underway, involving interventions of a “structural, social and healthcare” kind, as well as those for the “integration of minors”. These are planned to include new villages with improved facilities, improved sanitary conditions and measures for social insertion and schooling for children. As for Veneto and Piedmont, the decree notes that the same “critical situation” that cannot be solved with the “instruments envisaged by ordinary norms” and gave rise to the “state of emergency” being declared in other regions was reported by the Venice and Turin prefects’ offices. These are detailed as “the presence of numerous irregular third-country nationals and nomads who have settled permanently in urban areas”, whose settlements’ precarious, make-shift nature cause “a situation of serious social alarm, with the possibility of serious repercussions in terms of public order and security, as well as an equally serious situation of alarm from a hygienic-sanitary perspective and for the safety of the residents in the camps themselves”.

Lawsuit before the regional administrative court

One of the provisions that drew the most criticism was the fingerprinting of those living in the camps, including minors. A lawsuit filed by two Bosnian citizens (also on behalf of their children) and the European Roma Rights Centre (ERRC) that complained about a number of discriminatory aspects in the decrees and subsequent guidelines issued by the interior ministry and measures ordered and enacted by the special commissioners, was upheld by the *Tribunale Amministrativo Regionale* (TAR, regional administrative court) of the Lazio region insofar as the fingerprinting of “nomads” (term used to refer to Roma and Sinti people) was concerned, because fingerprinting is only allowed in the absence of other means of identification. Moreover, the regulation issued by Milan city council for managing sites to be used to accommodate nomads and that issued by the Lazio regional government for villages to be made available to nomad communities in substitution of the unauthorised settlements, were deemed unlawful in the parts that established mechanisms for regulating access (entering and leaving) to the sites, which were deemed to contravene rights to freedom of movement, residence, personal freedom and family life. The norms that were deemed unlawful give an idea of the sort of camps or villages that were envisaged.

Lazio region:

art. 2.4 (points 1 and 5) provided that a surveillance post for the “control of entry” would compile a register of the presence of the village’s inhabitants, verifying their identity upon entry, as well as a register of “occasional visitors” after ascertaining consent by the family they are attached to - deemed to contravene freedom of movement (article 16 of the Constitution).

art. 3 (points 1 and 5), whereby admission depends on signing a commitment to respect internal norms of behaviour by adults in the family that has requested admission, norms that were yet to be established by the city council - deemed to contravene freedom of movement and residence.

art. 3.7, whereby each member of a family admitted in a village would have a card with their personal details, exclusively for entry into the village - again, deemed to contravene art. 16 of the Constitution.

art. 4.1, whereby people admitted in the villages participate in employment insertion programmes - deemed to violate a person’s right to choose their profession.

art. 4.2 (point 2), people admitted must participate in employment training and insertion offers - again, people’s right to choose their profession is violated.

art. 4.2 (point 3), their being held to observe their commitment envisaged in art. 3 on internal norms of behaviour - that was deemed unlawful, see above.

Milan city council:

art. 5 (point 4 letter d), “the recording of authorised people” giving them an identification card - deemed to violate the right to freedom of movement.

art. 7 (point 4), the issuing of a photocard containing their personal details that is exclusively for entry into the camp to any guest - again, art. 16 of the Constitution.

Art. 11, whereby relatives, friends and acquaintances of the “guests” would be free to enter the camp to go to the person they wish to visit but must first be identified on entry by management, and may be subjected to controls by local police officers, with the visits ending at 22:00, except for cases where they are “proven to be necessary” beyond that time limit, although management could temporarily suspend access for “proven security reasons”, informing the guests [residents] in timely fashion - contravening freedom of movement and residence, as well as undue interference in personal and family life.

Dismissal of claims of discrimination - theory and practice

However, the ruling submitted on 1 July 2009 dismissed a number of the complaints detailed in the lawsuit, validating the declaration of the state of emergency and disagreeing with the arguments submitted as to the measures being discriminatory. In particular, it stressed that in spite of the measures being adopted in camps predominantly occupied by Roma and Sinti people, the “state of emergency” concerned the settlements rather than the people themselves, and that people residing there who were not “nomads” would be subjected to the same forms of control and identification, thereby dismissing the allegations of discriminatory treatment. This method is shared by local council by-laws that have been issued to forbid and regulate activities that migrants engage in, rather than explicitly targeting migrants themselves, to avoid charges of discrimination (see *Statewatch*, vol. 18 no. 2). Moreover, issues raised as regards the “emergency” being declared in relation to an “entirely ordinary situation” that could be dealt with through “ordinary means” and while respecting the “fundamental rights of the parties concerned”, and of contravening Council of Europe norms for the inclusion of Roma people by eliminating forms of discrimination against them, were also dismissed. The two main reasons given for this were that the situation had been well documented by the local authorities as being unmanageable without exceptional measures, and that the measures were largely aimed at assisting social inclusion by putting an end to unacceptable situations that existed in the camps, thus complying with international guidelines against discrimination.

In particular, the ruling argues that the law that was enacted to declare a state of emergency talks of “natural calamities, catastrophes and other events that, due to their intensity and extension, must be tackled using extraordinary means and powers”, and the reasons motivating the “state of emergency” decree of 21 May 2008 are adequately detailed in the measure. In particular, the Milan authorities in their “Pact for a Safe Milan”, had highlighted that the estimated presence of 6,000 Roma people had “caused

serious social alarm for some time” and “the concentration of this presence” could not be relieved through ordinary procedures; a similar situation was reported in Rome, in the “Pact for a Safe Rome”, which also stressed an intensification of events involving this population that concerned public order and security as well as the police (meaning criminal offences), and concerns reported by citizens; as was also the case in Naples, with an intensification in alarm concerning public order and security including the appearance of serious events such as roadblocks and attacks [and the setting alight of a camp] by citizens that followed an alleged kidnapping attempt by a Roma woman in May 2008. Other fires [in two Roma settlements in Milan] and critical public order situations [particularly in the Caffarella park in Rome], as well as social, sanitary and health reasons, were also referred to justify the emergency and to justify seeking more suitable models. Apart from the equality of treatment for anyone residing in the camps, charges of discrimination (either direct or indirect) were also dismissed on grounds that the purpose of the envisaged measures is not against the residents, but rather, to “guarantee respect for the fundamental rights and dignity of people” and to “improve the inclusion of nomad communities”.

Practice

In spite of the considerations detailed above, a number of the effects of the “state of emergency” decree and subsequent initiatives have been far from positive for the communities. The periodic round-ups, identifications and eviction of camps have led to large numbers of expulsions, when the people identified had entered or were residing in Italy illegally, a violence that has seen early-morning evictions with minimal warning and bulldozers mowing down shacks while destroying their inhabitants’ personal possessions inside of them, and children who were already undergoing schooling and insertion programmes sent away from the areas in which they resided, thus doing away with lengthy efforts by social workers and schools.

The latest incidents included the eviction of 400 people in Rome in the Casilino 700 camp on 11 November 2009, resulting in 20 arrests and the shacks being razed, leading its inhabitants to complain about not having been warned and one of them saying: “We are doing a lot to integrate, we send our children to school... but if then they evict us like this without telling us where we are going they don’t help us. We want to stay in this area so that our children can continue to go to their current schools”. Mayor Gianni Alemanno stressed that activities to resolve the emergency are intensifying and work is underway to ready four authorised camps, that there are places already available in camps that are being re-structured, and new evictions will be enacted. However, “many of the nomads evicted today refused reception and hence they just leave, but they won’t be able to go to other unauthorised camps”: 100 proceeded to squat an abandoned beer company deposit from which they were evicted on the next day. On 12 November, a former ENEL (the Italian energy company) power plant site in Milan was evicted, giving rise to criticism from Naga (association working in the field of migrants’ rights), which spoke of an “umpteenth violation of rights”, in a forced eviction against which Amnesty International had collected signatures last September, complaining about

both the modalities used in such cases, such as a lack of legal safeguards and the violation of the right to housing. Councillors from the opposition highlighted that 40 children from the camp were attending schools as part of an integration project, an experience “that was being trampled by bulldozers”. Milan’s deputy mayor, Riccardo de Corato, spoke of the site “being returned to the city”, about having received many complaints from citizens about thefts in flats and stolen cars, pick-pocketing and aggressive behaviour, and reiterated stereotypes about Roma children being sold into slavery and prostitution.

Thus, the operations were aimed at guaranteeing the children’s human rights and preventing their exploitation. However, De Corato appeared to lend credit to allegations by the EveryOne Group, an association that has been documenting violent incidents suffered by Roma over the last months and went so far as to use the expression “ethnic cleansing”, when he spoke of how the number of Roma in the city had fallen from ten thousand to under three thousand (1,300 legal and 1,400 illegal), adding that “there will be no respite for the illegals because Milan has chosen a policy of legality and sustainable immigration which, after all, is also the line of the European Union”. Another camp in Sesto San Giovanni in the Milan outskirts was evicted in the same week, and a plan for the Roma population in Milan to be limited to “one thousand” by 2011 was agreed by the Lega Nord (LN) and Popolo della Libertà (the ruling parties) in Milan city council on 16 November 2009. Unwilling to be outdone by the LN, the mayor Letizia Moratti said that “we would like to think of a city without Roma as well”. Roberto Malini of the EveryOne Group told *El Pais* newspaper that “the systematic persecution of Romani people” has resulted in the official presence of Roma in Italy falling from 170,000 to 50,000.

The last incident of crimes committed by Roma people resulting in the entire community coming under attack was a murder on 11 November 2009. In a late-night fight in Alba Adriatica (Teramo, in the Abruzzo region), a 37-year-old shop-keeper, Emanuele Fadani, died after he was beaten by three Roma. There was a torch-lit protest march that ended in the neighbourhood where many Roma people live, where cars were overturned and objects thrown at their homes, starting two nights of violent attacks against the community. The protests were also linked to the murder of a student in August 2009 perpetrated in similar circumstances (blows during a fight) by two Roma minors after they were mistakenly accused of stealing a bicycle. On 15 November, *Repubblica* newspaper reported that the Roma community in the town had temporarily fled its homes.

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