



## Statewatch

### EU/Africa: Carnage continues as EU border moves south

Yasha Maccanico, September 2006

There have been many developments since Statewatch's last round-up of incidents resulting in the death of migrants attempting to cross the southern borders of the EU, which covered the first quarter (January-March) of 2006 and noted that attempts to reach the Canary islands from the western coast of Africa had led to a massive increase in the number of recorded deaths (see Statewatch vol. 16 no. 1).

As happens every summer, the number of attempts to reach what is referred to in some official documents as the southern EU "frontline" multiplied, with thousands of arrivals and an intensification in the incidents that have resulted in migrants dying. International developments have included the deployment of patrols coordinated by the EU border agency FRONTEX to monitor the west African coast and central Mediterranean, a proliferation of readmission agreements with African transit countries, and expulsions to both countries of origin of migrants and those through which they travel en route to the EU. Negotiations between EU and African countries, most notably the Rabat ministerial conference which was held on 10-11 July 2006 in the Moroccan capital, bear witness to the fact that freedom of movement in the EU is being developed at the expense of freedom of movement in neighbouring areas, in spite of a commitment to regulate "legal immigration", respect the human rights of migrants and promote "co-development". In fact, African countries are being subjected to pressure to toughen their policies and practices to combat immigration (based on the European model of border controls, namely criminalisation, detention and deportation), resulting in police and security service operations on the ground that target migrants, leading to human rights violations and fostering institutional racism against foreigners, which is rewarded with EU funding. Moreover, while EU countries claim that their efforts seek to ensure that the treatment of migrants in African countries does not fall short of human rights standards and respects the right to seek asylum, evidence from EU countries indicates that this claim is unrealistic, as they are unable to do so in their own territories, particularly in detention centres for migrants awaiting expulsion and through the reduction of the scope of asylum that is prevalent in legislative developments to "regulate" this right.

#### Dinghy deaths - the carnage continues

- On 4 April 2006, there were 34 deaths in a shipwreck involving migrants who attempted the crossing from Mauritania to the Canary islands.
- On 27 April, a man died of an asthma attack in the detention centre in Tarajal (Ceuta) as he awaited expulsion after crossing into the Spanish enclave in northern Morocco on the previous day.
- On 3 May, a man died and another disappeared in Kusadasi during an attempt to reach the Greek island of Samos from the Turkish coast in a small vessel.

- On 13 May, a boat that had set off from Cape Verde in an attempt to reach the Canary islands was found off the coast of Barbados, in the Caribbean, with 11 corpses on board and the documents of 26 men who were missing.
- On 18 May, a boat that had set off towards Italy from Libya but was caught up in a storm, was found off the coast of Sfax in Tunisia; seven people died during the failed crossing.
- On 3 June, four dead bodies were found off the coast of Ragusa (Sicily).
- On 4 June, a boat capsized off the coast of Malta, resulting in the disappearance of 14 people and one body being recovered.
- On 7 June, one child died in a shipwreck near the Greek island of Samos.
- On 9 June, three people died and eight went missing off the coast of Malta.
- On 26 June, the bodies of five persons who died during a shipwreck, including those of three children, were recovered by the Turkish coastguard near Kusadasi.
- On 27 June, two dead bodies were found on a boat that was rescued off the Maltese coast.
- On 3 July, three people died during an attempt to climb over the border fence in Melilla, to which a three-dimensional net has been added, prompting human rights groups to criticise the fact that the fences and net "are intended to injure and kill", and that the culprits of the shootings of migrants in October and November 2005 have enjoyed "impunity".
- On 4 July, a boat travelling to the Canary islands sank near El Aioun (off the coast of the Western Sahara) resulting 21 people dying and nine disappearing.
- On 7 July, a boat that was rescued near the Canary islands had two dead bodies on board.
- On 19 July, a seven-month-old infant was found dead in a boat rescued near Fuerteventura.
- On 22 July, a boat was rescued with two dead bodies on board en route to the Canary islands.
- On 23 July, a man who had been rescued in a shipwreck near the Canary islands died in hospital.
- On 24 July, three dead bodies appeared on a beach in Scoglitti (in the province of Ragusa).
- On 25 July, there were two dead bodies on a boat that reached the coast of the Canary islands.
- On 26 July, eight shipwreck survivors in a boat that set off towards Italy from the Libyan coast but ended up off the Tunisian coast, claimed that 17 passengers had disappeared in the sea.
- On 27 July, one dead body was found on a boat that arrived in the Canary islands carrying around 100 migrants.
- On 28 July, there were two deaths during a rescue operation after a boat was intercepted en route to the Canary islands, and two more died on the rescue boat.
- The bodies of 13 deceased migrants were thrown into the sea during a 20-day crossing from Libya to the Italian island of Lampedusa during which the engine of a 4-metre-long vessel carrying 27 people failed. Survivors were rescued by an Italian navy ship on 29 July. One of the survivors subsequently died in a hospital in Palermo.

- 17 would-be migrants who had set off from Libya as part of a group of 30 migrants died during the crossing, and survivors were rescued by an Italian fishing vessel 40 kilometres south of the Maltese coast on 30 July.
- Between 18 and 28 July, 11 African migrants died during attempts to reach the Canary islands from the Mauritanian coast.
- On 1 August, the dead bodies of 28 shipwreck victims were found on the Moroccan coast, 40 kilometres north of El Aioun.
- On 4 August, one man died on board of a vessel that was rescued near the Canary islands.
- On 6 August a Moroccan migrant died in the detention centre in Bologna, sparking a revolt.
- On 11 August, Mauritanian authorities confirmed the death of 16 Senegalese migrants who had set off from Dakar on 26 July in a boat carrying 97 people, before the engine failed and they were at the sea's mercy without food and drink for several days. Eleven bodies were thrown into the sea, two were on the boat when it was rescued in a fishing vessel, and three more died in hospital in Mauritania.
- On 12 August, 28 people died off the Mauritanian coast in a boat that had set off from the Senegalese coast and had been instructed to change its route by a Spanish coastguard patrol boat.
- On 17 August, a boat was rescued off the Canary islands coast with two dead bodies on board.
- On 19 August, a collision during a rescue operation between a boat carrying migrants and an Italian navy ship resulted in 10 people dying and 40 disappearing near to Lampedusa.
- On 20 August, a man died after falling into the sea during an attempt to cross the Sicilian Channel.
- Also on 20 August, a shipwreck 70 km. away from Lampedusa resulted in 10 dead bodies being recovered and 19 people disappearing.

### **The Maltese incident**

An incident in the high sea between Libya and Malta in July demonstrated the way in which attempts to seal the EU's borders and to prevent the arrival of "illegal" migrants is leading to situations that beggar belief. The crew of a Spanish fishing boat rescued 51 migrants from a boat that was in distress on 15 July and was denied permission to land in Malta, which did not want to take charge of the migrants it was carrying. Eventually, after the *Francisco y Catalina* had been anchored six miles away from the coast for six days, in a situation of extreme overcrowding and with some of the migrants falling ill, widespread media coverage forced a deal to be struck whereby Malta and Spain divided the burden for repatriating the migrants. The captain of the fishing vessel explained how the crew had held a meeting and decided to rescue the migrants, and asked, "What were we meant to do, let them drown"? Relatives of the fishermen claimed that "they feel like prisoners, as if they had committed a crime, but deep down they are proud of having rescued these people, who were in a pitiful condition", adding that the situation seemed "like a punishment", and that their experience will discourage others from rescuing boats that are found in distress in the future.

### **Patrolling the sea**

As was suggested by numerous NGOs when it was introduced, the hi-tech integrated surveillance system (SIVE) that is operative in Spain in southern Andalusia (the Strait of Gibraltar region) and more recently in the Canary islands, has resulted in migrants attempting to reach the Spanish coast using longer and more dangerous routes, most notably those across the Atlantic from west Africa to the Canary islands. This has considerably increased the

number of deaths and has led to a vast increase in the area that EU countries seek to monitor to combat “illegal migration”. Effectively, it appears as though the EU border region has moved south, all the way to Senegal.

A number of operations to patrol the sea routes between the EU borders and neighbouring regions are underway, at a cost of millions of Euros. These include “Jason I” (80% of whose costs are borne by the EU) in August, involving Italy, Greece and Malta and coordinated by FRONTEX, to monitor the area between Malta, the Italian island of Lampedusa, and the Tunisian and Libyan coast. Previously, starting around 10 July, another operation coordinated by FRONTEX and involving 13 EU countries was launched to patrol the routes between the Canary islands and Cape Verde, Mauritania, Senegal, with the deployment of airplanes, helicopters and patrol boats. The Spanish government has complained about delays in these operations and mishaps, including a ship that was provided by Italy having been anchored in Cádiz for most of the time since its deployment.

Other initiatives underway include the Atlantis (patrolling migration routes) and Sea Horse (training border guards in third countries) operations involving the Spanish Guardia Civil in cooperation with Mauritanian authorities. The “Río Duero” patrol boat has been monitoring the routes with 8 Guardia Civil officers and 2 Mauritanian officers from the gendarmerie on board (originally scheduled to last three months, from April to June), as part of the Atlantis project. The participants of the Sea Horse project are Morocco, Mauritania, Cape Verde, Senegal, Belgium, France, Germany, Italy, Portugal and Spain. Funds from the EU’s AENEAS budget line will be used to pay for two centres in Morocco (in Tangiers and Marrakech) for the repatriation of minors residing illegally in the EU (reportedly over 4,000 in Spain alone). On 21 August, the Spanish interior minister Alfredo Pérez Rubalcaba announced that joint patrols with Senegalese authorities, mirroring agreements in force with Mauritania (which include repatriations), would monitor the coast of Senegal. In spite of efforts to patrol these sea routes, thousands of migrants are still reaching the Canary islands and the Italian island of Lampedusa. In the Canary islands, a figure of over 2,900 arrivals in August was provided by the regional government (well before the month was over), which represented a ten-fold increase compared with the previous year.

### Detention centres

Detention centres have been one of the areas in which the inability of EU countries to implement restrictive immigration policies while respecting human rights is most apparent. A scandal involving abuses against female migrant detainees in Los Capuchinos detention centre in Málaga, broke on 22 July, when seven prison officers were held in relation to allegations that they had held parties and had sexual relations with the detainees, resulting in the latter receiving favourable treatment. On 16 August, Amnesty International complained about the expulsion of four of the six women who had reported these abuses, expressing its concern that this may “perpetuate the climate of impunity for police officers in Spain”. The number of complainants later increased to ten, seven of whom have been expelled. One of them, whose expulsion was revoked, was pregnant and suffered an abortion. Her lawyer claimed that she was handcuffed while she received emergency medical treatment.

In Italy, an in-depth study by the Working Group on CPTAs (Italy’s detention centres for migrants) promoted by a number of centre-left coalition MPs reached damning conclusions that stress the erosion of human rights that the detention system entails. These include the arbitrary power granted to the police to detain migrants without being subjected to judicial scrutiny, the “almost complete” erosion of the right to asylum in Italy, including the risk of refoulement and the absence of an organic law on asylum; the fact that CPTAs are closed off from the outside world is described as “no longer tolerable” and contrary to principles of administrative transparency. The report also highlights the impossibility of filing asylum applications in Lampedusa and the dramatic living conditions in several CPTAs (most notably in Trapani, Crotone and Turin).

Chapter 4 of the report provides some interesting figures about the expense incurred by Italy to fund the fight against illegal immigration and the detention system, including the following:

2002-2004: over €345 million to combat "illegal" immigration

1999-2001: over €132 million for detention centres

1999-2005: over €529 million to finance the detention centre system

1999-2005: 43,648 migrants repatriated, over 44% of those detained in detention centres

2004: 72 repatriation operations involving 4,900 foreigners cost almost €14 million, with over €3,700,000 spent for escorting the migrants.

In response to ongoing concerns about conditions and abuses in Italy's CPTAs, interior minister Giuliano Amato has established an ad-hoc commission responsible for investigating the situation in CPTs, headed by UN representative Staffan de Mistura. He also lowered the tone of the previous government's anti-immigration discourse by linking current immigration into the country to Italian immigration to northern Europe and across the Atlantic in the past. A regularisation process has been envisaged to provide legal documents to "illegals" who are regularly working in Italy. The government has also presented a draft law to halve the time that it will take immigrants to become Italian citizens (subject to citizenship tests including knowledge of the Italian language), from ten to five years. In response to the arrival of hundreds of migrants in Lampedusa and to shipwrecks that resulted in hundreds of deaths, he stressed that the key priority is to punish immigrant trafficking networks.

With regards to the southern shore of the Mediterranean, on 7 July, *Il manifesto* reported the ill-treatment and terrible conditions suffered in detention in Libya by Moroccans seeking to migrate to Italy, who were only given chick peas to eat twice a day, suffered beatings if they didn't eat them quickly enough, and were also made to work as unpaid cleaners in a military base. The Moroccans also spoke about the punishment meted out to some Bangladeshis who tried to escape, and subsequently had their faces submerged in sewer drains as punishment. On 10 August, the Association of workers from Maghreb countries in France reported the expulsion from Morocco a week earlier of Paulin Kuazambi, an Angolan who was granted refugee status in June 2004, in an incident which saw him suffer both theft and violence by Moroccan security services. Organisations of refugees and asylum seekers in Morocco, as well as the Migreurop network, have also reported several other expulsions, including those of refugees and asylum seekers from the Ivory Coast.

Meanwhile, back in the EU, demonstrations on the issue of immigration are bearing the brunt of increasing police brutality (especially when they involve migrant protestors) and criminalisation, as was apparent this summer during initiatives by activists against the construction of a new detention centres in Barcelona in June (60 were arrested, some of whom alleged ill-treatment), by *sans papiers* in a church in Anderlecht (25 of whom claimed they were beaten, detained and placed in isolation), and a march by asylum seekers in Malta on 26 June, which was attacked by police, resulting in 50 people being hospitalised. Once again, the comparison with non-EU countries attempting to impose the EU's policy on immigration is worrying, if one considers that on 27 December 2005, a demonstration by Sudanese asylum seekers in Cairo resulted in at least 27 deaths (see Statewatch vol. 15 no. 6).

### Time for a U-turn?

This round-up is incomplete in practically all of its sections, as a result of the sheer number of tragic events and initiatives to counter "illegal" immigration that have been put on the table. At an EU level, the goal of these efforts is to move forward along a line that seems unchangeable, that is, the criminalisation and prevention of "illegal immigration", regardless of events or findings that may reveal its shortcomings. As the expenses resulting from this approach are rocketing, and its results appear to be less than satisfactory, it may be time to question its foundations.

The following observations are formulated without referring to exhaustive economic data about expenditure, but seek to isolate a few concerns which are, by now, apparent. The budget for initiatives to combat immigration appears to be bottomless, all the more so as measures adopted in Europe are being promoted and financed well beyond its borders. How much money is being spent? Is this investment proving worthwhile? Could it be spent more usefully?

What is referred to in EU-speak as an “integrated system to combat illegal immigration”, which has been ostensibly established in EU countries (whose effectiveness is at least debateable), and is now being forced upon countries in neighbouring regions involves:

- a massive expansion of immigration services and related administrative costs
- the construction of detention centres and related costs
- repatriations
- border controls which now extend as far south as Senegal (checks at land, sea and air borders, as well as patrols to monitor the sea routes used by migrants)
- rescue and reception operations (including healthcare) for migrants
- the establishment of databases (including EURODAC and the SIS)
- financing countries in neighbouring regions to establish similar infrastructures and practices to combat immigration
- financing countries that agree to cooperate through development aid

The human and legal costs of these policies are also significant:

- the death of thousands of migrants, especially those who die attempting to reach the southern borders of Italy and Spain (2006 is set to be the year with the greatest number of deaths on record by a wide margin)
- legislation that contravenes human rights and national constitutions, strengthens institutional racism and leads to the creation of an underclass of “illegals” in EU countries
- establishments, including detention centres and transit areas in airports, which are hidden from public view and in which numerous abuses have been reported throughout the EU
- the widespread exploitation of a permanent reserve of “illegal” migrant labour
- the “regulation” of asylum rights in terms that entail a constant reduction in its scope, turning it into a caricature of what it was meant to be
- the emergence of migrant smuggling networks, who are identified as the culprits of migration deaths and treated as “traffickers” in spite of the fact that, as Frances Webber stresses in “Asylum: From deterrence to criminalisation”, there is an absence of the coercion that the term implies, as the networks are offering an illegal service that migrants demand

Considering that the EU has a permanent need for migrant labour and that money sent back by workers living abroad is one of the main sources of income for several countries, far outstripping the worth of development aid, one wonders if it's a case of making an enormous effort without reaping any benefit from it. The arrival of “illegal” immigrants is not being stemmed, as is demonstrated by the permanent presence of illegal residents in EU countries, who are often employed. The periodic regularisations that have taken place in Spain and Italy (under both left and right-wing governments) bear witness to this, as well as ensuring that, rather than being a burden, many of these migrant workers subsequently pay taxes and contribute to the overall performance of their economies. Moreover, extending this system beyond the EU may hinder efforts aimed at developing regional partnerships based on the framework of the EU itself (which includes the notion of freedom of movement).

Considering that the immigration policy within the EU is causing a serious deterioration in human rights standards (it is worth noting a Spanish constitutional court ruling from January 2001 involving a black Spanish national whereby it was not considered discriminatory for police to stop someone for being black, as they may be in breach of immigration legislation), imposing the same regime in neighbouring regions will lead to a deterioration of human rights standards in countries that already have serious problems in this field. In fact, evidence of

abuses, mass round-ups, arbitrary detentions and even shootings against foreigners are surfacing from throughout north Africa, from Morocco to Egypt. Contravening one of the EU's foreign policy goals, "to promote human rights" around the world, the externalisation of the EU's immigration policy is likely to foster racism and human rights abuses well beyond its borders. The idea that the introduction of practices to combat "illegal" immigration in third countries must be achieved while respecting human rights seems fanciful at best, if we look at its effects on the European mainland.

#### Last-minute update:

Developments since this article was written include a number of further instances in which migrants died trying to reach Europe in the last week of August and first days of September in both the Canary islands and Channel of Sicily, and over 1,500 migrants arriving in the Canary islands in the first weekend of September. A week earlier, the Finnish EU Presidency told Spain that no further funding was available to stem the flow of migrants from west Africa to the Canary islands, in spite of requests by the Spanish government, because the budget for this purpose had already been spent. The vice-president of the Spanish government, María Teresa Fernández De la Vega, complained about this and called a conference on immigration by EU countries that are on the southern "frontline" in Madrid, scheduled for September 2006, as well as highlighting the "disappointing" lack of commitment by some member States and the shortcomings and delays in the sea route surveillance operations coordinated by FRONTEX. Nonetheless, even if it is for purely economic reasons, it will be interesting to see whether the situation gives rise to a debate about the sustainability and conceptual basis of the EU's immigration policy. JHA commissioner Franco Frattini weighed into the debate with a remarkable statement: "The [EU] States should show as much solidarity to Spain as they did to Lebanon last week". The comparison between a country which has suffered a military onslaught in which entire neighbourhoods and vital infrastructures have been razed to the ground and many have been killed by Israeli airstrikes, and a country that is experiencing an influx of thousands of migrants, is indicative of the misrepresentation of immigration as a deadly security threat in EU policy-making in this field. It should also be noted that in spite of the dramatic qualities of the arrival of migrants who are risking their lives to reach the EU's southern borders, these only account for a low percentage of the number of migrants who enter Spain illegally.

#### Sources

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<http://www.comitatodirittiumani.org/>

*Text of the draft Italian citizenship law reform (Disegno di legge, Consiglio dei Ministri, 4.8.2006, Modifiche alla legge 5 febbraio 1992, n.91, recante nuove norme sulla cittadinanza) - link to "Cittadinolex"*  
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<http://www.guardiacivil.org/prensa/actividades/mauritania/index.jsp>

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*Canarias 7, 6.7.2006; Interview with Franco Frattini, 3.8.2006*  
[http://ec.europa.eu/commission\\_barroso/frattini/doc/2006/pr\\_03\\_08\\_06\\_it.pdf](http://ec.europa.eu/commission_barroso/frattini/doc/2006/pr_03_08_06_it.pdf)

*A listing of immigration-related deaths, used extensively in the dinghy death section of this article, is available at: <http://fortresseurope.blogspot.com>*

*Il manifesto*, 7.7, 30-31.7.2006; *EFE*, 22.7.2006; *El País*, 21.7, 29.7, 12.8, 17.8, 30.8, 2.9.2006; *El Mundo* 5.7, 18.7, 17.8.2006; *El Correo* 19.7.2006; *Libération (Morocco)*, 2.8.2006; *AMTF press statement*, 10.8.2006; *Libération (france)*, 24.7.2006; *Statement by eight organisations working with migrants in Belgium, including MSF*, 11.7.2006; *Coordinadora para la prevención de la Tortura statement on the Barcelona arrests*, 28.6.2006; *Malta Times*, 27.6.2006; *Repubblica* 7.8, 2.9.2006.

### ***Further reading***

Statewatch (in cooperation with Migreurop) has translated two articles about how the media coverage and policy implications of current developments in this field in the EU are misconstrued.

The first, written by the Migreurop network and published in the French newspaper *Libération*, insightfully notes how the notion of “illegal emigration” is conceptually flawed and contravenes international law.

Illegal emigration: a notion that should be banished,

<http://www.statewatch.org/news/2006/jul/Illegal-emigration.pdf>

The original text (in French) is available at: <http://www.migreurop.org/article922.html>

The second, written by Peio Aierbe of Mugak - S.O.S. Arrazakeria, is an account from SOS Racismo’s annual report of the way in which what is portrayed as an “attack by sub-Saharan Africans” (events in Ceuta and Melilla), is overdramatised in the Spanish media, while the role of Spanish and Moroccan security forces is sanitised.

The “assault” by “sub-Saharan immigrants” in the media,

<http://www.statewatch.org/news/2006/jul/sos-migrants-media-peio-2006.pdf>

The original (in Spanish) is available in SOS Racismo’s “Informe Anual 2006. Sobre racismo en el Estado español”, Icaria Editorial, pp. 277, 16 euro. Available from:

<http://www.icariaeditorial.com/libros.php?k=2&o=2&id=748&pg=1>