

Sommaire

Migreurop-----	3
Foreword-----	4
Methodological note-----	7
Illegal deportations at the Greek-Turkish border-----	9
I - Controlling, Stopping-----	13
II - Holding, Detaining-----	19
III - Returning, Expelling-----	27
IV - Dehumanising, Killing-----	32
Oujda : Buffer zone between Morocco and Algeria, airlock to Europe-----	37
I - Controlling, Stopping-----	38
II - Holding, Detaining-----	44
III - Dehumanising, Killing-----	48
IV - Lending assistance, Resisting-----	54
Calais and North of France : roving zone, England doors-----	58
I - Holding, Detaining in France-----	60
II - Controlling, Stopping-----	61
III - Hiding, (seeking to) Make invisible-----	64
IV - Holding, Detaining in the United Kingdom-----	66
V - Removing, Expelling-----	68
VI - Dehumanising, Killing-----	74
VII - Lending assistance, Resisting-----	78
Lampedusa, sentinel's Island of Europe-----	82
I - Lampedusa detention centre: a tradition of opacity and violation of migrants' human rights-----	85
II - Comments on Italy's foreign policy and the management of migration lows-----	92

Migreurop

Numerous activists for the rights of foreigners witnessed a masterful illustration of the absurdity of European migration policies in the mediatisation of the camp in Sangatte during the year 2000. The effects of the obstacles placed in the way of the movement of people, and of the refusal to receive migrants and refugees burst out into the broad daylight. Usually invisible due to their dispersal along the breadth of frontiers or billeted in sites that were concealed, they suddenly became visible through their concentration in the only (non)-place where their presence was tolerated.

Very quickly, it appeared that the camp of Sangatte, far from being an exception, was merely a cog in the machinery of a Europe that was practising the large-scale exclusion of foreigners. The need to share reflections and experiences led to the organisation, in November 2002, of a seminar about the «Europe of camps» at the European Social Forum in Florence. That was when Migreurop was born, as a European network of activists and researchers whose goal is to make the public aware of the generalisation of the detention of foreigners who do not possess residence permits and the proliferation of camps,

the mechanism that is at the heart of the European Union's migration policy.

The work of the network is structured around four axes:

1. To collect information about a reality that is difficult to capture because there is a will to conceal it, but also due to the geographical scale of the phenomenon (camps in north Africa –Algeria, Morocco, Tunisia, Libya– or at the eastern European borders –particularly Ukraine– are hence a collateral effect of partnership policies between these countries and the European Union or some of its member states).

2. To name a reality that is multi-faceted and cannot be reduced to the classic image of the camp surrounded by barbed wire. A camp, as it is understood by Migreurop, may even be a process rather than a physical space: the exclusion and grouping together of foreigners does not simply translate into the creation of closed centres. «The Europe of camps» is the collection of mechanisms that constitute points of forced interruption along migratory routes. Stopping people from crossing a border, from entering a terri-

tory, assigning them to «lodgings» either through the law or police harassment, detaining them to ensure the possibility of sending them back, imprisoning them to punish them for making it through, these may be, among others, several forms embodied by this «Europe of camps». At present, the police camp may even appear in the guise of humanitarian needs: in spite of an official discourse that is compassionate and prone to using euphemisms, it is nonetheless nothing other than the flip side of the same European policy for the exclusion of foreigners.

3. To raise awareness about the Europe of camps and the mobilisations that oppose it by using all the means of divulgation that are available to us. From scientific seminars to the photographs taken by artists, from an article to a website, the entire spectrum of the media must be used so as to ensure that nobody ignores that the «great detention» and the «great removal» of foreigners are a reality in the current European Union.

4. To act on a European scale to mobilise against the «Europe of camps» by promoting exchanges between groups with a variety of practices and goals, but which can act together or side-by-side in specific cases.

Since 2008, the Migreurop network has established a Borders Observatory that is supported using a number of tools. In addition to the mailing list on information on the violation of human rights at borders and the network's website, Migreurop has launched a campaign for a Right of access to detention places for migrants (<http://www.migreurop.org/breve129.html>) and a working group on the consequences of readmission agreements reached between the European Union and its neighbours (<http://www.migreurop.org/rubrique271.html>). 2009 is the year of publication of the Atlas of migrants in Europe, which aims to be a «critical geography of border controls», and of the first edition of the Annual report on the violation of human rights at borders.

Foreword

For its first Annual report on the violation of human rights at borders, Migreurop has chosen to maintain the four symbolic poles of the misdeeds of the policy enacted by the European Union in the field of immigration and asylum. The Greek-Turkish border, the Calais region in north-western France, that of Oujda in eastern Morocco and the island of Lampedusa in the far south of Italy, are as many stops, more or less lengthy, sometimes definitive, in the odyssey of thousands of people who, every year, by trying to reach Europe, seek to escape the fate that they have been dealt through chosen or forced exile.

Policies from the North to the South, living conditions from the South to the North

Between these four stages in the migration journey, there are numerous similarities. There is the profile of the «travellers»: mostly young men of between 18 and 30 years of age, often educated, they know that there are regions of the

world elsewhere where the chances of enjoying a satisfactory existence are considerably higher than theirs would be if they stay where they were born. To this wish for the «success» of their life, one must add, for a large part of them, the often vital need to flee violence and disorder that are mainly related to conflicts and war, whether these are endemic or temporarily acute.

If the link between the migrants in tranquillos [in-

formal hide-out camps] in Morocco and the exiles in France or Greece pertains to factors that may be classified as «sociological», it also results from the conditions of their journey: the four stages are often the bottom of the net, the last dead ends in a journey that is marked by obstacles placed all along its route in the way of those who legitimately seek to emigrate («everyone has the right to leave any country, including his own», article

13 of the Universal Declaration of Human Rights recalls solemnly), and by inhumane travel conditions. While following the example of nationals of rich countries who travel by aeroplane, they could have entered Europe after a flight lasting a few hours, these exiles have spent a lot more to be left in medieval travel conditions. Forced to advance step by step, to multiply the use of means of transport that are as dangerous as they are inappropriate (overloaded boats, hiding places in lorries, walking through the most hostile regions...) and to entrust their lives to those who are enriched by the policy of closed borders, in spite of themselves, these adventurers must embark upon a veritable ordeal of the «undesirables».

Apart from the numerous similarities between these cities that are, in turn, militarised borders, prisons and havens for sub-standard life that must be concealed from the gaze of other residents, there is also the physical appearance of the gathering places. In the «jungles», those unlawful camps in north-western France in which hundreds of Afghan, Eritrean, Iraqi or Sudanese «exiles» have been surviving for over ten years, like in the

shantytowns near to the port of Patras in Greece into which a thousand migrants were crammed until the summer of 2009, or in the «tranquillos» in the countryside around Oujda where sub-Saharanans waiting to find a way into Europe are forced to survive, one can note the same concealment, the same makeshift shelters made of plastic and rubbish bags, the same recovered old clothing, the same relegation into a sub-human existence.

Because the main common denominator of these «adventurers'» exile is their «reception» in the transit or destination countries. Whether, like the «exiles», they are within Europe, or whether, like the sub-Saharan immigrants in Morocco, they are at its external edges, they are both, like those who reach –or fail to reach- the coasts of Lampedusa, identical victims of the European Union's policy. Dehumanised as they are by a policy of inhospitableness that is a shared feature of «reception» mechanisms, by the police repression and the indifference of all those whose greatest concern is for them to remain invisible, these «migrant-wanderers» are nonetheless survivors: the records-tributes of peo-

ple who have died at the borders put together by those who criticise the «war against migrants» thus only reflect a part of the dead bodies, that are most often anonymous, which are strewn along the main «migration routes». The maritime and land gateways into Europe have thus been turned into cemeteries by policies that nevertheless like to present themselves as «balanced» and as being marked by a concern for «co-development».

Refoulements, violence, detention, harassment

Within the EU, the main legal tool for refoulement is known as «Dublin II». With this regulation that allows member states to send back asylum seekers to the first country through which they have entered the European territory, the threat, if they apply, of being sent back to Greece, where less than 1% of them would obtain protection, forces refugees into clandestinity. But legality is not the rule: it is a violation of all the national and international laws for Italy to intercept the boat people who seek to reach the island of Lampedusa at sea and return them to Libya to be detained

or deported, or for Greece to expel migrants towards Turkey, where they come from. Beyond the EU borders, but as direct consequences of its policy, ill-treatment, long periods of detention and expulsions practised by Turkey, just like the raids and deportations carried out by the Moroccan authorities, are part of this harassment which, on a daily basis, has those seeking a better life as its victims.

Why?

If the same inhumanity crosses borders, if those who are its victims have such trouble breaching them, this means that the western states do not want them. They do not want them at any cost because their prosperity rests largely on the durability of the injustices that these refugees, exiles, migrants, whatever one chooses to call them, seek to escape from. Unwilling to act upon the causes, they intervene upon its effects, in particular by trying to minimise them on a quantitative plane. The theory of «letting in a draught» [expression used to refer to «encouraging» migrants by giving them a glimmer of hope, translator's note] occupies an important place in

the ad hoc ideological arsenal. It argues that any concession in terms of rights, or of humanitarian assistance, gives rise to new yearnings to leave, as migrants are supposed not to be fleeing from anything, of being simply drawn by the temptation of the West. Ill-treatment would hence have a chance to dissuade them from risking the adventure.

The dogma of avoiding letting in a draught has an even more harmful aim. By implicitly substantiating the idea that migrations are optional, that they are not based upon any need, it transfers responsibility for the hazards related to travel upon those who take the risk, simultaneously legitimating the setting up of surveillance and repression mechanisms that kill: if these migrants, these exiles or refugees die, it is to some extent their own fault.

The EU's hypocrisy

This reversal of responsibilities allows European states to close their eyes before any violations of rights that their policies induce, or even encourage. Thus, far from re-opening the debate about the «Dublin II» Regulation whose iniquity is pa-

tent and criticised from all sides, they prepare to confirm the principle in 2009. Rather than drawing the consequences that should be drawn as a result of the many tragedies that currently comprise the daily records of migration towards Europe, they use them for their benefit to reinforce controls, and hence the dangerousness of crossing borders. Was it not by referring to the European pact on asylum and immigration adopted by EU member states in 2008 that the Italian interior minister justified, in the month of May 2009, the first refolements of migrants to Libya?

UNHCR's ambiguous role

The EU's hypocrisy is answered by the ambiguous discourse from the organisation in charge of the protection of refugees at an international level. Public complaints by UNHCR against the Greek asylum system or Italy's refolements in the Mediterranean do not make up for its instrumentalisation by the European policy of avoiding asylum seekers: this has been the case since the start of the 2000s in Morocco, whe-



re UNHCR's presence has the principal function of lending this country the appearance of being a «safe» area in which those who could previously go to Europe are now physically and legally blocked, without this meaning that they enjoy the rights attached to refugee status. While it deplores the returning of refugees towards Libya, which has not ratified the 1951 Geneva Convention, UNHCR has nevertheless declared itself willing to set up an «asylum counter» in Tripoli, reproducing the Moroccan model in a worse version. This is also the case in the Calais region: UNHCR has indulgently lent itself, during 2009, to legitimating the «jungle clearance» operation announced by the French government to render the hundreds of exiles awaiting their chance to enter Great Britain invisible, if not to cause their disappearance, by going there to provide some «information» on asylum procedures.

It is this complex construction that the Migreurop annual report seeks to enable the understanding of, through testimonies and observations made on the ground that illustrate and clarify the analyses produced by the network's members since its creation.

Methodological note

Peculiarities of the report

The annual Migreurop report on human rights violations at borders is not the product of a fact-finding mission lasting a shorter or longer period by external observers, like those conducted by organisations like Human Rights Watch, Amnesty International or the FIDH. It is a product of the two-fold dimension that is a feature of the Migreurop network, which is made up of organisations that are active on the ground and operate to defend the rights of migrants and refugees, and of individuals who, in their professional or activist activity, study and analyse migration policies and their consequences.

This report seeks to privilege, whenever this is possible, the words spoken by migrants met either during ad hoc missions, or by associations that are Migreurop members or partners which are present on a daily basis in the sites that are included. It also seeks to provide an account of these organisations' experience, with the

comparison of analyses constituting one of the network's positive features. While the facts reported fall within the current events of the year 2009, the long-term knowledge of the reality of migration that the associations have allows them to be dealt with otherwise than through the angle of specific events, as is often the case.

The Migreurop network's work themes have served as a guideline to organise this report: in each of the areas examined (except for Lampedusa, see below), four axes have been included. The first three describe the European Union's immigration and asylum policy: - Controlling and stopping - Holding, detaining - Dehumanising, killing. The fourth - Lending assistance, resisting, seeks to reflect on both the self-organisation movements by migrants and the expressions of solidarity by those who act to assist them: for this latter aspect, the activist component of the Migreurop network constitutes a privileged source of information about struggles. The



space occupied by these themes in each geographical area is not necessarily identical, as it is an expression of the prevalence of different mechanisms that are operating there and of a greater or lesser presence of Migreurop activists or contacts, as it is still a network whose size is modest (40 associations in thirteen countries) but which is progressively growing, particularly in geographic terms.

The actors, authors and sources

For this report, Migreurop has thus relied, on the one hand, on reports by ad hoc missions carried out on site during 2009 by members of the network or volunteers sent out within the framework of the European mobility programme co-ordinated by the association Échanges et Partenariats (Exchanges and Partnerships, <http://ep.reseau-ipam.org/>), and on the other hand by the work carried out by associations that are members of the network, like that by HCA/RLAP for the part 1. «Illegal deportations at the Greek-Turkish border», or those by GADDEM, AMERM, or ABCDS for part 2. «Oujda: buffer

zone between Morocco and Algeria, a lock on the way to Europe». The mission or investigation reports provided by other organisations (for example, ProAsyl or Médecins sans frontières for part 1) have also been used.

The part devoted to north-western France makes frequent references to the report *La loi des jungles* by the Coordination française pour le droit d'asile (2008, <http://cfda.rezo.net/>). This is because it has the double characteristic of covering an important part of the scope of this report (3. «Calais and northern France: area for strays and England's gate»), and of having several members of the Migreurop network as its authors.

A particular space has been reserved for the part on Lampedusa. This part was not originally envisaged, but it was obligatory in the 2009 report by Migreurop for several reasons: on the one hand, at the very start of the year, current events again turned this island into a symbol of the repressive policy driven by the Italian government to push back and dissuade migrants from coming to Europe, with the tacit agreement of European institutions. On the other hand, several member associations of the network,

particularly ASGI, FTCCR and ARCI, were specifically involved in denouncing the Italian authorities' intrigues in Lampedusa. ARCI co-ordinated several visits to the place, followed by detailed reports (<http://www.arci.it/index.php?area=8>). Finally, a mission organised by the Réseau euro-méditerranéen pour les droits de l'homme (REMDH, Euro-Mediterranean network for human rights <http://www.emhrn.net/423>) in the month of February on the island had several Migreurop members –including the rapporteur– among its participants. The final part of this report (4. «Lampedusa, Europe's sentry island»), which does not follow the thematic organisation adopted for the other geographical zones, rounds off these different works by integrating two of the network's concerns: that of the «right of access» to places of detention, and that of the consequences of agreements approved by EU states, or the EU, with third states in terms of human rights.



Illegal deportations at the Greek-Turkish border



Detention center of Tunca, in Edirne, Turkey - March 2007





Turkey: transit country for many exiles

- Member state of European Union
- Main roads
- ↔ Readmission agreements ratified¹
- ↔ Repatriation of migrants outside or in the absence of readmission agreement
- Refugees, most of which are awaiting resettlement in another country²
- Asylum seekers awaiting a response to their request for refugee status
- Greek detention camps
- Turkish detention camps (« foreigners Guesthouses »)³

Notes :

(1) Two readmission agreements have not been mapped ; it is the one with Belarus and the second with Kyrgyzstan.

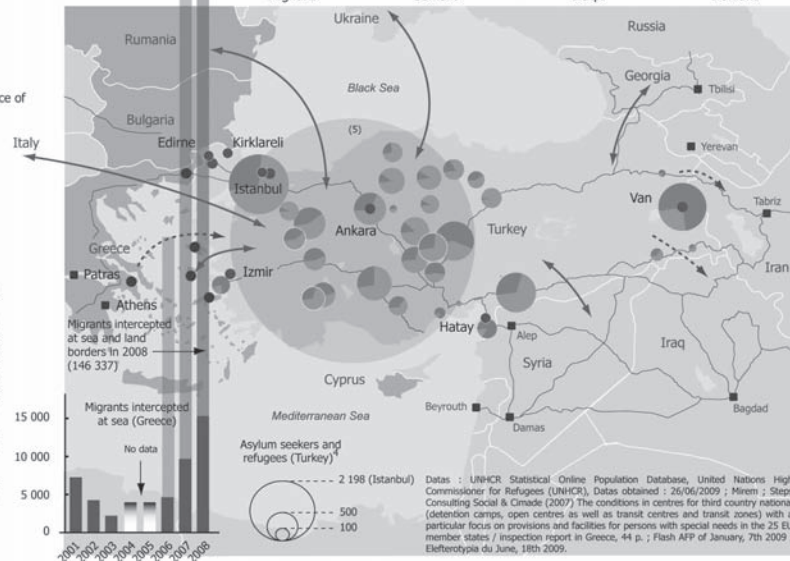
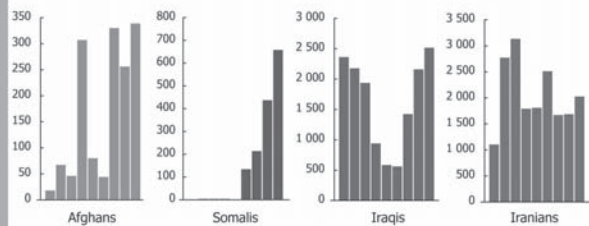
(2) Concerning the application of the Geneva Convention, Turkey has a geographical restriction. That means it hears only asylum exiles from the European continent (like the Bosnians during the conflict in former Yugoslavia). For other nationalities (see those listed above map) it is the UNHCR that hears requests, and if people are recognized as refugees, they have a procedure for resettlement in another state.

(3) Foreigners can also be maintained in the premises of the Directorate General of the Aliens Police (in each province), in police stations and transit zones of airports.

(4) The numbers correspond to the date of June 2008.

(5) The number of aliens "illegally" arrested in 2008 on borders and the territory would be around 37 000 according to the Directorate of Security.

Main nationalities of asylum seekers in Turkey (1999 - 2007)



Datas : UNHCR Statistical Online Population Database, United Nations High Commissioner for Refugees (UNHCR), Datas obtained : 26/06/2009 ; Mirem ; Steps Consulting Social & Cimate (2007) The conditions in centres for third country national (detention camps, open centres, as well as transit centres and transit zones) with a particular focus on provisions and facilities for persons with special needs in the 25 EU member states / inspection report in Greece, 44 p. ; Flash AFP of January, 7th 2009 ; Eleftherotyia du June, 18th 2009.



Turkey and Greece share a 206 km border, part of which is inland in Thrace, bounded by the river Evros, and a part of it maritime, in the Aegean Sea. The division of the maritime border is extremely complex, as many Greek islands are located only a few kilometres away from the Turkish coast.

The number of migrants crossing that border each year is estimated at 150,000¹. The crossing takes place both by sea and by land: across the river, on foot or hidden in trucks and buses. Most of these migrants come from the Middle East (Afghanistan, Iraq, Iran, Palestine) and Asia (India, Pakistan), but increasing numbers of migrants from sub-Saharan Africa (Somalia, Nigeria) and the Maghreb also take this route.

Estimates provided by Greek authorities to the European Commission show a significant increase in the number of foreigners caught while illegally staying in Greek territory: from 42,834 in 2004 to 112,364 in 2007, an increase of 162%².

The increase in the number of migrants crossing this border results particularly from the strengthening of checks at other points of entry into the European Union and especially in Spain, in the enclaves of Ceuta and Melilla and the Canary islands.

However, the strengthening of controls at the border between Greece and Turkey makes crossing this border increasingly dangerous for migrants. They face these dangers when crossing the land border on foot (which includes an area that is still mi-

ned) and during crossings by sea using makeshift boats (inflatable dinghies).

Due to the high financial cost of passages, to the risks that are faced, heightened by the reinforcement of border controls (between Greece and Turkey, but also between Greece and Italy or Macedonia), for these migrants who "settle without settling", what should be a mere transit often turns into a long wander lasting several months or even years, that keeps them in these places waiting at the gates of Europe. This wandering may also be sometimes punctuated by stays in a detention centre for foreigners.

Those who manage to leave Greece to enter another European country risk being sent back in application of the Dublin II Regulation: the fingerprints of thousands of migrants have been recorded by the Greek authorities. These fingerprints stored in the EURODAC³ database that can be checked by all the EU's police forces are, as the migrants say, *«their convictions»*: they prevent them from seeking asylum anywhere but Greece, where they have virtually no chance of obtaining it, and compel those who do not want to stay in this country to swell the ranks of undocumented people in other European countries. In 2007, Greece registered 25,113 asylum applications and only 0.04% were successful on a *«first decision»* (138 people)⁴. In 2008, out of 29,573 asylum seekers' cases examined, Greece granted refugee status to 14

1 Estimate by the Greek interior ministry.

2 European Commission, Third annual report on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders, and the return of illegal Residents, 9 March 2009.

3 Regulation (EC) no. 2725/2000 of the Council of 11 December 2000, Eurodac. More than a legal text, Eurodac is, first of all, the first international biometric database, collecting the fingerprints of six fingers from certain categories of foreigners

4 UNHCR *Position on the return of asylum seekers to Greece under the Dublin regulation*, 15 April 2008, <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4805bde42>

people.

Deemed undesirable in Greece and Turkey, migrants try to leave these countries, which often become a trap. When the number of migrants exceeds the threshold of what is considered «tolerable» by Greek authorities, they carry out «raids» in large cities where a large number of migrants are concentrated. They organise some entirely illegal return operations through the land border and the river Evros. These migrants, without any evidence of their stay in Greece, run the risk of being detained in Turkey and, some of them, of being sent back to their country of origin, particularly Afghan and Iraqi nationals.

According to the aforementioned European Commission report, Greece holds the record for the highest number of expulsions of irregular migrants, with 141,777 expulsions carried out between 2005 and 2007, mainly to Albania and the countries of former Yugoslavia.

Methodology and running of the investigation

Two field surveys were preceded by a research of existing information and reports on these themes.

The fact-finding mission in Turkey was carried out by Clémence Durand, in a joint mission by the Migreurop network and the Turkish organisation Helsinki Citizen Assembly, Refugee Legal Aid Program (HCA/RLAP), thanks to the exchange and mobility programmes established by the association Echanges et Partenariats (Exchanges and Partnerships).

This report is the result of a five-month field survey in Turkey, mostly in Istanbul,

and particularly in the Aksaray neighbourhood, which hosts communities of migrants in transit. This research is based on discussions with migrants and the collections of accounts. The work conducted within HCA/RLAP also enabled contact with asylum seekers living in satellite towns in Turkey⁵. It was completed after a week and a half's stay in Izmir, in Basmane, a neighbourhood where migrants stay before they attempt to cross into Greece (interviews were carried out with migrants by going to hotels in Basmane)⁶. Testimonies from members of advocacy groups (HCA/RLAP in Istanbul and Multecider in Izmir) were also collected.

It was not possible to visit detention centres in Turkey, information on these sites was collected using the testimonies of migrants who had left the centres.

Interviews were also conducted with authorities of the foreigners' police of Izmir, with the general directorate of the foreigners' police in Ankara, as well as with UNHCR BO Ankara, the asylum office of the foreign affairs ministry in Ankara, and with the "Task Force" set up by the Turkish public authorities in the framework of the fight against trafficking of human beings.

Requests for interviews sent to the *gendarmérie* and coastguards remained unanswered.

The fact-finding mission in Greece was carried out by Sara Prestianni as part

⁵ Asylum seekers in Turkey are assigned to residence in different towns chosen by the interior ministry. There are currently around thirty satellite towns, whose number varies every year.

⁶ A few direct interviews were carried out (around fifteen, transcribed entirely or in part), as more open conversations, either face to face or in an open group were preferred.

of a report on that region for the Italian newspaper *Il Manifesto*. Unlike the mission in Turkey, detention centres for foreigners were visited, but interviews with migrants were very short, and the conditions of visits (escorted by authorities) did not allow real discussion or the gathering of accounts. This short 15-day field mission (completed by a photographic report) in February 2009 was carried out in accordance with the following schedule:

- *From 2 to 4 February*: visit to the camp of Patras. Interviews with migrants and the medical-health officials of *Médecins sans frontières* (Doctors without Borders).

- *Tuesday, 3 February*: Visit to Patras port with the Port police (interviewing police officers and coastguards was forbidden).

- *Thursday, 5 February*: interview with a police spokesperson on the island of Samos, visit to the detention centre (brief conversations with migrants).

- *Friday, 6 February*: interview with an official of the Samos coastguards.

- *Monday, 10 February*: Interview with Mr. Apostolos Karagiozidis, Brigadier General of Komotini Police, visit to Venna detention centre (interviews with migrants and the centre's doctor).

- *Tuesday, 12 February*: interview with the Orestiada police chief. Visit to the Fellakio detention centre (30 km away from Orestiada). Brief interviews with the detained migrants, as well as with the detention centre's psychologist and director.

- *Tuesday, 13 February*: interview with Roklos Georgiades, Secretary General of the interior ministry, in charge of migration issues.

I - Controlling, Stopping

I. The border control system in Turkey and Greece

Existing tensions between Greece and Turkey partly explain the lack of a common strategy and cooperation in the field of border control. Each of them implements its own surveillance system independently, evoking its neighbour's responsibility. While Greece accuses Turkey of not controlling its borders adequately and of letting migrants through, Turkey accuses Greece of illegally returning migrants to Turkey.

In addition to the control systems implemented by the two countries, there are European border control projects: *«Integrated Border Management»* and *Operation Poseidon* carried out by the European Frontex agency. Moreover, Greece enjoys partial funding of its control operations from the European Union (EU), representing a total sum of 26 million euros until 2013, 160,000 of which have already been spent on border controls⁷.

⁷ Interview with Roklos Georgiades, secretary general of the interior minister, in charge of migration issues.

The Turkish control system

As a consequence of history and the Turkish territorial construction, as well as of its strategic geographical location, the border control system is quite original.

Currently, five different authorities are in charge of border management: the Directorate General of the Police (under the interior ministry's authority), the *Gendarmerie*, the Coastguards' Authority, the Army (under the authority of the General Command of the Armed Forces) and the Customs Undersecretariat (directly under the Prime Minister's authority).

The army is the main actor in charge of border control. On the Greek-Turkish border, in the Aegean Sea, the coastguards are responsible for the surveillance and security of maritime borders: the struggle against illegal entry into Turkish territory and against human trafficking represents an important part of their mission.

Apart from surveillance at sea and from the sky by helicopter, a pilot sea and coast surveillance scheme using an automatic radar system has been in place since 2006. In particular, this system includes a radar system with electro-optical sensors, radio detection and an automatic sensory recognition system, that enable continuous surveillance (24h/24h) over the 377,714 km² of Turkish territorial waters.

As for control of the land border in Thrace, it is heavily militarised, both on the Turkish and the Greek side.

The Greek control system

The main control body is the border police, backed by the national police or coastguards, depending on the region. During land controls, the army may also take part in intercepting migrants.

While the preferred crossing points for migrants are the islands of the Aegean Sea, the Evros region remains an important zone of passage.

This border region consists of the 80 km long Evros River and a 12 km strip of land. On the Greek side, part of the border is still mined (Greece mined its border with Turkey in 1972, following the Turkish intervention in Cyprus).

Along the 92 km border, the Greek government has set up a control system in which it is mainly the three law enforcement bodies that act (national police, border police, army). These controls spread out to the main towns on the road to Athens.

On this border, there are four "official" checkpoints, managed by the border police (travel document checks and vehicle searches): three on the Greek-Turkish border, and one in Harmanli, on the border with Bulgaria. In addition to these checkpoints, there are mobile units responsible for immigration control.

It is difficult to know what the technological tools used during these controls are. The police officials interviewed mentioned their general duty of confidentiality to avoid answering. Nonetheless, during an informal interview with the head of the border police of Orestiada, a video was shown featuring images of migrants trying to cross the border at night. These images show the use of radars and X-rays.

Apart from the three aforementioned authorities, the intelligence services are mobilised in this region for operations to dismantle the «*trafficking organisations*». The Orestiada police officers who were interviewed said that during the year 2008, five «*smugglers' networks*» were dismantled (mainly in Athens and Thessaloniki).

The Greek government's policy tends to treat all immigrants as smugglers: they have their vehicles seized and face sentences of up to one year's imprisonment and a 5,000 euro fine for each migrant they transport. If the court considers that the transport constituted a threat to a migrant's life, heavier penalties may be imposed.

The example of Samos Island

Lesbos, Chios and Samos are the three islands north of the Turkish maritime border where a large number of boats from Turkey have arrived since the early 2000s. The Migreurop research mission focussed on studying the control system in the island of Samos.

In certain points of the island, the distance between Greece and Turkey is 1,200 metres, but the strong currents that run through this part of the sea do not allow it to be crossed by swimming. Generally, migrants cross at night-time on small inflatable dinghies that are around six metres long, with an average of fifteen people on board.

While most boats come from the Turkish coast, some migrants interviewed at the Samos detention centre who were Somali and Eritrean nationals, arrived directly from the Libyan coasts thinking they were landing in Italy.

The sea interception operations in the islands of the Aegean Sea are carried out by Greek coastguards. In periods with more crossings (usually from March to October), navy boats come as back-up for the coastguards. From May to December 2008, *Poseidon* patrol operations set up by Frontex were deployed in the region.

In theory, the Greek sea rescue area of jurisdiction is set half-way between the two countries. As this line is not physically bounded, it is often moved depending on the interests of the moment.

According to the interviewed Samos island coastguards, the number of migrants intercepted at sea was 5,300 in 2008. Samos police claimed that 9,140 migrants⁸ were detained on the island in the same year: it is clear from these figures that some migrants arrive on the island without being intercepted and are arrested after landing.

According to police sources, migrants pay between 500 and 600 euros for a crossing in an inflatable dinghy: once they arrive on the island, they are taken to the hospital for a medical examination, their fingerprints are taken and they are then transferred to the detention centre on the island of Samos. From there, when they leave, usually after three months' detention, they receive an order to leave Greek territory within a month, with a boat ticket to Athens. The detention centre is thus a sort of compulsory transition place in order to board a boat to Athens: moreover, most migrants spontaneously go to the police and consider arrest and detention to be a step in their journey to Athens and then to other European cities.

⁸ Among the 9,140 migrants stopped in 2008, most were Afghan, Somali, Sudanese and Ethiopian nationals.

Figures provided by the island's authorities on arrivals show an increase in migrants who disembarked in 2009. Thus, while 176 migrants are recorded as having landed on the island in January 2008, they were supposedly 612 in January 2009. The figures on interceptions provided by the Samos coastguards over several years confirm this increase: 225 in 2005, 531 in 2006, 2,699 in 2007 and 5,300 in 2008. This shows the growing importance of the sea route to reach Europe.

During our conversation with the island's police chief, he took care to explain that this increase is mainly due, as is often stressed by Greek police officers, to a lack of control by the Turkish authorities. The police chief also noted that their role was to fight the «*networks of smugglers*» and that 60 Turkish traffickers were arrested in 2008. Of the 9,140 migrants detained on the island in 2008, only 46 applied for asylum, but all of them have had their fingerprints taken and supposedly recorded in the EURODAC database.

The example of illegal refoulement practices at sea

Two studies carried out by Pro Asyl and Human Rights Watch in 2006 and 2008⁹ had already focussed on refoulement prac-

tices by coastguards in the Aegean Sea¹⁰. The testimonies show that to avoid having to receive migrants on their territory, coastguards often choose to send the boats back into Turkish territorial waters. The testimonies collected by Migreurop confirm those gathered by these two organisations. They also provide an account of the violence of refoulements, during which the lives of migrants are clearly, even wilfully, endangered.

Testimonies from migrants returned by the Greek coastguards give an account of how boats are endangered (seizure of oars and engines, piercing holes into the vessels, abandonment in Turkish territorial waters).

2. European projects to strengthen border controls

The «integrated border management system» in Turkey

The Turkish method for the management and control of borders has provoked criticism from the European Union (EU). Under the 2006 Accession Partnership, which lists the reforms that Turkey must undertake in order to effectively transpose the Community *acquis*, compliance with the Schengen border control system's

⁹ Human Rights Watch, *Stuck in a Revolving Door, Iraqis and Other Asylum Seekers and Migrants at the Greece/Turkey Entrance to the European Union*, November 2008.

Pro Asyl, *Petition to the German Federal Parliament to stop deportations of refugees to Greece*, 21 February 2008.

¹⁰ See, for example, Human Rights Watch, *op. cit.*, p.45: «*The police put us back on our rubber boat. We had a small engine, but the police took our engine and the two oars. The police made a hole in the boat. When we were at sea before we were caught the boat was okay, but when we were put back in the water, it was punctured.*» «*The police brought us back to the Turkish shore, but not on land. They gave us back our small boat, but they made a hole. [...] We had six oars, but they only gave us two back.*».

norms was a priority. A national action plan was introduced in March 2006, followed by a roadmap for its development and a project to establish an integrated border management system¹¹ (IBM, «*Integrated Border Managements*»). According to the action plan, the border management system should be entrusted to a single authority, centralised, professional and non-military. The roadmap's goal is to develop the technical, legal and institutional capabilities to fully align Turkish border management with the member states' mode of managing them.

The budget allocated for the implementation of this integrated border management system, in the framework of the contract signed between Turkey and the EU for establishing the IBM amounts to 10,963,000 euros. The EU's financial participation amounts to 9,834,750 euros.

In technological terms, IBM envisages modernising the Turkish borders' surveillance system, in particular by equipping Turkey with radar and satellite surveillance systems and thermal cameras. For example, it is planned that areas near the border will be sprayed with phosphorus that is detectable on one's skin or clothing for three or four days. Exchanges of expertise and training of police personnel are also provided for.

¹¹ European Commission: project fiche on the implementation of an integrated border management system: http://ec.europa.eu/enlargement/pdf/turkey/ipa/tr_07_02_15_integrated_border_mgt_ph_en.pdf

Extract from an interview in Istanbul on 11/03/2009: «When we left for Izmir, there were 25 of us. There was a woman with three little boys in the boat with us. We left at around 4am, and after three hours we had almost reached Greece, on the island. It was 7 o'clock. At this point, we saw the Greek patrol boat and switched off the engine. They threw us a rope, they told us to tie it to the dugout [boat]. They pulled us like that and towed us along. They left us at the Turkish border. The boat began to take water. The boat sank. Then they called the Turks to come. We stayed in the water until 12pm».

Extract from an interview in Izmir on 17/03/2009: «It was a small fishing boat. Wooden, but it was old. And the engine was very small. Anyway, we set off like that. There were lots of us but the sea was not rough, it was going well. That was before the winter, it wasn't winter yet, but it was a bit cold. So we left and stayed on the water for four hours. Then, our engine could no longer move us forward, it was broken. But it was just when we had arrived, we could see the island. I think that we were only 10 or 15 minutes away from the island. Then, as we couldn't move forward, some switched on their mobile phones in order for someone to come and save us. As we had stopped right in the middle, we could do nothing else. A moment later, the Greek police arrived. We thought they would have taken us and brought us back with them to the island. They threw a rope out to us and told us to hold it. We grabbed the rope and they started to tow us. But they were not heading for the island, they were set off towards Turkey. We did not understand what they were doing. They advanced towards Turkey, and then they left us there. You could see Turkey nearby but, anyways, it was too far to swim to. So they loosened the rope and took our engine. It was not working, but they took it anyway. And then they told us to go back to Turkey. They set off and left us just like that. I was really scared because the water came into the boat, there were too many of us in the boat. So we paddled with our hands and our shoes to go back. The water was so cold that you can not imagine it. If you kept your hand in it for too long, you'd have a freezing cold hand. But we had to return somehow, so we paddled like that, I did so with my shoes. And then we reached the beach».

Extract from an interview in Istanbul on 10/01/2009: *«I went to Izmir. From there, we set off in a small boat. Our boat was so small and there were far too many of us, we were 20. It was in the winter. The waves were very high. The Greek police arrived. Their boat was far larger than ours. They started creating waves around us. It was dark and very cold. They were going in circles around us and our boat sank. We stayed like that in the water. There was a woman with her little girl, they both died. The water was so cold that I could not feel the blood circulating in my legs. We stayed like that for 12 hours, 12 hours in the water. The others took care of me. I was pregnant at the time, I lost my baby in the water. I was bleeding heavily when they took me out of the water. We saw a helicopter, I think they were the ones who called the Turkish police. Afterwards, the Turks arrived with a boat and then I fainted. I awoke in hospital».*

Frontex, Poseidon operations

The Aegean Sea region was one of the target areas of the maritime interception project set up by Frontex. Operations carried out between Greece and Malta have been named *Poseidon*. These land and sea border control operations were undertaken in the region of the Aegean, of Evros and Patras, over an eight-month period during the year 2008. They were carried with the cooperation of several member states (Denmark, Finland, France, Italy, Lithuania, Luxemburg, Malta, the Netherlands, Portugal, Romania, Spain, Sweden and England). These countries' action was coordinated by Frontex.

According to the agency's official data, the number of migrants intercepted in 2008 has doubled, with 29,100 interceptions, mostly around the six nearest islands to the Turkish coast (Lesvos, Chios, Sa-

mos, Patmos, Leros and Kos)¹².

On the website of the French Embassy in Greece¹³, one can find information concerning the French army's participation in Phase III of Operation *Poseidon*: a Falcon *SURMAR* 50 airplane of the national Navy and a liaison officer deployed within the international coordination centre took part in these operations. The plane's mission was to identify craft detected within its area of responsibility, which covered most of the Aegean Sea, on sight.

Parallel to this contribution from the defence ministry, the French interior ministry deployed two DCPAF experts (Central Border Police Directorate) in the international port of Patras during the entire period of the operation. Their mission was to perform checks during boarding onto ferries bound for Italy.

Greek officers seemed very pleased by this international participation that was presented¹⁴ more as an exchange of expertise, rather than as a craft rescue operation.

¹² Frontex, 2008 annual report, http://www.frontex.europa.eu/gfx/frontex/files/justyna/annual_report_2008.pdf.

¹³ http://www.ambafrance-gr.org/france_grece/spip.php?article1714.

¹⁴ Interviews with coastguards, Patras port police officials and Evros region border police officials

II - Holding, Detaining

I. The detention of foreigners in Turkey

The system for the detention of foreigners

In Turkey, foreigners are held in what are commonly referred to as "hanesi misafir", which means "the guesthouse"¹⁵. Foreigners may be detained only if they are not in compliance with provisions for entry, residence or departure from Turkish territory or, for asylum seekers, with the Turkish temporary asylum system¹⁶.

Foreigners in Turkey are held on the basis of an administrative decision by the immigration police that is under the authority of the interior ministry. It is justified by authorities as representing the most appropriate means to carry out certain administrative procedures (transfer to satellite towns, return to the border...).

There are important administrative detention centres for foreigners in several Turkish cities: Istanbul (Kumkapi centre),

¹⁵ HCA/RALP report on detention in Turkey, *Unwelcome Guests. The Detention of Refugee in Turkey's Foreigners' Guesthouses*, <http://www.hyd.org.tr/?pid=610>

¹⁶ After registering with UNHCR, asylum seekers in Turkey must register with the police to be able to enjoy a temporary right to asylum. Asylum seekers are assigned to residence in one of the «satellite towns» that are designated by the police. They must obtain permission for any movement out of this town. If they are stopped outside the satellite town without written permission from the police, they may be placed in administrative detention. About the Turkish asylum system: «Le droit d'asile turc : état actuel et changements à venir avec l'entrée de la Turquie dans l'Union Européenne», 3 April 2006, Isabelle CAILLOL : http://emi-cfd.com/echanges-parlariats2/article.php3?id_article=660

Edirne, Kırklareli, Izmir, Hatay and Van. Besides, all the provinces of Turkey have a branch of the Directorate General of the immigration police where foreigners in an irregular situation may be detained. In addition to this, there cells to keep people in custody in police stations and airport transit zones.

Foreign nationals in an irregular situations are held until their nationality has been established by the authorities. Then, a forced return procedure is implemented. Since there is no set time limit for detention, it can sometimes be very long, ranging from some days to several months, or even over a year.

There is a total lack of transparency about what goes on in detention centres for foreigners because there is no right of access for civil society. Only lawyers and the United Nations High Commissioner for Refugees (UNHCR) have a theoretical right of access, but this right is not always guaranteed in practice. Moreover, there is no oversight body that is independent from the authorities for foreigners' detention places.

Hence, most of the information collected comes from the testimonies of migrants interviewed after their release from these centres. Likewise, it is through this type of accounts that the association HCA/RLAP produced a report on detention centres for foreigners in Turkey¹⁷, whose main findings were arbitrary detention and ill-treatment.

The absence of judicial control on the detention decision entails arbitrary detention practices. In spite of guarantees written into the Turkish constitution and inter-

¹⁷ See the mentioned HCA/RASP report.

national conventions signed by Turkey, there is no judicial control.

Neither the duration nor the reasons for detention are communicated to the people concerned. The decision to release someone often takes place when it is impossible in practice to carry out a person's forced return.

Thus, foreigners of nationalities that Turkey does not deport are released after a certain period (one month or more) and sent back to Istanbul¹⁸: migrants coming from other countries may be detained until the procedures to establish their nationality and then to expel them are carried out.

As forced return procedures are extremely expensive, the Turkish authorities require detainees to pay the costs of their deportation. Thus, detention can last until the detainees or their families are able to pay for a return ticket.

The right to seek asylum in detention is virtually non-existent in practice. The authorities, particularly in rural areas, lack knowledge and information on the asylum procedure. The police may refuse to consider and transmit the asylum application to the competent authorities. Finally, the absence of translators is a major obstacle to access to the asylum system for persons in detention. Often asylum seekers are detained for as long as the time of the asylum procedure lasts, instead of being transferred to a satellite town.

Detention conditions do not meet minimum standards in this field: the centres are overcrowded, sanitary conditions are deplorable, water and food are not distributed in sufficient quantities. Access to health care is not guaranteed and the parti-

cular vulnerability of certain detainees is not taken into account (serious health problems, children, pregnant women ...).

The attitude of police officers towards detainees sways between indifference and hostility, or even violence. Several cases of torture (*falakas*¹⁹) and of people placed in solitary confinement have been reported. No investigation concerning violence by the police has been conducted to date.

It would seem that the situation is almost identical in most «*Misafir Hanes*». Those detained in the eastern cities near the border with Iran or Iraq are at risk of being led back to the border and expelled in a violent and illegal manner. Migrants arrested elsewhere in Turkey who have passed through Iran and Iraq are liable to suffer the same fate²⁰.

The detention centres in areas close to the border with Greece

Two detention centres for foreigners are close to the land border with Greece (those of Tunca, in Edirne, and Kırklareli). Their common feature is the detention of people caught before they attempt to cross into Greece, or after their expulsion or refoulement by the Greek authorities.

Tunca detention centre in Edirne

Tunca is the largest detention centre for migrants caught at the land border before they attempt to enter or after their expulsion from Greece.

According to witness accounts, detention conditions there are particularly bad:

¹⁹ Torture practised with a stick that is used to strike blows on the sole of one's feet.

²⁰ See the HCA/RLAP report, *op. cit.*

¹⁸ Somalia, Eritrea, Rwanda, Burma and Palestine.

the centre, with a capacity of 200 places, is systematically described by migrants as being overcrowded. The organisation Human Rights Watch (HRW), which visited it in June 2008 counted more than 700 detainees at that time²¹.

Descriptions of the centre by people interviewed for this survey corroborate those presented in the HRW report. Apart from overcrowding, migrants describe the lack of ventilation, lack of blankets and beds, as well as appalling sanitary conditions. Thus, many migrants catch skin diseases. Food is not distributed in sufficient quantity and migrants have no access to drinking water.

Migrants have no access to care or medication. They are only taken to hospital in extreme cases, hardly ever.

The guards in the Tunca centre have very little contact with detainees and do not enter the cells. The Human Rights Watch report highlighted the lack of manpower assigned to the Tunca (4 guards for 700 inmates on average)²². Nonetheless, acts of violence by the police have also been reported by former detainees.

Gaziosmanpaşa centre in Kırklareli

The second detention centre on the land border with Greece is Gaziosmanpaşa refugee camp in Kırklareli. Having historically served as a refugee camp, it hosted Turkish speakers fleeing Bulgaria in 1989,

²¹ Human Rights Watch, *Stuck in a Revolving Door, Iraqis and Other Asylum Seekers and Migrants at the Greece/Turkey Entrance to the European Union*, November 2008.

²² Migreurop addressed a request to the Turkish interior ministry, and to the directorate general of the foreigners' police, in order to be able to meet the staff in charge of Tunca detention centre in Edirne. As the centre was undergoing refurbishment, the request was not successful.

Bosnian refugees since 1992 and refugees from Kosovo as of 1999. Today, the camp operates more as a detention centre for migrants than as a refugee camp. Prison conditions are relatively better in Kırklareli: while the capacity is 2,500 places, the number of detainees is paradoxically lower than in Edirne. Kırklareli detainees are not allowed to move freely inside the camp enclosure. They have no access to legal aid, or even to an interpreter. Asylum applications are dealt with depending on the benevolence of the police.

Detention in the Aegean region

In the region of the Aegean Sea, the Greek islands are just a few kilometres away from the Turkish coast. The main detention centres are located in Izmir and Aydın. The centre in Izmir has just been refurbished. Evidence gathered during the research describe prison conditions similar to those in other centres, with a particularly high number of prisoners due to the intensity of controls in this region. However, migrants can be detained in *gendarmérie* stations after being arrested while trying to cross into Greece. This is true of a police station near Dikili where migrants were detained for 5 months before being transferred to the competent civilian authorities.

Despite the inhumane and degrading conditions of detention in Turkey and the violence experienced by detainees, Turkish authorities do not speak of imprisonment, but rather, of reception. Yet, they are areas of lawlessness in which the length of detention depends on the discretion of police officers and on a deportation procedure whose legal framework remains unclear.

The deputy chief of the general depart-

ment of the immigration police in Ankara claimed²³ that detention centres in Turkey do not accommodate more people than their capacity allows and that all asylum applications filed by prisoners were dealt with as quickly as possible. Thus, he said, detainees would not spend more than a month in detention. The HCA/RLAP association's legal aid programme for refugees receives calls directly from detention centres. Migrants have consistently reported the poor detention conditions, police refusals to consider and pass on asylum requests, as well as detainees finding it impossible to have access to medical care. Serious violence by the police is also mentioned very often.

Extracts from interviews with migrants who had been detained in Tunca detention centre in Edirne

Interview conducted in Istanbul on 27/12/2008: «After 6 days they took us to Edirne prison. There were between 700 and 800 people there, Pakistanis, Afghans, Sri Lankans. I spent three months there. You can spend one month there, sometimes two months, this time, I spent three months there».

Interview conducted in Istanbul on 12/12/2008: «The prison of Edirne is really a terrible place, you are forced to sleep on the floor. There are no blankets, and there are too many people. Even if you want to sleep on the floor, you do not have enough room. And there aren't any windows. It's a big problem, others smoke heavily».

Interview in Istanbul on 03/01/2009: «They are violent. With us Africans, it's not so bad. They hit Afghans a lot. Because they say they are Palestinians, and the police do not believe them, then they hit them».

²³ Interview in the directorate general of the police, foreigners' department, interior ministry in Ankara on 25 March 2009.

Serious incidents and riots

On 12 June 2008, detainees in the Gazi Osmanpasa centre in Kırklareli staged a revolt against their detention conditions and against the abuse they are subjected to by the police. The police opened fire and a prisoner was killed. According to the police, he supposedly fell off the roof, while the detainees claim he was shot.

There were also two uprisings in the detention centre in Kumkapı in Istanbul, one on 13 October 2008, and another one on 19 December 2008. On 19 December, the centre's detainees rebelled against detention conditions and ill-treatment by the police. On the banners that they hung on their cell windows, one could read: «*We are not terrorists, we are not dogs either!*»

On 7 December 2008, the Tunca centre in Edirne burned. 12 detainees were transferred to hospital after they were intoxicated by smoke from the fire.

European projects to build new detention centres in Turkey

The EU has provided substantial financial assistance to Turkey to build new detention centres for foreigners. It has signed a project with a view to building two new centres in Erzurum and Ankara: the budget is 19 million euros, with the EU committing to contribute up to 15 million euros to it. The project partners are Greece, the Netherlands and the United Kingdom. They will operate in the same way as existing centres and there is no mention of a right of access for civil society, judicial oversight of the legality of detention or about a limit on the length of detention.

Testimony of migrants detained in gendarmerie stations

Extract from an interview in Izmir on 22/03/2009: «The room was very small, 10 m². There was no window and no ventilation. There were small toilets and the only way to get some air was to open the toilet window. But it was too small and suddenly it stank too badly because of the toilets. There were 22 of us in this room. We stayed there for a month and then we were transferred to another gendarmerie station. Conditions were slightly better, but people were also frustrated because they had been there for too long and they did not know when they would be released.

In the second place where we were held, there were 85 of us in two rooms. To eat, they gave us a small piece of bread and a small plate of something else. But this is not enough for one person for one day. Inside the room, people were fighting over a piece of bread because there was not enough to eat for everyone. We fought and I was injured because of that. They treat us like animals».

2. The system for the detention of foreigners in Greece

The system for the detention of foreigners

Places of detention

The first detention centres in Greece were opened during the years 1998-2000. Requisitioned buildings were used as detention places, particularly former merchandise warehouses. New centres have been built since 2004, in particular in the Dodecanese* islands (Mytilene, Chios, Samos) and in the region of Evros where the new centre of Filakio opened its gates in 2007. These second-generation detention centres mark a shift from an emergency system to a detention sys-

tem that is intended to persist²⁴.

The centres are managed by the Greek police and, depending on the circumstances, by the local prefecture.

Apart from official centres, any police premises may be used as places of detention for foreigners. Most of the time, detention takes place in police custody cells, and the length of detention in those premises is arbitrary.

Length of foreigners' detention

Until July 2009, the maximum length of the administrative detention of foreigners in Greece was three months. Since then, the National Assembly has voted in a new law extending it to six months, or even one year under certain conditions, in particular when foreigners do not cooperate with the authorities or in cases when consulates do not issue travel permits.

In the past, migrants who could not be expelled were released after three months in detention, and they were then given one month to leave the country. If they stayed in the country, they could be detained again for another three-month period. A young Afghan met in Patras explained: «I was locked up for three months upon arriving in the country, then again a few months later. I've had enough: since I left my country, Iraq, I have spent more time in prisons than outside them, without committing any offences»²⁵.

The report submitted to the Assembly on the detention law justified extending the length of detention by arguing

²⁴ European Parliament, STEPS report, The conditions in centres for third country nationals, Report on the visit to Greece . REF: IP/C/LIBE/IC/2006-181, 10 December 2007, http://www.anafe.org/download/rappports/Rapport_final_PE.pdf.

²⁵ Interview in the Filakio camp.

that three months had proved insufficient in practice in cases when there were no travel documents («laissez-passer») when they were issued too late, or when certain countries refused to comply with the international obligation to readmit their nationals on their territory. The law's rapporteur even argued that increasing the detention period could contribute to the fight against racism by reducing the Greeks' feeling of insecurity, since the population had expressed concerns about the sight of irregular migrants roaming freely in the country's large cities²⁶.

The field survey (carried out when the detention period was three months, although it was often extended to six) also made it possible to ascertain that the actual detention periods varied, depending on the centres and nationality of detainees.

In the centres in the Aegean islands, it appeared that detention was often limited to a few days (except for certain nationalities, particularly Iraqis, Syrians and Iranians who were sometimes held for several months). On the other hand, migrants detained in the centres in the Evros region are seldom released before the maximum three-month period had elapsed, regardless of their nationality. Finally, it seemed as though detention measures were also decided on the basis of the number of available places.

Execution of expulsion measures and purpose of the detention

According to a report prepared for the European Parliament²⁷, the number

of migrants who passed through the centres in 2006 was 39,853. 17,130 of them were actually expelled.

Generally, expulsion is only executed for certain nationalities: thus, out of 16,475 irregular Albanian nationals detained in Greece in 2006, 12,000 were actually expelled. Whereas out of the 4,286 Afghans detained during the same year, 15 were actually deported²⁸. Out of 4,367 Iraqis detained, 155 were deported²⁹.

Insofar as these two last nationalities are concerned, detention is a punitive and dissuasive practice, since the expulsion measure cannot be executed in practice.

In fact, Greek detention camps fulfil several functions: migrants are held there in order to be identified (when they arrive in the territory) or with a view to their expulsion. From the moment when deportation is not possible, they constitute a means of «*dissuasion*». Some migrants met during this study could not be expelled because they came from «*dangerous countries*», others were held in the centres while they awaited the renewal of their asylum seeker's card.

Finally, these centres are a temporary stop with a view to organised illegal deportations towards Turkey.

The detention centres

During this study, it was possible to visit four detention centres:

Samos detention centre³⁰

Samos detention centre, which was

²⁸ These returns were certainly readmissions to other countries.

²⁹ European Parliament, STEPS report, *op.cit.*

³⁰ Visit to the centre on Friday 6 March 2009.

²⁶ <http://www.migreurop.org/article1464.html>.

²⁷ European Parliament, STEPS report, *op. cit.*

opened in August 2007, may be viewed as the «*showcase*» of the new detention for foreigners centres in Greece. Hence, it differs from the Mytilene centre on the nearby island of Lesbos, where living conditions are extremely poor.

The Samos centre cost 5 million euros of which, according officials in charge of the centre, the Greek government provided 50% and the other 50% came from European funds.

Regular social and medical services are provided (one social worker and a doctor). For emergencies and during weekends, migrants are transferred to the island's hospital.

The centre is divided into two sections: one is for men, and the other one is for women and children. Hence, families are often separated.

As in all the centres visited, the detainees complain about their inactivity. Some are «*hired*» for maintenance work in the centre.

Venna detention centre³¹

The Venna detention centre is 16 km away from the town of Komotini. The border police manages the centre. At the time of the visit, 138 migrants were detained, mainly Pakistani, Iraqi and Burmese nationals. On average, they had been held for between 60 and 70 days. None of them had applied for asylum because they knew that they had no chance of obtaining any sort of protection in Greece.

According to data provided by the Komotini police, 1,500 migrants passed through this camp in 2008.

Migrants detained in the centre may

have been arrested at the border near Komotini, or on the road linking the Evros region to Patras or Athens (they are transferred there after some time spent in detention in the capital's police station).

This former warehouse for merchandise is located in a closed down railway station that was turned into a detention centre in 2002. The buildings are dilapidated and the structure resembles a prison: the centre is divided into six large cells, each of which can hold from 35 to 40 migrants. Sanitary conditions are appalling: lack of ventilation (migrants told us that only police officers are allowed to open the only two windows; at the time of our visit, they had remained shut continuously for seven days), the food is poor, there is a lack of water, not enough toilets and showers, a lack of hot water, changes of clothing, and one razor is provided for a number of detainees.

Apart from these material conditions, detainees complained about not being able to buy telephone cards.

Opportunities to go out into the open air are very limited. Detainees spend the whole day locked up in their cells and may only leave them once every three days, for an hour or two.

A violent attitude by police officers was reported. Finally, during the visit, there were at least two detainees who said that they were minors, who claimed they were recorded as adults.

Filakio detention centre³²

Filakio detention centre opened in March 2007. It is half an hour away from Orestiade, the second checkpoint on the

31 Visited on Tuesday 11 March 2009.

32 Visit to the Fellakio centre on 11 February 2009.

Greek-Turkish border after Alexandroupoli. It is managed by the national police.

Unlike other centres in which access is not granted to any organisation, a programme financed by European funds was set up in June 2008 for an eight-month period that provided for the presence of a «*socio-psychological advisor*», a lawyer (once a week) and an interpreter.

This programme was coming to an end at the time of the visit.

The centre's psychologist explained that the social programme was coming to an end due to a lack of funds despite the fact that most of the detainees were suffering detention-related psychological problems.

The centre's appearance is very much like a prison: it comprises seven cells (one of which is reserved for women) for 30 to 50 people each and can hold up to 370 migrants. Migrants are locked in day and night (going out into the open-air walking area is limited to one hour per day, according to the regulations, and no more than 15 minutes according to migrants' accounts).

A majority of the migrants present had arrived in Greece at least a year earlier and had been detained twice for three months. They had been arrested in the cities of Patras, Corinth and Athens, and also in the countryside.

Although the police explained that one cell was reserved for minors, an unaccompanied six-year-old minor was nonetheless detained in a cell with 54 adults. The police then claimed that he had arrived only a few days earlier and that they intended to transfer him elsewhere.

Plans for the construction of new centers

According to an article published in the newspaper *Courrier des Balkans*³³ in April 2009, the Greek interior ministry is considering transforming a 100,000 m² plot of land that used to host a NATO military base into a detention centre. The place had been used as a «*refuge*»

for drug addicts, homeless people and, more generally, others liable to «*starnish*» the city's image in the period leading up to the organisation of the 2004 Olympics. This land reportedly includes a number of buildings that would enable it to host up to 2,000 migrants.

Also, according to the *Courrier des Balkans* journalists: «*Eight months ago, officials from the Greek police visited the reception camp built by the Italian authorities on the island of Lampedusa, in order to find inspiration for their own camp projects. Three different locations were inspected in Greece, all of them in Attica. The latter could be turned into detention centres for thousands of people: a former factory in Piraeus, former barracks in the northern extremity of the region, and the Aspropyrgos camp near Athens. According to police data, there are over 1,400 irregular migrants, a figure that is far higher than the accommodation capacity. In most cases, the people stopped spend three months in those camps and they then return onto the street, because the number of irregular migrants who are actually expelled is very small*».

³³<http://balkans.courriers.info/article12843.html>.

III - Returning, Expelling

While Greece and Turkey signed a re-admission agreement that came into force in 2002, and envisaged that each state party accept the return of migrants in an irregular situation intercepted in the other party State back into its territory, most of the forced returns from Greece to Turkey are not executed in application of this agreement, but rather, illegally. Once they are sent back to Turkey, migrants, regardless of their nationality, run the risk of being returned to their country of origin or to third countries. Returns to war-torn countries such as Afghanistan and Iraq have been denounced by human rights organisations³⁴.

According to a European Commission report³⁵, Greece holds the record for «*effectiveness*» in the removal of foreigners. For the 2005-2007 period, the «*effectiveness rate*» (the ratio between the number of actual expulsions and the number of expulsion decisions) was 260%. During that period, while there were 54,608 expulsion decisions issued, 141,777 migrants were deported. This means that nearly two thirds of the migrants expelled from Greece were sent back without them having received an expulsion order. The Commission explains this discrepancy through the existence of readmission agreements (in particular with Albania) that allow people

to be returned without a prior return decision: does this mean that Albania has readmitted over 87,000 people who were intercepted in Greece?

In the absence of further explanations, it is reasonable to wonder whether this figure also refers to extra-legal expulsion practices such as those observed at the Greek-Turkish border.

I. Expulsion of migrants from Greece to Turkey

Expulsions to Turkey outside the implementation of the readmission agreement

In order to implement the readmission agreement, the Greek authorities must obtain a quota of migrants that Turkey will accept to readmit into its territory from the general section of the foreigners' police department. As for Greece, it will have to prove that the migrants have passed through Turkey.

Authorities in both countries criticise the scant application of this agreement laying responsibility for its dysfunctions on the other party. The Greek authorities blame the Turks for systematically questioning where the migrants have come from, or for agreeing too late to their return (after the migrants detained in Greece have been released from the detention centre). The Turkish authorities defend themselves by accusing Greece of seeking

³⁴ Human Rights Watch, *op.cit*

³⁵ European Commission, *Third annual report on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders, and the return of illegal Residents*, 9 March 2009.

to send migrants to Turkey who have never set foot on its territory but have travelled through Libya instead³⁶.

The officials who we met in Ankara³⁷ claimed that Turkey had readmitted 15,146 migrants since 2002, in application of this agreement, but without telling us the number of requests submitted by Greece.

Mass arrests followed by illegal expulsions

Mass arrests in Patras and Athens

Many migrants have suffered these mass arrests in Athens and Patras, and have then been expelled to Turkey.

Round-ups usually take place in areas where there are large numbers of migrants, such as in Patras and the neighbourhoods in Athens with a high concentration of migrant population, like Agios, Panteleimonas, and Attiki in the city centre.

There was an exponential increase in raids in the capital during the months of May and June, with police patrols and roadblocks whose main purpose was to identify migrants. The government also issued public statements about its will to «clean» Greece of the problem of immigration. Numerous arrests followed, while controls based on physical traits greatly increased. The campsite in Patras was a target of this repressive policy as well. In June and July 2009, there were round-ups inside the campsite (police officers previously limited themselves to arresting migrants outside the campsite, in the harbour). Some of the

³⁶ They also stress the fact that among the requests made in 2003, Turkey had accepted to readmit 8,000 people, whereas Greece was only able to send back 2,225 migrants.

³⁷ Directorate general of the police in Ankara, Foreigners and asylum department.

people stopped were locked up in detention centres, others were illegally deported to Turkey, and a part of them were set free because the detention sites were full. This «migrant hunting» policy led to the «closure» of the Patras campsite after it was destroyed. It also created a veritable atmosphere of terror in Athens, where some migrants were the target of punitive actions by far-right groups.

According to testimonies that we collected, the practice of illegal deportation to Turkey had been used since approximately 18 months earlier in order to «clean» the places where migrants tend to gather. These arrests apparently take place at regular intervals, every month or month and a half.

We were able to collect accounts from the victims of round-ups in November and December 2008, as well as those in January 2009. These arrests are intensifying in some neighbourhoods, where they take place every two or three weeks.

In Patras, arrested people are placed in the police station or in premises inside the harbour. In Athens, they are locked up in the police station for as long as it takes to gather around one hundred people, in order to take them to Alexandroupoli by bus or by boat, and then make them cross into Turkey through the river Evros.

Expulsion operations across the river Evros

The migrants we met explained that they only stayed in detention premises in Patras or Athens for a few days before they were transferred to Alexandroupoli by boat or by bus. They were sent back to Turkey after they were stripped of any evidence of their stay in Greece (official do-

cuments, asylum seekers' cards, Greek transport tickets, items of clothing bearing a Greek brand, etc...).

Witnesses also described night-time operations: after ensure that there are no indiscrete eyes on the Turkish side, the Greek police officers make migrants board little boats in groups of 20 and then push the boats towards the Turkish part of the river Evros. The migrants are then abandoned in the middle of the night, without them knowing where they are, deep in the forest. Witnesses claim that they were then arrested by the Turkish police and detained in Tunca centre in Edirne.

Account by an Afghan national, a victim of round-ups in Patras and deported to Turkey.

Interview in Istanbul in November 2008

«I had been living in Patras for 4 months. I had tried to find work but it was very difficult. Then, in November, I was arrested by the police. The police arrested us all over town: they arrested me in the street while I was walking. I did not recognise them, they wore civilian clothes and no uniform. They bound my hands, so tight that I could not feel my hands anymore until I got to Turkey. They put us in a car and brought us to the police station. We stayed there for an hour, and they took us somewhere else. There were 23 of us. They took our fingerprints and said that they would prepare a document for us. They told us that they were going to take us to Athens. Then, in the evening, they made us board a bus. They picked up 15 people from another police station. We rode along for five or six hours, then we began to realise that we were not going to Athens. They told us that we had to go to Alexandroupoli first, and that we would then head back to Athens, for the documents. We travelled for 12 hours. They took us to Souflione. We thought that they were going to place us in detention and that we would be set free after three months, but then we began to understand that

we were being returned to Turkey. In Souflione, they put us in prison, conditions were really bad. They locked us up there, and there were 35 people already. There were 70 of us in total. We stayed there for two days. We had no blankets or mattresses. Then they brought 10 more people in. The women were elsewhere.

Two days later, they made us come out and sign some documents. We did not know what was written on them. Talking or asking questions was forbidden. People who tried to speak were beaten.

There was a child who spoke Greek, but they did not allow him to translate for us. They asked us where we wanted to go, to Athens, to Europe... I said to England. Then they made us sign the document.

After signing the document, they made us wait for two hours. We thought that they would release us, but another bus, an army bus, came and they made us board it. They closed the door. We looked outside and saw that there was another bus filled with people. Along the road, they stopped to pick up other people. It lasted 30 minutes. Then they made us get out. There must have been around 200 of us. There were armed soldiers waiting for us. They ordered us to go straight towards the river. They pointed their weapons straight at us. It was as if they were trying to be discreet, because they kept looking at the Turkish side to make sure there was nobody there. It seemed as though the Turkish authorities knew nothing about this. There was a small boat, and they made us board it in groups of 25. The boat went back and forth in order to take everybody to the other side. It was at night and we were in the middle of the forest.

2. Returns by Turkey towards third countries

Detention as a means to facilitate returns

Several reasons may prevent Turkey from effectively executing an expulsion decision: doubts about the nationality of a foreigner, refusal by the country of origin to issue a travel permit, or the financial cost of the expulsion. Hence, migrants may be detained for months.

In order to enable the expulsion of migrants, Turkey has signed a number of readmission agreements with the migrants' countries of origin: agreements are currently in force with Syria, Ukraine, Romania and Kyrgyzstan. Police cooperation agreements or «*memoranda of understanding*» that include clauses on readmission have been signed with Italy, Belarus and Georgia. Moreover, Turkey has commenced negotiations with a long list of countries with a view to signing readmission agreements with them, in particular with Ethiopia, Iran, Iraq, Libya and Azerbaijan³⁸. Apart from the readmission of nationals, some agreements may also provide for the readmission of migrants who only passed through the signatory country in transit.

The financial cost of an expulsion measure is a further difficulty that accounts for the fact that migrants coming from countries to which expulsion proves costly (in particular nationals of sub-Saharan African countries), may be detained for months without being sent back. Thus, Turkey demands that migrants facing expulsion to accept respon-

sibility for the cost of their return. In these cases, the practice of detention may be considered a means of coercion used to push the detainees or their families to pay for the return ticket at the earliest possible moment. Since there is no set maximum length for detention, foreigners may be detained for several months³⁹.

Refoulement of migrants to Iraq, Iran and Afghanistan

Turkish authorities find expulsions to Iran and Iraq less costly and easier to execute, as the two countries share a common border with Turkey. The two countries' nationals are deported there very conveniently, by bus, without the Turkish authorities expecting any financial contribution from the migrants. Once there are enough detainees to fill a bus from the Edirne centre, migrants of Iraqi or Iranian origins are taken back to Turkey's eastern borders. The report published by Human Rights Watch in November 2008⁴⁰ described the deportation of two asylum seekers from Iraq who, after they were sent back from Greece to Turkey and then detained in Edirne, were handed over to the Iraqi Kurdish authorities. They were jailed and tortured in Iraq.

Turkey also maintains good relations with Afghanistan and returns Afghan migrants on condition that they can afford to pay for their return ticket. However, Turkish authorities were unable to provide figures showing the number of returns per nationality⁴¹.

³⁹ Some figures are available in the HCA/RLAP report, *op.cit.*

⁴⁰ Human Rights Watch, *op.cit.*

⁴¹ Interview in the directorate general of the police, foreigners' department, interior ministry in Ankara on 25 March 2009.

³⁸ However, Turkey is unenthusiastic about signing readmission agreements with European countries and even more with the EU, as it is aware that only the member states will benefit from them.

Account by an Afghan national arrested in Patras in December 2008, illegally deported to Turkey then expelled to Afghanistan - Interview in Calais in August 2009

When I arrived in Athens I had no more money, I used to sleep in parks. Hence, I decided to go to Patras and to try to cross into Italy. I would run after lorries in order to hide beneath them and be able to board a ship. One night, the harbour police found me in a lorry. They made me get out and beat me very violently. They then took me to a detention camp next to the town of Komotini, the Venna detention centre, more than a day's bus journey away from Athens.

In the Venna camp, we were held in cells containing 30 people. We could leave our cell where there was neither air nor light for one hour every two or three days. There were only two phones outside the cells. The police kept insulting us, they called us «malaga» (an insulting and dehumanising term in Greek). When I first arrived in the camp, the police told me that I would be detained for three months. But they did not release me after three months had elapsed, and gave no justification for this. The Greek police officers only let me out after 6 months' detention. The police transferred me with 15 others (a Pakistani, 3 Arabs and 12 Afghans)* to a military camp near Alexandroupoli where several hundred people were locked up in a single room. We only stayed in that camp for a few hours. At around midnight, the soldiers called me and 50 others and made us board an armoured military truck. They brought us next to the river Evros, after a 1 hour and 20 minute journey. The Greek border police made us board small boats in groups of 20 and pushed us towards the Turkish side of the border.

We started walking through the forest without knowing where to go, we were afraid and we were cold. After walking for a few hours, we saw a house. So we asked for help, for something to eat. The owner of the house told us he could only help us after calling the police, otherwise he would have had problems. So he called the Turkish army and they arrived some hours later. They took us to the Edirne detention

camp. Ten days later, the police officers threatened to expel us to Afghanistan, and said that we had to pay for our plane ticket because otherwise they would deport us by land, leaving us at the border with Iran. Turkish police officers know perfectly well that there are many kidnappings of migrants in that region in order to extort money from their families. Sometimes kidnappers cut migrants' fingers or their nose because the money does not arrive. So I had my family send me the 500 dollars that I had to give the Turkish police to pay for my expulsion flight to Afghanistan. I was expelled on a regular flight, there were 20-30 Afghans deported and around 20 Turks who were going to Afghanistan on business trips. Once in Afghanistan I stayed in Kabul, I did not want to return to my region of origin, as it would have been too dangerous. A few weeks later, I resumed my journey to Europe.

Illegal deportations at the eastern borders

Some of the deportations taking place at the eastern borders are conducted in an illegal way: for instance, on 23 April 2008⁴², in the region of Silopi, the Turkish authorities requested the readmission of a group of 60 migrants into Iraq. The Iraqi authorities accepted the readmission of 42 Iraqi nationals and refused the other 18. The Turkish *gendarmérie* then forced the 18 migrants to leave Turkish territory by swimming across the Tigris river. Four of them lost their lives.

On 12 September 2008⁴³, services of the foreigners' police department in Van summoned a group of 25 Uzbeks, men, women and children, asking them to come and get food as well as school materials for the children. These people were deported

⁴² Website of the HCA/RLAP association, <http://www.hyd.org.tr/default.aspx?sid=17>.

⁴³ See the press release about the event by HCA/RLAP: <http://www.hyd.org.tr/?pid=677>.

to Iran on that very day. Police officers first confiscated their money and their personal belongings, then brought them into the mountains where they were forced to head towards the Iranian border under the threat of shotguns. Yet 22 people in the group were recognised had been acknowledged as refugees by UNHCR and were in order with the Turkish police services. On 22 September the group managed to return to Turkey. In testimonies collected by human rights associations such as Amnesty International⁴⁴, the women reported being threatened with rape by the police and the group explained that they had been held as hostages by traffickers for a week.

However, the authorities in Van arrested the same group again on 11 October, held them in detention for two days and then deported them to Iran on 13 October. All contact with this group was lost after that.

According to the local press in eastern Turkey, in the regions of Van and Silopi (on the Iranian and Iraqi borders), expul-

sions of migrants are fairly frequently. Neither the nationality of the migrants nor the legal bases for the expulsions are further specified.

IV - Dehumanising, Killing

Arbitrary detention in degrading conditions, physical and psychological violence, the risk of death at borders, roaming and waiting in uncertain living conditions, daily denial of their rights: these mark the migrants' «*epi*» journey on their way to Europe. The situation at the Greek-Turkish border is an example of these journeys, sown with pitfalls and sometimes punctuated by violent deaths.



Afghan camp in Patras - Greece - February 2009

⁴⁴ Amnesty International press release, «A group of refugees in need of protection», 14 October 2008, <http://www.amnesty.org/fr/for-media/press-releases/turkeyiran-act-now-protect-refugees-20081014>.

I.A dehumanisation process

Degrading living conditions and police violence

In Turkey like in Greece, detention conditions, humiliations and police violence turn detention centres into sites of dehumanisation.

In Turkey

The border between Turkey and the European Union starts in Istanbul. Migrants gather in certain neighbourhoods in the town: Aksaray is an almost compulsory stop for many migrants in transit. It is the place where they come together, where they prepare the crossing (like looking for information, preparation the journey, meeting the smugglers, deciding the details of the journey, etc.). Many migrants' testimonies were collected there.

Migrants in Turkey live in difficult and uncertain conditions, dangerous for their health and with disastrous psychological consequences⁴⁵. They cram into flats most of which have unhealthy conditions (insulation problems, fungus on the walls, invaded by cockroaches and other insects...) but without being able to escape exploitation at the hands of their landlords.

The journey into Greece is so perilous and unpredictable that migrants may continue living in such conditions for several months or even years. During this waiting period the migrants, most of whom are undocumented, fear being arrested and detained. So they survive in parallel and invisible

⁴⁵ Beyzad Yaghmaian, *Embracing the Infidels, Stories of Migrants on their Trip to Europe*, Delta, 2006.

worlds without any protection from all sorts of abuses, in particular by landlords, but also by employers who take advantage of this unregistered and cheap labour force. Acts of racketeering and harassment by the police have also been reported by migrants in Istanbul.

In addition to these destitute living conditions and violence, migrants have to face the hostility or indifference of Turkish society. While migration is a hot topic for debate in Europe, in Turkey, on the other hand, it is not a priority concern for society. The majority of the Turkish population have almost no idea about this phenomenon. The media are only beginning to approach the issue now, and some civil society organisations are starting work concerning the rights of asylum seekers and refugees.

Extract from an interview in Istanbul on 27/12/2008 :

«You know, you are not welcome in Greece. Some people tell you very harsh things, they get very annoyed with you. What they say is really harmful and depressing. Because you have prepared mentally for the journey, it is hard and dangerous, and you hope that this time you will get through. But when they catch you, you just collapse. You are depressed. If you start shouting as well, if you try to say something, they hit you. You know, we don't even ask them for some respect, but if they also hit you, you know...»*

The Turkish police, the gendarmes, they are really violent, they hit you hard. In their prisons, they don't give you any food, they don't give you anything. They don't care if you're old, if you're sick, if you're pregnant. You don't have the right to speak to them, nor the right to ask to go to hospital. If you do so, if you talk to them, they beat you.

Once, there was a detainee in our cell who was very sick. He was really sick, we thought he would die, he was unconscious, he did not move any more and did not answer. We started making noise to

alert the police, to tell them that he was dying. Four of them came and asked us what was going on. We told them that the man was dying. One of them had a bottle of water. He came in and emptied the bottle on him. He said: "He is better now". I don't know why he did that. When we were released, he was taken to the hospital and stayed there for over two weeks. That was in Turkey».

In Greece

After crossing the border and often after a period of detention, migrants head towards Athens and Patras in order to try to reach another European country (usually Italy). Here, again, their stay may last for some months or years.

In Athens, where they often come together by nationality, migrants concentrated in certain neighbourhoods in the city, where they generally live in extremely poor conditions. Unhealthy lodgings such as the «*Afghan Hotels*» (which served as a shelter for hundreds of migrants until it was closed down following a spectacular police operation in December 2008) represent waiting places where many migrants survive.

They are exposed to acts of violence by the authorities and the population alike. The increase in social tensions in Athens has turned migrants into a prime target for attacks and violence by far-right groups. The hostile attitude of part of the population towards migrants encourages operations referred to as «*neighbourhood cleansing*».

Living conditions worsen for those who cram into the Patras harbour with a view to trying to cross into Italy by sliding under the chassis of a lorry. Violence and harassment form part of their daily life. In Patras you often come across migrants with a swollen eye, a broken arm, bruises, traces of blows. When asked about their wounds, they answer «*the commando*», referring to the port police.

Thus, over 1,000 Afghans were awaiting a perilous and uncertain passage into Italy in a shantytown next to Patras harbour. On 12 July 2009, the camp site was razed, after months of police harassment. The migrants dispersed into makeshift shelters in the nearby town, awaiting a passage into Italy that is becoming increasingly difficult. Growing numbers of migrants give up on the idea of hiding under a truck and set off along the land route through Macedonia, Serbia, Hungary and Austria to finally reach Italy.

On the opposite side of the harbour, some 200 migrants who mostly come from Somalia, Nigeria and Palestine are in an even worse situation: they seek shelter under a tree under which they pile their belongings, they use cardboard to cover themselves and wait until they can resume their journey.

Deportations that deny any human dimension

The deportations towards Turkey of migrants caught in Greece are carried out in ways that disregard humanity. They are deported collectively, forced to remain silent for fear of being beaten, and turned back towards Turkey in an almost mechanical way, without even being asked their identity. They are treated like a burden that must be disposed of as quickly as possible.



Extract from an interview in Izmir on 22/03/09:

«I tried to get through ten times, but they returned me ten times, in the same way. You get really tired, you know. Every time you try, they send you back. You try again, they send you back again. I lost a lot of money, but most of all I lost all my energy along the way. It is really unfair. They send you back like that. Why do they think we try so hard to get through, just for fun, or what? After so much travelling and so much time, so many dangers, do they think we want to be sent back because we have no right to be there? If we had a choice, we would not come this far to be treated like dogs, what man would choose to go through that?»

Extract from an interview in Istanbul on 9/03/09 :

«They don't even ask you your name. They say nothing to you. There were 100 people in the prison. They send us back in boats, in groups of 30. There were three Iraqi women and a Somali one, all of them with children. They just don't care about doing that to children».

2. Deaths at the borders

Many migrants have died as a result of trying to cross the few kilometres that separate Turkey from Greece, along the sea or land routes.

According to the Fortress Europe press review⁴⁶, 1,074 migrants have died in the Aegean Sea since 1988, 112 people died of hypothermia as they sought to travel across the mountains in Turkey and in Greece, 92 people lost their lives in the minefields in Thrace, and 33 were killed by bullets fired by the border police. These figures that only take into account cases reported by the press, only reflect a part of the tragic reality. Determined to enter Europe, migrants seek to pass using increasingly dangerous routes, placing their lives even more at risk. Too of-

⁴⁶ <http://fortresseurope.blogspot.com/2006/01/fortresse-europe.html>.

ten they are deemed the sole guilty party for taking these risks, and are criminalised even though they have no choice but to risk their lives.

Many victims also perish during the sea crossing: to reach Greece by sea, migrants cram more than 20 or 30 persons into a boat. Grocery stores in the Basmane neighbourhood sell life jackets. If their budget allows it, some will buy one. Others have already paid all they had to the smuggler: a one-way journey to Greece in a zodiac boat costs 1,500 dollars, without any guarantee of arriving there alive.

The Greek-Turkish border is mined from Kastanies to Nea Vissa. According to an article in *Ta Nea* on 26 October 2006, 90 people died on that border because of the mines⁴⁷. Apart from the numerous deaths, one must also add those who are wounded. In the Alexandroupoli hospital, a «*cell wards*»,

Extract from an interview in Istanbul on 27/12/2008:

«Of course I'm afraid. Because it is a huge risk. Here we are talking about it as if it were a joke, but it is no joke. Really. Some people die here. When you walk to this border, you can see plenty of things. Others lose their arms and feet because of the cold. Some are seriously injured. It really isn't easy. You may believe in God, but anything can happen there. Anything can happen, and none of it is fair. The police really could behave better than they do. They don't have any reason to hit you. Because, basically, we don't do anything wrong. We travel because we don't have anything in our country. I just travel. We don't travel for drug trafficking or to become terrorists. We are simply people who want to go elsewhere. Because we really have nothing in our countries. You know, most of the people who leave their country like that have no idea of what they are going to find. If it's their first time there, even if you tell them, they won't believe you, because they won't believe that Europeans do things like that».

⁴⁷ European Parliament, STEPS report, *op.cit.*



guarded by police, is reserved for migrants: several of them stay there after undergoing surgery, which are often amputations. Once they leave the hospital cell, they are transferred to detention centres or return to the open air camps in Athens or Patras.

3. Roaming

The 150,000 migrants who breach the European borders every year through Greece are potentially condemned to roaming.

In accordance with the Dublin II Regulation, the country through which a migrant has entered the European Union is one of the criteria determining which of the EU states will be responsible for examining their asylum request. Migrants who have passed through Greece and managed to leave this country, hence risk being sent back there if their fingerprints have been recorded in the Eurodac database.

In effect, although the system for the protection and reception of asylum seekers is absolutely failing in Greece, several EU countries continue to returning migrants there. After a journey that often lasts several months to reach another European country, months to get to a country in which to apply for asylum, a forced return to Greece is sometimes carried out years later.

Back in Greece, the migrants find themselves in Athens airport, just with an asylum seeker's document on them.

They are condemned to roaming and most of them decide to leave Greece again, but as they are do not have a right to claim asylum in another European country, they will be condemned to the non-status of undocumented migrants.

An account of roaming gathered in Patras on 2 February 2009

K. left Afghanistan in 2006. He crossed the border with Iran, then the one with Turkey. After a six-month stay, he crossed the border into Greece: with a group of 100 people, he walked through the Evros region. He was arrested by the Greek police and detained in the Venna camp. His fingerprints were taken. He was released after three months and asked to leave the Greek territory within a month.

He then went to Patras, on his way to Italy where he said that he had always dreamed of living. He was returned twice by the Italian police, and the third time he managed to board a ship to Venice. After he was arrested in Venice, the Italian police took him to a reception centre.

K. believed it was the start of a new life, learned Italian, followed a course for integration into employment, but was sent back to Greece six months later in application of the Dublin II Regulation.

In February 2009, he was living in the Patras camp again, with the asylum seeker's document that he was issued in Athens airport, but which does not give him a right to anything.

He is trying to leave Greece again, to return to Italy.

K. ends up saying: *«I just need a place to settle down in. I can't believe that Europe is a shantytown in which you spend the day running after a lorry. I would like a place in which to start my future. I would like a place where I could finally stop running.*



Oujda : Buffer zone between Morocco and Algeria, airlock to Europe



Grave, Christian cemetery, Casablanca, Morocco, 2009



The drafting of this part has been provided, following a mission to Morocco (April 2009), by Jean-Pierre Alaux (Gisti-Migreurop) and Diane Kitmun, participant in the framework of the mobility programme of the association Échanges et Partenariats.

This section owes plenty to the work, documents and assistance of the Association Beni Znassen pour la culture, le développement et la solidarité (ABCDS), the Groupe antiraciste d'accompagnement et de défense des étrangers et migrants (GADEM), Caritas, Médecins sans frontières Spain (MSF-E) and the Association de sensibilisation et de développement des Camerounais migrants au Maghreb (ADES-CAM).

I - Controlling, Stopping

«Morocco is like a bank of migrants that it moves like others move capitals to make them yield», explains Hicham Baraka, of the association ABCDS (*Association Beni Znassen pour la Culture, le Développement et la Solidarité*), based in Oujda. It is in a prime location to observe these movements. The town is around fifteen kilometres away from the Algerian border, which has been officially closed since 1994. While the border post on the main road that leads to it stays shut, some routes across the fields are unceasingly used by the Moroccan law enforcement agencies to discretely «remove» more or less numerous groups of migrants who are stopped throughout the country from its territory. Generally, the law enforcement agencies leave them at night a few hundred metres away from or, at most, a few kilometres into Algerian territory.

In 2009, whoever speaks with migrants in an irregular situation, who are mainly sub-Saharan, inevitably hears stories about a number of these refoulements. Returns to distant places are relatively rare, but migrants are sometimes deported to the mid-

About systematic refoulements to Algeria

A few hours in the working class neighbourhood of Takadoum, on the outskirts of Rabat, are enough to collect the testimonies of a number of victims of «refoulements» to Algeria. Almost everyone has experienced them, often several times, even if they have only spent at least a few months in Morocco (Testimonies collected by Migreurop, Rabat, 18 April 2009).

- Sidi, 20 years old, Senegalese, in Morocco since 2002, 5 refoulements to Algeria;
- Malik, 29 years old, Senegalese, in Morocco since 2003, 7 refoulements to Algeria;
- Keita, 26 years old, Malian, in Morocco since 2006, 3 refoulements to Algeria, including one to the Sahara (700 kilometres in 15 days to return);
- K., in Morocco since 2002, 5 attempts to go to Europe (twice by climbing the fence in Melilla, three by sea routes), 5 deportations to Algeria next to Oujda;
- Ousmane, 25 years old, from Burkina Faso, one year in Morocco, 1 attempt to enter Ceuta, 1 refoulement to Algeria in Oujda;
- R., Malian, 23 years old, three or four years in Morocco, refouled each time he tried the crossing;
- K., in Morocco since 2002, 5 attempts, 5 refoulements to Algeria near Oujda;
- M., 4 attempts, 4 refoulements;
- C., 2 attempts, 2 refoulements;
- Fabien, 30 years old, Cameroonian, 6 years in Morocco, 5 refoulements;
- Fred, 33 years old, Nigerian, «at least» 4 refoulements to the area around Oujda.

dle of the Sahara or into the mined *no man's land* on the desert border with Mauritania, as happened again in the autumn of 2008. However, the deportations are most often even more symbolic than those practised by the states of the European Union affecting asylum seekers in application of the Dublin II Regulation. In both cases alike, it is likely that the majority of victims will return – it is a matter of a few months or weeks in Europe and, insofar as Morocco is concerned, of a few hours or days.

«It is a permanent game of ping pong between Morocco and Algeria», Hicham remarks. «Almost all the times people are stopped result in the police or gendarmerie carrying out this sort of operations with regards to which the Algerians look the other way. The foreigners are abandoned in the wild on the Algerian side. If they express some immediate whim to return to Morocco, some shots are fired in the air to dissuade them. On the other hand, sometimes, it is the Algerian soldiers who fire to push them back into Morocco as quickly as possible. In any case, those who are deported return there because it is where they seek to set off for Europe from». Deemed sterile insofar as the repression of irregular immigration is concerned, instead, these expulsions are a godsend for looters from all over the place and from both countries –civilian, police or soldiers- who, according to consistent testimonies, steal from the unfortunate migrants on both sides of the border. The first predators act ruthlessly in the police stations in Morocco during police custody. There, all the money that is not well hidden and mobile phones change hands, even when the models are not greatly liked.

Setting aside these small collateral benefits, this ping pong is of no use to Morocco, other than to act upon the EU's pressure in terms of fighting «illegal» im-

migration. This little «game» that consists in exhausting migrants and dissuading them from continuing their journey towards Europe is, in effect, highly appreciated by the European Union. A series of diplomatic and political-legal events during which EU representatives have presented agreements with Morocco and cooperation in the field of migration policy as exemplary bear witness to this. Referring back to just the last six years, one can note:

March 2003, the EU assigns its new «neighbourhood policy» with the goals of seeking «to ensure the good functioning and safe management of the future eastern and Mediterranean borders, to promote lasting economic and social development in the border regions and to pursue regional and transnational cooperation¹». The order of the goals clearly sets the hierarchy of priorities.

26 June 2003, Morocco adopts its 02-03 law «concerning the entry and residence of foreigners in the Kingdom, irregular emigration and immigration». For Moroccans, emigration without prior autorisation from their own territory became a criminal offence (art. 50). As for the irregular immigration of foreigners in Morocco, it is repressed using a model that was deliberately copied from French regulations.

In 2007, Morocco received 190 million euros to «support the priority goals of the ENP Action Plan²». For the 2007-2010 period, it was assured 654 million euros and the

1 European Commission, *Paving the way for a New Neighbourhood Instrument*, 2003, http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&type_doc=COMfinal&an_doc=2003&nu_doc=393&lg=fr

2 European Commission, *The European Neighbourhood Policy – Morocco*, MEMO/08/211, 3 April 2008, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/211&format=PDF&aged=1&language=FR&guiLanguage=en>

promise to pass from a status of normal association with the EU to one of «advanced association» designated to be progressively included within a «common economic area»³.

In October 2008, the principle of «advanced status» is granted during the 7th EU-Morocco Association Council. The EU «welcomes the efforts by Morocco to tackle illegal immigration, which have led to a substantial decrease in the flows arriving from this country»⁴.

In the kingdom, between 10,000 and 15,000 people are supposedly foreigners in an irregular situation. A derisory figure, if considered in relation to a population of 34 million inhabitants. It is hence not mainly for its own interests that Morocco persecutes sub-Saharanans, all the more so as they do not intend to settle there. Moreover, if sub-Saharanans represented a vital threat for the Rabat authorities, nationals from the Ivory Coast, Mali, Niger and Senegal would not continue to enjoy an exemption for short-term visas.

According to the Algerian academic Ali Bensaâd⁵, «*irregular migrations concern Maghreb-country nationals including Algerians more than sub-Saharanans, while the focus is laid upon the latter, and the official discourse in Maghreb countries has found them to be a means of concealing the guilt of the tragedy of their own migrants by "transferring" it onto the sub-Saharan 'scapegoat'». He feels that it is a «backlash» in countries «where the clandestine was someone else, the sub-*

Sabaran». The repression of this «scapegoat» by the Maghreb states seeks to ensure them a «geographical revenue for the protection of Europe from which to draw political dividends»; for Libya, it is «reintegration into the international arena»; for Algeria and especially Morocco, economic and financial benefits.

Even if they can serve as a tree capable of concealing the forest of Maghreb-country emigration, from official figures one finds that there are sub-Saharanans in almost half the interceptions of migrants who set off irregularly from Morocco⁶. According to Mohamed Khachani, researcher and president of the *Association marocaine d'études et de recherches sur les migrations* (AMERM, Moroccan Association of migration studies and research), during 2007, out of around 15,000 interceptions and attempts to leave towards Europe, a little less than half involved Moroccans⁷. In application of the 2003 law, they are liable to pay a fine of between 3,000 and 10,000 dirhams (approximately from 300 to 1,000 euros) and to imprisonment for between one and six months, without prejudicing possible penal prosecutions. These measures are far from being merely symbolic if one is aware of the role of irregular immigration in the main Moroccan communities in Europe. Thus, the number of Moroccans without a residence permit was estimated at 100,000 in Spain in the year 2006 (for 500,000 regular migrants). In France, where there are 800,000 Moroccans, they are, behind Algerians, the second foreign community that is most hit by expulsions (3,742 people held

³ Council of the European Union, *Joint EU-Morocco document on the reinforcement of bilateral relations/ advanced status*, October 2008, http://ec.europa.eu/external_relations/morocco/docs/document_conjoint_fr.pdf

⁴ 7th EU-Morocco Association Council, European Union declaration, 13 October 2008.

⁵ El Watan, «Harraga / Hagarra: le binôme du désastre», 16 March 2008, <http://www.elwatan.com/Harraga-Hagarra-le-binome-du->

⁶ Le Matin (Morocco), «La migration subsaharienne au Maroc: quel état des lieux?», 26 March 2009, <http://www.lematin.ma/Actualite/Journal/Article.asp?idr=110&id=110326>.

⁷ Ibid.

in detention in 2007, according to Ci-made).

Hence, Morocco's control of emigration movements from its territory quantitatively affects its own nationals at least as much as nationals from other countries. This blocking of national emigration is particularly paradoxical in a country in which, according to the World Bank, unemployment affects 20% of the urban population, particularly young graduates, precisely those who are most willing to conceive leaving as the only possible escape from the deadlock in which they are stuck.

This shows up to what point the European Union has imposed its needs upon Morocco, as it also has upon its Algerian and, to a lesser degree, Libyan neighbours. A year after the publication of the new Moroccan law on immigration, in December 2004, the EU released 40 million euros for a cooperation programme in the field of «border control management» based on institutional support (Directorate on immigration), training, awareness-raising campaigns and equipment (radars, infrared cameras, electro-magnetic, seismic or acoustic sensors, 4x4 vehicles and lorries, etc.). These funds were finally paid out in 2006 alongside an additional envelope of 30 million euros.

Sub-Saharanans are the collateral victims of a Euro-Moroccan policy that far outweighs their own cases. In 2004-2005, they were subjected to 20,000 particularly harsh refoulements⁸. In this period when Morocco had to demonstrate its «good will» towards Europe, it did not hesitate, partic-

⁸ Panapress, «Le Maroc appelle à un plan Marshall pour l'Afrique noire», 12 October 2005, <http://www.afrik.com/article8788.html>.

ularly after the events in Ceuta and Melilla, to multiply deportations to the middle of the Sahara with deadly consequences that aroused the disapproval of human rights defenders and the press throughout the world. At the time, several hundred expulsions were recorded, mostly collective, towards countries of origin. Even at the time of this hard phase of repression, it had been inevitable to recognise the evidence: overall, the migrants returned.

Morocco and its taskmaster, the European Union, had to adjust their aim, as their respective images were being seriously damaged. Today, these «removals», which are probably just as numerous, are far less spectacular. For migrants, they mainly resemble harassment or exhausting and costly punishment. For the Moroccan authorities, they arise from a tactical gesture, or even a form of speculation, to return to Hicham Barakas metaphor. When necessary, the market is that of aid from the European Union and, secondarily, that of an underlying conflict with Algeria in several fields among which migratory movements between the two countries is not the main one.

Since 1994, the official border post of Zouj Bghal, a few kilometres away from Oujda, is among the most closed things that exist⁹. Chicanes, barriers, armed police officers and soldiers wearing a variety of uniforms make its closure spectacular. All along the road that leads to it, there are

⁹ In 1994, after the attacks known as «of the Atlas Assni hotel» in Marrakech, in which some French with Algerian origins had participated, the Moroccan authorities organised a vast operation of reprisals and expulsion of French with Algerian origins and of settled Algerians or those visiting Morocco. A visa requirement was also established for Algerian nationals. Algeria immediately introduced reciprocity on visas and replied by closing down its land border with Morocco.



La valla-November 2008, heavy rain has destroyed groundwork of the fence, Melilla Spain, 2008

fuel sellers, posted in front of their drums, which turn the reality of the closure into something relative. Like the sub-Saharan arriving for the first time or their equivalents returning after «removal», like traffickers of all sorts of more or less lawful products for consumption, they have used the small paths that start running from a few dozens of metres away from this comedy border point. If Morocco sought to control or block migrants, they would undoubtedly engage in a different way to surveil their movements at night starting from the Algerian city of Maghnia, «the 'small Algerian Sangatte'»¹⁰. Located around ten kilometres away from the border, it is, as is notorious, the place where many of the Africans and Asians who seek to use the Mediterranean coastline of the kingdom as a platform to set off towards Europe gather. Moreover, when the Moroccan law enforcement agencies wish to do so, they can. If some Eu-

ropeans walking along paths get too close to this border that is permeable for sub-Saharan, they are immediately spotted by some invisible observers to the orderlies of the small countryside posts, who intercept them straight away. This double dealing in border controls undoubtedly also applies to the Saharan border with Mauritania. In 2009, from different association sources, a fresh upsurge can be observed in the arrival of first-time migrants coming from this region that is nonetheless under strict military control due to tensions concerning the Western Sahara.

Thus, Morocco only slightly controls the entry of sub-Saharan into its territory. Is this because there are not so many of them? Might it have drawn a lesson from the experiences of its European mentor and taskmaster? Although they are equipped with far superior means to its own (legal, and in terms of police and equipment), the EU's main countries do not manage, or do so only slightly, to stem the flow of thousands of people leaving their countries from eastern Africa, central Asia and

¹⁰ Salah Ferhi, *Maghnia, est-elle la "petite Sangatte" algérienne?*, September 2008, www.reseau-terra.eu/IMG/doc/FERHI.doc

the Middle East a part of whom, after more than ten years, end up on the coasts of the Calais region after having crossed the continent.

While it does not stem their arrival, Morocco has managed to block these migrants. «Rather often, transit becomes a stay that is more or less lengthy in difficult conditions», stressed researcher Mohamed Khachani in 2008. «The difficulties posed by the crossing of the Strait [of Gibraltar] or of the ocean towards the Canary islands turn Morocco into a permanent stopover for sub-Saharan migrants. According to a study by (...) AMERM, the average length of the stay in Morocco is of around 2.5 years for the overall number of interviewed sub-Saharan migrants. Around a quarter (24%) have a migration seniority of 4-12 years»¹¹. For around ten Africans interviewed in the streets and in two «bomes» in the Takadoum neighbourhood in Rabat in April 2009, the average was five years. Associations confirm this trend towards forced longer stays, that entails an increase in the number of people who give up, who remain very much a minority. This currently translates into an increase in people who contact the International Organisation for Migrations (IOM) with a view to «voluntary» repatriations. Omar Diao, a Senegalese and a social worker, deems that five sub-Saharans arrange an appointment with this institutions services every day. Generally, this step would take place after an average stay in Morocco of at least five years. However, he clarifies, «when five leave, there are ten others who arrive. For example, yesterday twenty new arrivals have become permanent». In September 2008, the IOM set the number of beneficiaries of its assistance for returns at 1,286, 850 of whom during the year 2007. It was essentially Malians and Senegalese (1,178)

¹¹ Mohamed Khachani, *La migration clandestine au Maroc*, Analysis and summary notes Carim 2008/50, http://cadmus.eui.eu/dspace/bitstream/1814/10094/1/CARIM_AS&N_2008_50.pdf

who expressed interest for this programme¹². Some may request reinsertion assistance that may be as much as 600 dollars (migrants, rather, mention a figure of 400) that most deem insufficient to be an incentive.

«If I wish to go to Europe at all costs, I would not rent a room in Rabat on my own. I would save up.», a Cameroonian answers about the future that he imagines. After six years in Morocco and four unsuccessful attempts, one of which dramatically ended with the death of one of his travel mates, he hesitates to roundly state that he may have definitively given up on his initial dream. However, he is not sure that he has firmly made up his mind about this. He simply notes that this is not, as it was before, his fixation. For all that, it is out of the question to envisage returning to his country of origin.

His only document is his passport without any visa. Curiously, it protects him when there are controls, undoubtedly because the few Blacks possess one. For him, like for a minority of migrants from Africa who, out of lassitude, end up putting up –unless they settle– in Morocco, it is unimaginable to dream of obtaining a residence permit. Since June 2003, the date when the immigration law was adopted, no implementation decree has been published. This does not stop, as the *Groupe antiraciste d'accompagnement et de défense des étrangers et des migrants* (GADEM, anti-racist group for the accompaniment and defence of foreigners and migrants) stresses, «some of the most repressive measures, like the condemnation of so-called “clandestine” emigration and immigra-

¹² IOM Morocco, quarterly bulletin no.7, October 2008, http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/rabat_newsletter_fr.pdf.

tion, from being applied, while the collection of measures allowing the establishment of procedures (...) granting some guarantees to migrants (...) are almost never implemented¹³. The issuing of permits thus depends on favours. No long-term irregular sub-Saharan resident would consider applying for one. Morocco does not do anything to attract or to stabilise this category, minimal for the time being, of guests that it inherits as a consequence of a policy that is driven according to other interests than its own.

II - Holding, Detaining

Fabien has been wandering around Morocco for five years. In Melilla, a minuscule (13 km²) Spanish possession in the Moroccan province of Nador (eastern Rif) next to the Mediterranean, he has tried to breach the closure three times – 12 kilometres of parallel walls with wire fencing, crowned by barbed wire and packed with electronic devices. This Cameroonian who is around thirty years old only managed to enter the Spanish enclave once, but he was quickly ejected back to where he came from. After each attempt, the Moroccan police «removed» him by force to Algeria, a little further than the border at the level of Oujda. He returned from there straight away. After a year in Melilla, Fabien learned that Ceuta, the other minuscule (18 km²) Spanish colony in Morocco, would be

more accessible. He walked for 21 days to reach it. 15 kilometres away on the opposite coast of the sea, there are Gibraltar and Algeciras. But the eight-kilometre fence that protects the peninsula is just as sophisticated as the one in Melilla and more complicated to breach due to the uneven terrain.

The only alternative to the impossible climbing of the fort, is the sea route. Embarking onto a dinghy or entering the water at night in a life belt near to a seaside town on the Moroccan coast from one of the favourable points that is known only to specialists. Navigating or swimming without being spotted. If everything goes well, landing on this bit of Spanish land at the edge of Africa. Then awaiting admission into «Spain», the real, continental, one. This is the plan, or rather, the dream.

For a payment of 1,200 euros, some Moroccans and Algerians offer their services to tow a device comprising two life belts bound together by a rope. The swimmer on the lead rubber ring makes the towed person clinging onto the trailing life belt pay. But as soon as a Moroccan or Spanish police boat appears, the mercenary smugglers abandon their clients in the high sea. Among sub-Saharan, there is no chance of betrayal. It does not serve anyone's interests because, in the most likely case of an inspection, there is «equality of treatment»: smugglers and smuggled are both dropped off in Algeria, next to Oujda.

«With a friend, we discussed the interest in learning to swim to avoid relying on smugglers», Fabien recalls. They found an irrigation or fish farming pond «that was 1.20m deep». They trained there. «The departures take place at around 1 or 2 a.m., when the surveillance forces

¹³ GADEM (Rabat), *La chasse aux migrants aux frontières sud de l'Europe*, June 2007.

are meant to be a little tired. There is a swimmer and his passenger. The tower gets into his bladder [inner tube of a tyre] and swims with some flippers. Behind him, the passenger allows himself to be towed inside his own bladder. Between the two, there is a rope».

Fabien has always been «unlucky». Sometimes, he was stopped at sea; on other occasions, on the Spanish beach from where he was returned to the Moroccan authorities. «Generally, the Spanish take us on board to later drop us off in the water near to the Moroccan coast, around 50 metres or 30 metres away from the Moroccan shore. They then block the way to force us to go there. Afterwards, we are refouled to Oujda, and we walk 600 kilometres to come back».

Fabien's story is emblematic. Because in it, Morocco appears in the position of the sub-contractor, which is effectively its function. It takes its orders from the Spanish who, in turn, are entrusted with this task by the European Union and do not hesitate to use expeditious solutions – illegal, if necessary - to protect their coasts and to send back migrants found in their territorial waters to Morocco. This daily pressure by a European state and, through it, by the whole of Europe on the African continent reflects a history that is by now lengthy, of negotiations and blackmail with regards to the economic partnership that dates back to the 1990s. Since 1992, Spain has managed to sign an agreement with Morocco concerning the movement of people in transit and the readmission of foreigners who have entered it illegally. In 2003, joint Moroccan-Spanish patrols have been set up in the framework of the SIVE (Integrated Electronic Surveillance System) programme launched by Spain in 1998. It spreads across Spain's entire

Ceuta and Melilla, fortified in the name of free movement

Located on the Moroccan Mediterranean coast, Ceuta (opposite Gibraltar) and Melilla (further east) belong to Spain and, as such, are part of the European Union. That is where their attractiveness lies for third-country nationals who wish to enter continental Europe without risking their lives in perilous crossings of the Mediterranean. This is because in the past, sub-Saharan migrants who managed to unlawfully enter these bits of Spain could look forward to being transferred to continental Spain. Today, except for exceptional cases, the chances of enjoying this sort of dispatch to Spain are scarce: generally, the Spanish send the few chancers who manage to enter Ceuta or Melilla by taking increasingly large risks of getting injured or drowning back to Morocco. But the dream lives on.

The very small minority that the Spanish do not refuse is admitted into centres of temporary stay for migrants (CETI) that ensure they have nourishment and accommodation. Language courses, legal advice and sports activities are also offered. The people taken in can generally leave the centre at the authorised times after undergoing some checks (scanning of their card's bar code and their fingerprints). There are hence a few hundred of them wandering «freely» in the streets, some of them improving their normal conditions through small moonlighting jobs. At the end of the more or less lengthy assessment of their request for admission to reside in Spain, almost all of them are issued an expulsion order, whether this is to their country of origin or to Morocco, through which they have travelled, in application of a bilateral readmission agreement.

This is because in the spring of 2008, after 18 months in detention for most of them, 67 Indians decided to leave the CETI in Ceuta to seek refuge in the nearby forest, in Spanish territory, to try to avoid being expelled. «It is inadmissible for Spain to deport us after having made us lose 18 months of our lives», their spokesman* argued. In April 2009, they «celebrated» the first anniversary since they went into hiding in some huts that resemble those of the Moroccan «tranquillos» or the «jungles» in north-western France.

southern border, from the Canary islands to Almeria, passing through Ceuta and Melilla.

In this way, Morocco contributes to the control and surveillance of the European Union's southern borders. There, sub-Saharan migrants are the victims of permanent police harassment. «Peculiarly, some particularly spectacular raids have taken place, in repeated fashion, at the time of meetings or official visits of a European character», notes Hicham Baraka, president of the ABCDS association, thus highlighting the degree of opportunism that Moroccan «good will» contains. Again, pure intention to please with the adoption in 2003 of the law best known by the name «02-03», concerning the entry and residence of foreigners, immigration and irregular emigration. This copy of the French regulation is a further opportunist concession granted to the European Union, at the price of a colonisation by consent of Moroccan legislation. There are two reasons for this new comedy: first, obviously, imitating Europe to please it; then, at its request, to appear to become a state governed by law by codifying violence. It goes without saying that the European Union would never gang up with a rogue state... Appearances suffice for this exchange of good behaviour. This law is massively ignored by the police, the justice system and all the administrations that are supposed to implement it. Arrests, detentions, expulsions, are thus carried out outside of any legal framework.

«It was Friday 25 April [2008], at around 5 p.m. in Rabat, when the plainclothes Moroccan police stopped us. I was grabbed by my trousers' belt. At first, I thought it was an attacker. I wanted to defend myself. That's when the gentleman in question told me that it was the police and that it

was a raid, that we had to get into a police car. I told him that I had my papers. He told me that he did not need them. It was the same for the others who were arrested. They took us to the 3rd district police station, where tensions were running high in a humiliating atmosphere. They confiscated our mobile phones to stop us communicating and used threatening words when we showed them our refugee documents as if to say that these papers were not valid here in Morocco and they didn't give a shit about them, the inspector said. However, we had already alerted UNHCR. There were 60 of us. They freed the students who had residence permits first, then, after long discussions between them and the inspector, they asked "who are the ones that have refugee cards?", and after checking them in the presence of a representative of UNHCR-Rabat, they freed us»¹⁴.

This carelessness with regards to rules was such that it ended up causing embarrassment for Europe. Brussels was made to glare at it and recommend a bit more decency, at least for the benefit of refugees, whose persecution is even less tolerable as there are only a few more than 800 on the entire Moroccan territory. Respecting their international status is thus not very costly. Since 2008, refugees stopped during raids are hence spared from removal even if they do not possess any authorisation for residence and must settle for a UNHCR certificate, about which the agency deems it a great advance for it to no longer be a paper, but rather, now coated in plastic. But everyone, refugees, asylum seekers or «ordinary» migrants, continue to be stopped due to their features without

¹⁴ Testimony presented to the member associations of the Euro-African manifesto on migrations, Rabat, 8 April 2008, cited by GADEM, *Rapport relatif à l'application par le Maroc de la Convention internationale sur la protection des droits de tous les travailleurs migrants et les membres de leur famille*, February 2009

their identity or administrative situation being checked. The colour of their skin makes it possible to assume the irregularity of their situation. It also happens that some arrests are justified on the basis of the regulation that was abrogated by law 02/03, as is shown by records from 2007 based on the out-of-date dahir [Berber law] of 16 May 1941.

While, following the French model, the law provides for the setting up of detention centres, detentions take place in police stations, any sort of country houses or, in the case of particularly large-scale raids such as those in late 2005, in barracks. «*Twelve people in a three-by-four metre cell (). It's a cellar. You don't know if it's daytime or night. You are in a basement where you are entirely removed from the world of the living. In 2007, when I passed through there, there wasn't a lightbulb there. There, there were high-intensity lightbulbs that shone in the daytime and at night. () A small pipe with a mix of several materials. You didn't know where this water came from, but that was the water you drank. () It's a water that tastes very bad () once you were in the cell, you couldn't escape the lice. () The water from the toilets advances towards those who are pressed against the toilets, not to speak of the smells. () You are forced to endure all of that. ()*»¹⁵.

The reasons for the arrests and refolements are not notified, which prevents any possibility of appealing before the courts. As confirmed by S., «*during an attempt to enter Ceuta, I was arrested and held in a cell for six days in difficult conditions and without access to a lawyer or the chance to contact my embassy*»¹⁶. M.

¹⁵ Testimony of J., Rabat, cited by GADEM, *Rapport relatif à l'application par le Maroc de la Convention internationale sur la protection des droits de tous les travailleurs migrants et les membres de leur famille*, February 2009.

¹⁶ Testimony of S., Rabat, cited by GADEM, *Ibid.*

also testifies: «*I was detained for 15 days, without the possibility of contact with the exterior in spite of repeated requests, before being refouled towards the Algerian borders*»¹⁷. The indifference with regards to the law spreads like gangrene all the way to the justice system. «*Two days in police custody and six days to be refouled, without having been judged or having been able to see the prosecutor*»¹⁸. The testimonies of physical violence are too numerous to leave any room for doubt. The same is true as regards thefts or the destruction of goods by the police, *gendarmérie* or soldiers: «*Over the four days, I wasn't interrogated. But I was beaten up, a Cameroonian remembers. The commander came. He said, 'is it you who smuggles? [who is a smuggler]'. After that, he said 'Your brother is dead, have you seen? He's dead, he's dead? Your brother has died. You will die soon, I expect that you will die soon'. That night, some Algerians who were stopped arrived. They beat them. They broke their mobile phones. Mine was hidden*». This does not stop some officers from sometimes showing a bit of humanity. «*On the first night, the commander bought us some bread and milk. On the second night, there was an elder gendarme who I knew because, having already been refouled four times, I had met him under the same circumstances. He said to me '4 times!'. He agreed to charge my mobile.*»¹⁹

Most of the time, the arrests end with refolements to the Algerian border. «*When they refole us, they take everything, our money, our mobiles and even our shoes*», stresses Minister, a young Nigerian who has been in Morocco for nine months already. «*They force us to go to the other side of the border, in*

¹⁷ Testimony of M., Rabat, cited by GADEM, *Ibid.*

¹⁸ Testimony of T., Rabat, cited by GADEM, *Ibid.*

¹⁹ Testimony collected by Anne-Sophie Wender, Ci-made, Rabat, 18 December 2007

Algeria. Then it is the Algerians who push us back into Morocco». Victims of this game of ping pong between Morocco and Algeria, the migrants return to Oujda and try to set off again in their journey towards Europe. Plenty of them then find themselves stuck only a few kilometres away from the Algerian border, almost compelled to stay in Oujda. Firstly because they are very often stripped of their money and most precious goods by the Moroccan and Algerian law enforcement agencies or by ordinary criminals, and can no longer buy train or bus tickets to to the point where they were arrested, which is, as in the cases of Casablanca, Rabat or Ceuta, several hundred kilometres away from Oujda. Those who have avoided these thefts, as sometimes happens in Europe, soon bump into rail station and road staff who have clearly received orders to check their identity and the regularity of their presence in order to limit their movements. The migrants thus face great difficulties to travel. *«If one is not checked when buying a ticket, it almost always happens once they are on the train, especially on those leaving from Oujda towards Rabat»*. They will then be «invited» to get off the train or reported to the police, during checks that are carried out outside of any legal basis.

The ABCDS office that is active in the region confirms the setting up and maintenance of a very strict control of communication routes leaving Oujda by the Moroccan authorities, in order to block the movements of migrants who pass through there. Due to this, the city has a large migrant population, who mostly come from Africa and particularly from Mali, Nigeria, Cameroon, the Democratic Republic of Congo and Ivory Coast.

III - Dehumanising, Killing

Because Europe asks it for this, Morocco settles for keeping foreigners who do not want to stay there in its territory. The Moroccan authorities boast about preventing 4,811 attempts to enter the European Union illegally in 2007²⁰. However, as it is a state governed by the rule of law only potentially or undergoing a difficult gestation process in this direction, «blunders» -which are not something exclusive to it- are plentiful. This is the price of effectiveness.

Among the crimes that are best known, as it goes without saying that others go unnoticed, there is the tragedy of Al Hoceima in April 2008. In two dinghies, 183 emigrants – including 117 sub-Saharan and 69 Moroccans – took to the sea heading for Spain. At around two o'clock in the morning, one of the two vessels was intercepted by the Royal Moroccan Navy and towed towards the coast. The second one did not stop. *«We continued on our way for a few minutes. The Royal Navy followed us at the same speed. The soldiers equipped themselves with a rod to which they had attached a sharp object. They deliberately pierced the inflatable dinghy»*²¹ says Éric, a 37-year-old Ivorian, one of the survivors. In a few minutes, one side of the Zodiac deflated, causing it to capsize. A soldier then cried out to the migrants: *«Now you can continue along the route to Spain...»*. This trag-

20 RFI, «La stratégie marocaine en matière de migration», 29 May 2008, http://www.rfi.fr/actu/fr/articles/101/article_66864.asp.

21 AFVIC, *Rapport relatif au naufrage de migrants au large des côtes d'Al Houceima dans la nuit du 28 au 29 avril 2008*, 19 September 2008, http://www.algeria-watch.org/pdf/pdf_fr/afvic_mai_2008.pdf.

edy ended with the death of between 29 and 33 sub-Saharan. Among them, four women and four children.

The dehumanisation of migrants that is inherent in their repression does not just do away with restraint in the sadistic attitudes among Moroccan law enforcement officers. Their Spanish counterparts also use them to «entertain themselves», sometimes in a deadly manner. Fabien remembers what happened to him on 25 September 2007 in Ceuta, during his last attempt to enter Spain with the help of «bladders» (the inner tubes of tyres). On that night, two «teams» of them had entered the water. The other was led by an Ivorian man. Some time after they set off, they were spotted by the Moroccan navy. *«We started to swim, swim, swim, swim. Some Moroccan soldiers realised that there were people in the water. They started to search the night with their torches without seeing us. After so much swimming, I was already on the Spanish side of the water. There, they could not stop us any longer. There wasn't any Spanish boat. I swam, swam, swam. I was 50 metres away from the Spanish beach. That is where the Spanish boat arrived. It stopped us. It started to deal with the Ivorian who I had caught hold of again.»*

Finally, the *Guardia Civil* intercepted them. *«Well, but fate worked against us. We were already near the shore, but it speeded up and came to block us. This pushed us back into the high water. I got hold of the mother and made her climb onto the boat that I got onto myself, straight afterwards. The Senegalese and the Ivorian were lying down, tired».* Fabien will not forget what followed soon: *«Having reached the Moroccan side, instead of leaving us near the beach as usual, we remained in the high sea, a lot further away, a lot further. Something struck me, he took out a knife and started slashing all the inflatable inner tubes. When he pierced the bladders with the knife, I*

thought we were lucky. Because, usually, when you see the Guardia throw away the flippers, piercing the bladders, this means that they will take you back to Spain. But he only left one inner tube intact. It was the mother's inner tube. He placed it around the mother, whom he pushed into the water. He went to look for the Senegalese, who shouted that he could not swim without his bladder. But he pushed him. The Senegalese grabbed hold of an iron bar from the boat. In the meantime, the second Guardia pushed the Ivorian. As for me, I got ready to jump in, but I wanted to see what happened to the Senegalese. He started banging with his fingers. When he fell into the water, I jumped in. The Guardias laughed as they put us in the water. As if it were the cinema. I heard the cries of the Senegalese man twice, or three times. He surfaced again three times. I was very tired myself. I started drinking mouthfuls [of water]. I shouted out at the women to move to get closer with the life belt. I grabbed hold of it. When the Guardias finally realised that it was a serious matter, one slipped on his life jacket and jumped into the water. In that moment, the Senegalese man already looked dead, floating on the surface.

I swam, swam, swam, swam and reached the beach. While I approached, I noticed some Moroccan soldiers making gestures. The Guardia also swam, with the Senegalese. He laid him down on the beach. Then the Guardia saw that the man from the Ivory Coast was about to drown as well. He set off again to rescue him. He laid him down somewhere. The boat got closer to the beach. The Guardia tried mouth-to-mouth resuscitation to revive the Senegalese. He pumped his stomach, pumped his stomach, pumped his stomach. Nothing. He left him to take care of the Ivorian. He touched him on the neck, surely to check if he was still alive. He returned towards the Senegalese. He realised that he was dead. I



Camouflage – December 2007, almost 200 Bengali migrants threatened to being deported, leave every night the CETI (Centro de Estancia Temporal de Inmigrantes) and return to the chabolas, sheltered from view, Melilla, 2007

started shouting "They killed him, they killed him". The lady stopped me. She told me: "If you shout, they could kill you". I calmed down.

A Spanish ambulance arrived. They opened the fence [that protects Ceuta] to reach the beach on the Moroccan side. They took the corpse of the Senegalese into the ambulance, and they left through the fence. A soldier then came to touch me. "It wasn't us who killed your friend!"²².

The outcome of this little «game» by the *Guardias* who lost their rationality as a result of the orders to stop and inspect migrants at any cost: one death; three other migrants

who went close to it. Fabien analysed the state of mind that presides over such monstrosities very well. He said that he and those like him are «objectified»²³ and that, with this degrading metamorphosis as a starting point, the worst things become possible.

These worst things occur on a daily basis without any need for perverse individual acts. The states of the European Union «objectified» migrants a long time ago. They no longer conceive them as anything other than masses of «illegals» who must be neutralised, against whom they deploy military and surveillance means. Faced by walls and electronic eyes, patrol boats, by aeroplanes and helicopters, migrants only have the choice of risking their lives. Because the possibility of dying does not stop them. «In spite of her age, the mom who nearly drowned in Ceuta with me, do know that she wants to try again one day», Fabien confides. The same applies to the twenty or twenty-five Malians piled into a room in the Takadoum neighbourhood in Rabat that they call «home»: they all recall the departure of friends who have

²² Testimony collected by Anne-Sophie Wender, Ci-made-Morocco.

²³ Testimony collected by Laetitia Tura, photographer, and Hélène Cruzilla, director and editor, during an audio-visual work that is underway concerning sub-Saharan migrants in Morocco: www.territoireenmarge.fr

no longer shown any signs of life; many of them have already experienced shipwrecks; almost all of them have been intercepted at sea in the previous months or years. But this does not change anything: «*That's how it is. We don't have a choice*». And they explain that, in spite of everything, when they receive news of a successful crossing, they will hurry if they have the money required. «*When a dinghy succeeds, it's the right time to try*». Omar Diaó wonders: «*How many deaths are caused by the slightest bit of good news?*».

How many deaths? Nobody knows. According to a partial record kept by Fortress Europe²⁴ on the basis of information published in the international press, we are certain of the death in 2008 of 1,502 migrants in the Mediterranean and in the high sea off the Western Sahara. In the 1998-2008 period, the same method threw up a figure of 14,639 immigrants who have died at the European borders, 6,309 of whom have disappeared at sea.

In Oujda, Ethan, a young 23-year-old Nigerian, tells the story: «*We were no longer very far from the Spanish coasts when we had an accident. A wave capsized us, there were 60 of us on board. Only 15 survived. The others died, and among them there were several pregnant women... Earlier, in the desert in southern Algeria, there were deaths as well, many deaths, too many... I was travelling with a group of 75 passengers distributed in three jeeps. Two of them got lost. Some survived by drinking their urine, but the others...*». At sea, Ethan was rescued by the *Guardia Civil*. At the time, he was only 15 years old. Taken into charge because he was an unaccompanied minor, he ended up obtaining a

²⁴ Fortress Europe, «*Immigrés morts aux frontières de l'Europe*», press review, 1988-2008, <http://fortres-seurope.blogspot.com/2006/02/immigrs-morts-aux-frontieres-de-leurope.html>

How many deaths? by Federica Sossi, Guilty victims: blocking Africa

In Spain, a *Guardia Civil* internal note dated 21 December 2005 states that over the 45 previous days, between 2,000 and 2,500 people embarked in Mauritania, that only 800 or 900 reached the archipelago, and hence suggested a figure of 1,200/1,700 deaths. It was in March 2006, because the mass media only started talking about this internal note, which may not even exist, with some months' delay. On the other hand, the director of the Mauritanian Red Cross, interviewed on 7 March, spoke of 1,200/1,300 deaths since [the previous] November, and estimated that, in any case, 40% of the vessels suffer shipwrecks. The spokespersons of the Red Cross in the Canary Islands echoed their colleagues: thousands of deaths since the start of the year. The figures announced by representatives of the islands' local government were also close to the *Guardia Civil's* data. At the time of the debate that followed the speech to the nation by Zapatero on 30 May [2006], Paulino Rivero, the Santa Cruz de Tenerife MP for *Coalición Canaria*, reiterated the same figure as the *Guardia Civil* but attributed it to the CNI, *Centro Nacional de Inteligencia*, while Zapatero invited him to be more prudent in the absence of confirmed data, perhaps forgetting about the information from the Spanish secret services. Consuelo Rumi (the Spanish secretary of State for immigration) obviously based her claims on the position of the government for which she works; for her, the 1,200 deaths were no more than «pure speculation», and she continued, following Saint Thomas' healthy logic: you cannot provide figures unless you find the bodies. But alarmed voices were also heard from Senegal: governmental representatives, imams, but also grieving mothers and relatives who were further removed, all experienced the same concerns: raising awareness, telling the youths about the risks that they were facing, as if this were enough to stop them.

Source : Cited by the TERRA-Ed. network, Coll. "Reflets", April 2006: <http://terra.rezo.net/articulo562.html>

residence permit in Spain. Shortly before it had expired, he went to Rome to pay his last respects to Pope John Paul II. There, he got himself arrested by the police, which waited for his Spanish residence permit to expire before expelling him to Nigeria. Now, he has returned to Morocco to take his chance at reaching Europe again. He does not want to put his life at stake at sea anymore. Like some others, he will take some more sophisticated avenues, but which are also a lot more expensive, for example in a vehicle in which the smugglers have organised some hiding places to breach the borders of Ceuta or Melilla. 3,000 euros for a few kilometres' travel. Ethan begs in the streets of Oujda, as he is still 1,000 euros short. Others try by aeroplane, placing borrowed passport and visa details on their purchase order, as they are no longer issued. Year after year, professional smugglers are gleeful about the strengthening of the border closure.

They clearly earn lots of money from this, and a power that also contributes to «objectifying» their customers. The takings drawn from leading people in perilous zones –deserts, the sea, borders– are added to by other forms of exploitation of poverty, particularly the taking of hostages. There is nothing easier, thanks to the mobile phones that many migrants possess. Some violence, or even torture for those who resist the most, suffices to obtain the numbers of their family in the country of origin. The smugglers must do no more than to state the terms of the blackmail: the payment of a ransom or death. This is how the small means of communication, so useful to stay in contact with family and friends, which also enables migrants to communicate among themselves about the traps they

V.F, a 25-year-old Ivorian who applied for asylum in December 2004, paid the cost of this juicy racket. Arrested and then refouled in September 2007 by the Moroccan law enforcement agencies to the Algerian border near Oujda, he decided with his travel mates to walk back to Rabat. Between Oujda and Naima, at the first station on the railway leading to Fes, they were captured by Nigerians who, with some Algerians and Moroccans, occupied the higher positions in the trafficking rings. They only had 800 euros on them in total. Under a death sentence, their jailers demanded 1,500 euros per person. To convince them of their determination, they detained them, tied up, under a tent for a week without feeding them. *«The next week, they asked us to call our families in order for them to pay our ransom. At night they hitched us to trees from our hands not to let us sleep. My legs were swollen. We ate once every three days. In the morning, they struck us with cables. Two weeks later, we had received a promise that the ransom would be paid. The blows stopped, and we started eating once every day. We were still tied up. As far as I'm concerned, they received 400 euros at first, then 330. My relatives could not send the money to settle the payment until November, they held me with the others in a wooden box in which we had no choice but to squat. Four days and four nights, without eating or drinking. The pain to my knees was unbearable. After the arrival of the payment and our release, it took us fifteen days before we could walk normally. I learnt from MSF that I had lost 17 kilos».*

Testimony collected by MSF, Oujda, 2007.

must avoid, can contribute to their loss.

According to the testimonies, several *tranquillos* are fitted out with «black rooms», some of them dug out in the sunlight. Prisoners are supposedly held in these gaols, particularly those kidnapped for a ransom.

Victims of the lure for gain, the sub-Saharan, particularly women, are also victims of sexual abuse. Rosine, a 33-year-old from Congo, will not forget her ordeal in a hurry. *«I was in southern Algeria. As I did not know the*

route, I followed some Nigerians. They led us to their tranquillo before Tamanrasset. We were received by their president. And there, they locked me up in a small house with three other women and two men. Every day, the president would come to choose one of us and raped her. Then, the Algerian soldiers' turn came and they raped us too. This is how it was, every day and every nights». This type of testimony is not uncommon.

On the basis of 7,500 medical checks carried out on 1,500 migrants in Morocco between 2005 and 2007, Médecins sans Frontières draws the statistical conclusion that trafficking networks cause 23.8% of serious injuries, few less than criminals (27.5%) and a lot fewer than law enforcement agencies (39.8%). One can thus draw confirmation that the main cause of the precarious conditions of migrants is an effect of the repression orchestrated by states, from which all the others follow subsequently.

The Moroccan association AMERM, on the other hand, stresses that 36% of women and 5% of men have suffered rapes during their journey. Once in Morocco, sub-Saharan migrants are also victims of Moroccan criminal gangs. Rosine-again-, this time a short way after the Algerian-Moroccan border, remembers her second ordeal. «I was with three women and two men. Some Moroccan civilians stopped us and took us to a tranquillo. They raped us. Then they made some other men come. Every day, they came to rape us again. I used to cry all the time and begged them to let me leave because I thought I was pregnant. After four days, one of them had pity of me and released me with another woman». Lone women are the most vulnerable. Often, they must team up with a «travel mate» for their protection. Others unknowingly get involved in trafficking networks. Trapped by the

promise of a job in Europe and by the offer of protection during the journey, they find themselves kidnapped, raped by their self-styled protectors and finally sold off or made to become prostitutes.

The mafia-style smugglers are not the only ones who draw benefits from this war waged against migrants. The precarious situation of the latter, initially arising from repressive policies and by state agents that implement them, open the floodgates for all sorts of other attacks. Those by criminal gangs; those by «homeless» people and, in working-class neighbourhoods, by unscrupulous louts and poor people who view these foreigners as preys within their reach. In Takadoum, in the outskirts of Rabat, the residents crammed in their informal «homes» show the scars from knife blows that they have received in nearby streets: in these alleys where they no longer venture other than in groups, it often happens that they risk being murdered for a few dinars, a mobile phone or a jacket. Omar Diaou recalls that some years ago it was not uncommon to find the dead bodies of migrants at the bottom of the gully next to Takadoum. «It was because, he explains, the owners of the rooms they rented out didn't want any more trouble with the police. So they got rid of the corpses as if they were mere filth». While Moroccans no longer throw away the corpses of sub-Saharans in the Takadoum gully, the European Union, as far as it concerned, does not hesitate to sentence hundreds of migrants from all over the place to death, whose largely anonymous bodies are the sign that, in its view at this point, there are two humanities of a heterogeneous nature, one of which can protect its prosperity at the price of the other one's death.

IV - Lending assistance, Resisting

Resisting repression, violence, continuing on their way to Europe regardless of the cost, this is the obsession of the migrants blocked in Morocco. Victims of repeated refoulements to the Algerian border, which are as exhausting as they are financially expensive, they nonetheless tirelessly return to Morocco: *«We have no other choice than to continue our journey. We cannot return to our country with even less money than we had when we set off. That would be a shame for our entire family. And if we are ever expelled to our country, we will then return with ten other people, because then, we would know the route and be their guide»*. This personal stubbornness is not the sub-Saharan's only form of resistance. Some others are collective.

Resistance passes through organisation and solidarity, which, undoubtedly as a joke, the migrants call «African unity». It may take the form of a «parliament» that adopts some shared rules after deliberation by elected delegates or those designed on the basis of seniority – the «chairmen»²⁵. In clandestinity, any delegation of power easily degenerates into a dictatorship. Some chiefs are tempted to use their power, small or large as it may be, to become smugglers themselves or to exploit the weakness of some isolated migrants for their own benefit (kidnappings for ransoms, forced prosti-

tution, etc.).

The fact remains that, when it is dynamic, support organisation works. Migrants who have come to replace smugglers put their knowledge at the service of the others for reasonable remuneration, or sometimes even free of charge. For daily survival, the older ones help new arrivals to find their bearings as best they can. *«When a brother is injured, he must go to the hospital's A&E to get treatment. The problem is that they will leave him there, without doing anything else. I have to call MSF to inform them of the case and arrange for him to be taken care of»*, explains Fabien Didier Yéné, president of ADESCAM (Association for raising awareness and the development of Cameroonian migrants in the Maghreb, Morocco). For their survival, migrants are also supported by individuals, who lodge them in their homes. During raids, some even prevent any intrusion by the police into their houses and thus stop the people they protect from being arrested and refouled. There is also father Joseph Lépine, the priest at Saint-Louis parish in Oujda, who has always lent a helpful hand to migrants who need assistance. Plenty of them also mention the solidarity of Moroccans who give them water, bread, milk, some tomatoes, or even some dirhams. *«We all have a member of our family without documents in Europe, so we know what it is like to live in this situation, we try to empathise with them»*, stresses a Moroccan at the exit of a mosque. It is a solidarity that is nonetheless tarnished by an underlying racism that migrants complain about emphatically. *«I was hungry, I was begging in the street and a Moroccan said 'dirty Negro' to me, I felt humiliated, wounded, I wanted to cry»*, a Cameroonian recalls.

Activist organisation also exists. Numerous migrants unite in associations. Some

²⁵ In *Gérer les indésirables : Des camps de réfugiés au gouvernement humanitaire* (Flammarion, 2008), Michel Agier has observed this self-organisation by migrants and exiles in almost all the informal camps.

struggle against their dehumanisation. «*At the time of the shipwreck in Al Hoceima, I went to the place to investigate about those who had disappeared. I took plenty of risks to go to find information at the source. Having been stopped at Oujda station, the police would not have allowed me to return to Rabat without the intervention of ABCDS*», Fabien recalls. «*It is important to be able to give a name to the disappeared and to alert their family in a system in which we are objectified. It is within this logic that I keep the identity of those who wish me to in case they are made to lose their lives*», he explains. Others, like the Council of sub-Saharan migrants in Morocco, mobilise strongly for refugees and asylum seekers by regularly organising sit-in [protests] in front of the UNHCR offices in Rabat to try to make their claims heard (demanding residence permits, travel documents, material assistance...). More generally, migrant associations have not stopped criticising the violation of their rights. They carry out an important activity as regards information and their claims, particularly through the Euro-African manifesto and Migreurop networks.

Facing a well-lubricated repressive machine, migrants thus have the support in this unequal fight of Moroccan and European associations alike, that seek to improve their living conditions in Morocco, struggle beside them to defend their rights and condemn the violence that they suffer. As far as access to care is concerned, migrants can count on the assistance of *Médecins sans frontières* - Spain (MSF), an association that has been present in Morocco since 1997 and has been helping migrants since 2003. The goal they pursue is to improve access to care within existing public structures through cooperation with Moroccan public health services. Established in Rabat and

Casablanca, the NGO also has a mobile unit in Oujda. Apart from its regular rounds, this latter one also moves around the territory for urgent cases. «*When one is ill or injured, you call them and they come to treat us in the tranquillo*», explains Minister, a young Nigerian who lives in a *tranquillo* near to Oujda campus. If necessary, MSF transfers them to hospital to allow them to receive adequate treatment and sometimes organises the repatriation of the most vulnerable ones through Rabat. As a well-placed witness of the violences that they suffer, MSF criticised these in a report that was released in 2005. Although it noted an improvement in access to care in Tangiers and Tetouan that enabled it to close its branch in these places to strengthen its activity in other Moroccan cities, the taking into charge of migrants is far from satisfactory. It still happens too often that MSF has to make up for the shortcomings of the Moroccan health service. This cause is also shared by Caritas, in Rabat, which, in partnership with *Médecins du Monde* (Mdm), had reinforced the healthcare part of its migrant reception programme. Currently autonomous, Caritas offers access to care through health structures. Migrants can consult a psychologist and enjoy other services to tend to their basic needs. Caritas is not present in Oujda, the city where a large number of them are concentrated.

In Oujda, only the *Association Beni Znassen pour la Culture, le Développement et la Solidarité* (ABCDS) seeks to somewhat improve the migrants' living conditions. A Moroccan registered association, in late 2005 it created a unit to lend assistance to migrants. The element that set off its activity was the discovery by activists from the organisation of a seriously wounded Nigerian, injured

following the explosion of a gas container. In practice, ABCDS strives to provide urgent humanitarian support (food, clothing, covers...) as well as social-legal assistance. Considering the spattering of *tranquillos* in Oujda and the areas around it, as well as the lack of means available to them, it is not always easy for the activists to ensure a daily presence on the ground. Thus, they have focussed their activity towards the most vulnerable migrants (pregnant women or those with children, injured people...). For this reason, they are in regular contact with the *chairmen* of the different communities who inform them of the situation in their respective *tranquillos* (vulnerable people, police interventions, violation of their rights...). In order to get closer to the migrants, they have recently opened a second branch office near to the city's largest *tranquillo*, located in the university campus. ABCDS also carries out an important reporting work. It is a

dangerous activity in a country in which freedom of expression remains limited. Regularly followed by the Moroccan authorities, sometimes interrogated, the association's activists must take many precautions when they mean to report violent acts committed by the law enforcement agencies. Their work to raise awareness among the European civil society about the situation of sub-Saharan migrants blocked in Morocco is bothersome and sometimes gives rise to heated reactions. The information campaign undertaken by ABCDS in spring 2008 in Paris, London and Hamburg was followed by a defamatory article published on 26 April 2008 by the Arab-language Moroccan newspaper *Assabah* under the headline «*a rabid campaign targeting Morocco's image, a Moroccan association goes on a European tour in favour of refugees and harms Morocco*». A discrediting of the association that the Moroccan authorities could only be pleased about.



M. hold the picture of his son, Lontangue-Sidifati, disappeared on the 28th of April 2008, at the age of 4 during the Al-Hoceima 's chipwreck, caused by Moroccan police. The corpse were never found. Morocco, 2009.

Since then, the latter have ceaselessly undermined the ABCDS' work by regularly destroying the covers, plastic flooring and clothes distributed by the association. These repeated attacks entail considerable financial consequences for ABCDS and can also have a sapping effect on activists' morale.

ABCDS also works in cooperation with several national and international NGOs that act in favour of migrants' rights. Its commitment translates into the taking of militant stands, as well as into its initiatives and frequent participation in demonstrations for the rights of migrants and, more widely, for human rights worldwide.

In Rabat, Cimade and the *Groupe antiraciste d'accompagnement et de défense des étrangers et migrants* (GADEM, anti-racist group for the support and defence of foreigners and migrants) are two associations that are active in the defence of migrants' rights. The Cimade was one of the first associations that alerted European civil society about the situation of migrants in transit in Morocco. As for GADEM, it has published several reports that are highly critical about the violation of migrants' rights. Beyond this very precious information work, these two associations provide individual legal assistance to migrants in an irregular situation and to asylum seekers. GADEM is particularly involved in distributing the legislation that is in force and in developing a network of lawyers who are willing to intervene to seek to make access to the legal system more effective.

Resisting, mobilising, reporting, raising awareness among the European and Moroccan civil societies, struggling on both a political and legal level, having a voice that is picked up on by the European and also the Moroccan media, these are the keys that

have made it possible to cause the Moroccan and Spanish authorities to sway as regards some aspects of their deadly behaviour: the firing of live ammunition at migrants seeking to breach the barriers in Ceuta and Melilla, refolements to the middle of the Sahara desert at the Mauritanian border, massive raids and refolements of pregnant women, minors, political refugees and asylum seekers. Firearms are hardly used anymore, but plastic bullets continue to cause many injuries and, more generally, isolated deadly acts by Moroccan and Spanish law enforcement officers remain topical (causing people to drown, in particular). While there have no longer been mass collective refolements since the 2006-2007 winter, refolements, particularly those to the Moroccan-Algerian border in the northeast of the country, have never ceased. The Moroccan law enforcement agencies stop migrants in small groups and no longer in their hundreds as they did previously, which does not therefore mean that less people are arrested. At present, pregnant women and minors are seldom refoled to the border, and hence law 02-03 is applied most of the time on this matter. Refugees and asylum seekers manage to have their status recognised and avoid refolements, but the intervention by UNHCR is generally required for them to be freed. These small improvements show that the road will still be long before migrants are no longer the victims of many violent acts and the violation of their rights.

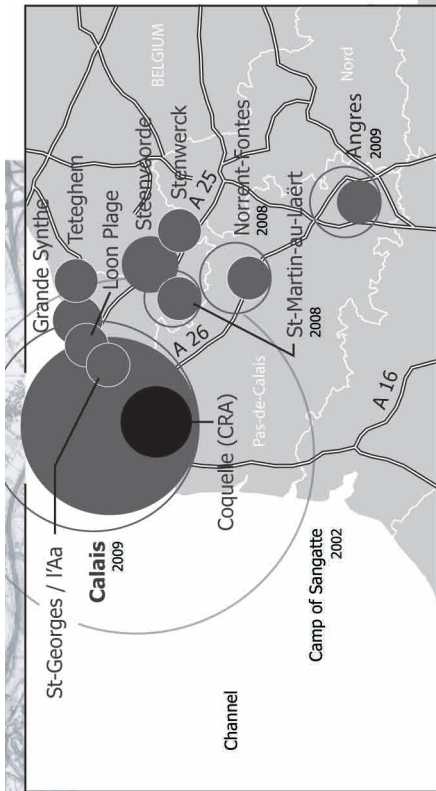


Calais and North of France : roving zone, England doors



Migrants waiting-Calais-France-December 2008





In Calais . . .

- "Jungles" or camps have existed
- Host structure established by the State

Channel link permanent or temporary

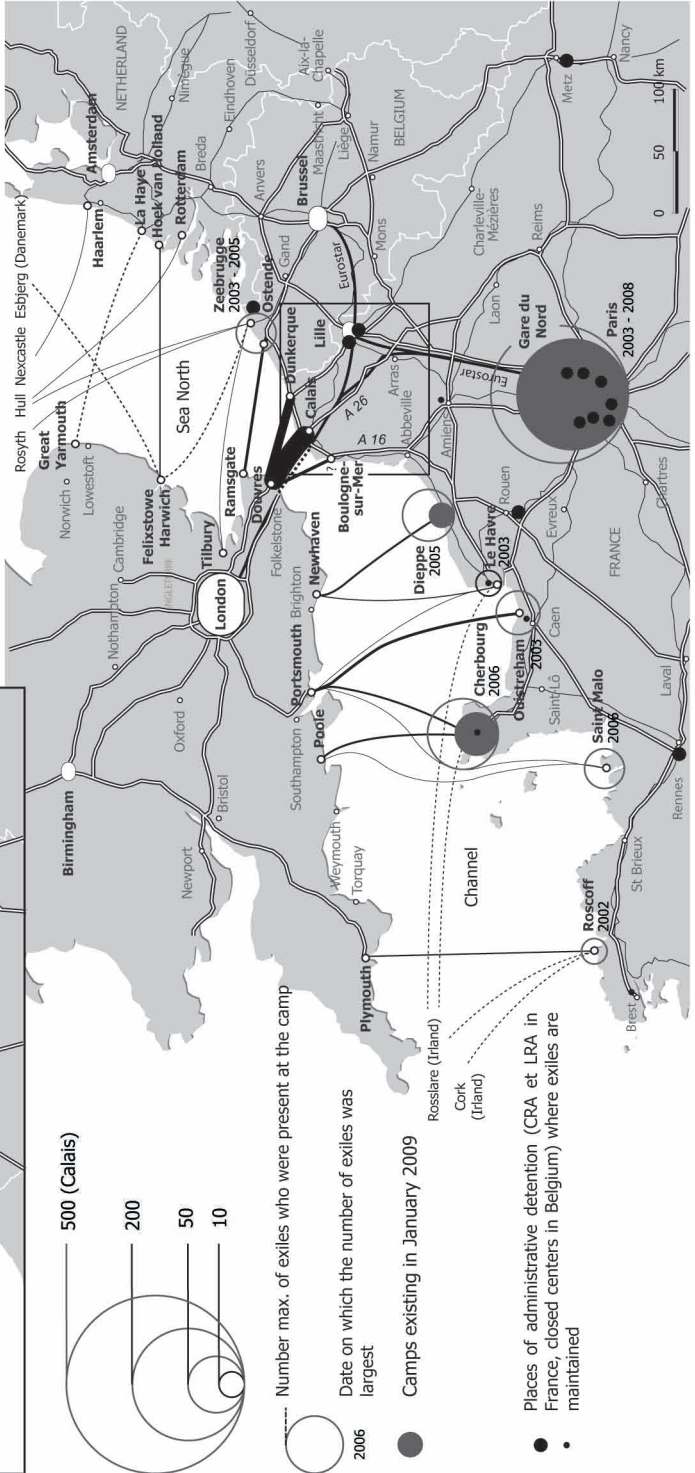
72 ■ 10 — 4 — 1 Weekly Rotations

The importance of the features above is proportional to the number of daily rotations.

..... Railways

Nb. Each day, under the Channel Tunnel, 47 shuttle trains liaise Calais (Coquelles) to Folkestone (GB).

Source : Coordination Française pour le Droit d'Asile
Topographic of Calais : IGN, 1/25 000 ème, 2000



500 (Calais)

200

50

10

Number max. of exiles who were present at the camp

Date on which the number of exiles was largest

Camps existing in January 2009

Places of administrative detention (CRA et LRA in France, closed centers in Belgium) where exiles are maintained

I - Holding, Detaining in France

In the late morning in one of the «jungles» in the brush of Calais, Irfan, a 28-year-old Afghan of Pashtun origins moans. «*Why does France, which does not want to keep us, stop us from leaving as well?*». Around him, a good dozen of his compatriots share his lack of understanding. They have all returned from the headquarters of the *Police aux frontières* (PAF, border police) located in Coquelles, where they were kept in custody for part of the night. Then, except for two of them, the police released them, some without undergoing any further procedure, the other ones with a document that they do not understand. It is a prefect's order to be led away to the border (*arrêté préfectoral de reconduite à la frontière*, APRF), otherwise known as an expulsion order, that the administration has not given itself the means of executing.

The group has had to walk for a distance of 6 or 7 kilometres to get back to the brush that for them is their hideout among the dunes. There, exhausted, they try to understand. Irfan is exasperated. It is the third time that he is intercepted in the moment when he clandestinely climbs into a lorry leaving for England. «*Nobody wants us in Europe. But each country that rejects us does not want us to leave it anymore. I don't understand anything about this*». He mentions Greece and Italy, where, like here, he was simultaneously forbidden from staying and leaving. He ends by letting slip that he has the «*impression of being in a cage*».

A few thousand kilometres further away, in Morocco, another migrant who was a Nigerian, had also evoked the same image to him in the spring of 2009, that of a cage, to explain the impossible crossing of the Mediterranean, for which he said Europe was responsible.

On the French side of the Channel, the authorities brandish the figures of this confinement: 18,922 people stopped during the first semester of 2009, including 9,174 Afghans, 2,786 Eritreans and 1,946 Iraqis, which gave rise to 5,865 people placed in police custody¹: a «record» that, regardless of its impressiveness on a quantitative scale, does not result in any proceedings in 70% of cases. By and large, the same «score» as in 2007, when the stops of 17,000 foreigners in an irregular situation were counted between January and September, 8,600 of which were in the city's port or at the entrance of the Eurotunnel in Coquelles², that is, near to the French territory's exit gates. Further interceptions, which are apparently increasingly numerous, are carried out by the British police, on the other shore of the sea when ferries arrive in Dover or Portsmouth. These stops result in people being immediately sent back to France.

While France and the United Kingdom forbid these few thousand foreigners – Afghans, Eritreans, Iraqis and Sudanese in particular – from crossing the Channel and the North Sea (13 million euros are spent every year to render the Calais port secure),

¹ French immigration ministry, «*Pression migratoire dans le Calais : Eric Besson présente le bilan des trois premiers mois de mise en œuvre de son plan d'action*», 29 July 2009.

² Report on the activity of the Departmental Directorate of the border police (DDPAF) in Pas-de-Calais, cited in *La loi des «jungles»*, report by the CFDA (Sept. 2008).

in 2008 the two countries have offered a maximum of facilities for the same crossing to 23 million passengers on leisure or business trips (around 14 million in the ports of Boulogne-sur-Mer, Calais and Dunkerque, to which the 9 million who have taken the Eurostar must be added)³.

The exiles, they, who come from countries experiencing indisputable misery and violence, hoped to find a refuge in Europe that ensured them political, economic and social security, that is, a normal existence that was unforeseeable at home. When they set off, a majority of them did not know too much about what their final destination would be⁴. Whether they entered the European Union through Greece after Turkey, through Italy from Libya, Tunisia or Algeria, or through Spain from Morocco, a large part of them is pushed towards England by the refusal to receive or integrate them that they have encountered during the different stages of their journey:

And thus it is that, having come close to the last country in Europe where they could expect to be received, these exiles, after over ten years, bump into a double wall: one of them is natural, around thirty kilometres of sea at the height of Calais; the other is legal, and far more formidable for them to breach.

³ Figures extracted from INSEE, «Bilan socio-économique 2008 du Nord-Pas-de-Calais», Dossiers by *Profils*, no. 94, May 2009 - http://www.insee.fr/fr/themes/document.asp?reg_id=19&ref_id=14679.

⁴ Smaïn Laacher, *Après Sangatte... nouvelles immigrations, nouvelles questions*, Paris, La Dispute, 2002.

II - Controlling, Stopping

To protect its insularity, the United Kingdom has, in effect, stayed out of the «Schengen area» of free movement which abolished internal borders everywhere else within the EU. As a result of this, the Franco-British border is an external border of Europe. This barrier is strengthened by three bilateral agreements between the London and Paris governments, to which, in 2009, an «arrangement» was added:

- **the Sangatte Protocol of 25 November 1991**: it established, at least originally, a surveillance of traffic concerning the tunnel under the Channel, which was inaugurated three years later, through juxtaposed national checks in the terminal buildings in Frethun, on French territory, and in Folkestone, on British territory;

- **the additional Protocol of 29 May 2000**: it extended the previous protocol to the surveillance of exiles through joint controls in Paris (Gare du Nord), Calais and Lille in France and, in the United Kingdom, in London (Waterloo and Saint-Pancras stations) as well as Ashford;

- **the Touquet Treaty of 4 February 2003**: it opened the possibility of bilateral border controls in the totality of «*sea harbours of the Channel and of the North Sea located in the other Party's territory*».

- **the administrative Arrangement of 6 July 2009**: this was a clarification, aimed at being more binding for France, of the Touquet Treaty. In the first phase, the «arrangement» envisages the setting up of the «*latest detection technologies*» financed by the British, who would ensure their mainte-

nance, in exchange for France decreasing the number of foreigners in an irregular situation at the common border and its surrounding area; in a second phase, the extension of this Franco-British surveillance to Boulogne and Dunkerque harbours (which had already been promised by the Touquet Treaty), as well as in Coquelles; French participation in *«joint activities in the field of returns, in particular joint returns by air»* with the implementation, at a national level, *«regularly»*, of *«forced returns towards their countries of origin of a significant number of foreigners in an irregular situation of key nationalities»*, in particular those who *«do not request asylum or are not eligible for asylum on the respective territories of France and the United Kingdom in which they are staying»*, and those who *«refuse an offer for voluntary returns»*; finally, the elimination in France of *«concentrations of foreigners in an irregular situation at the common border and its surrounding area»*.

A priori, for the French state, there are only inconveniences in protecting the United Kingdom from the arrival of exiles. The more they cross the sea, the less they stay on its territory. Moreover, prior to the closing of the camp in Sangatte in late 2002, France had carefully avoided recording the fingerprints of around 70,000 of those who, as of 1999, had taken each other's place in the huge hangar. This violation of European rules was still practised in 2008 in several port cities. Through this cheating, France avoided the presence of any records in the European Eurodac database⁵, which forbade the United King-

⁵ Eurodac is a Community database that has been operative since 15 January 2003, which stores fingerprints on the basis of which the only EU member state responsible for examining an asylum application can be determined, to which all the others will send back the applicant.

dom from refouling the exiles back to it without evidence of their previous passage through France (see below: *Removing, Expelling*).

For what reasons did France allow itself to be convinced in 2009 to watch over the impregnability of the border, when for a long time it had been somewhat cheating through Eurodac? Because the closure of Sangatte in 2002 and the signature, a few months afterwards, of the Touquet Treaty which granted British authorities powers to control immigration in France, had hardly translated into the actual prevention of passage. That would have had to await the signing of the July *«administrative Arrangement»*, for France to appear to pass unenthusiastically from the virtual plane to reality. *«It is not my duty to comment on (...) the choice made by our British friends not to adhere to the "Schengen area"»*, a choice that *«forces us today to set up extremely cumbersome and costly border controls»*, explained Éric Besson on 23 April 2009.

«Today», that is, with six years' delay. The French immigration minister had to bow to intense pressure from Great Britain which, at this point, was exasperated by its tricks that resulted in it not only obtaining a multiplication of British police posts in France, but also the installation of detection facilities whose operation is reserved solely to British experts. This illustrates the level of trust between the two states... France did not decide to yield to its neighbour's claims until it became evident that the United Kingdom itself had managed to make the exiles' crossing more complicated. *«It was only a year ago that Folkestone Road [in Dover] was full of migrants seeking a shelter or a train for London's Victoria station»*, noted the newspaper *la Voix du Nord*

in October 2008, to which the manager of a *bed and breakfast* confided his satisfaction following the «*disappearance of this wave that seemed perpetual*». «*The great difference dates back to (...) the setting up of [English] immigration services in Calais*» which has «*pushed back the British border onto French soil*», the spokeswoman of the Labour MP for Dover observed gleefully⁶.

Regardless of what the British and French governments may say at present, the effectiveness of this progressive shifting of the border, set up in 1991 and expanded in 2003, gave rise in March 2009 to radical extraterritorialisation ambitions with the planned opening in Calais of a detention centre that would pure and simply obey English rules. It would have allowed the English police to punish exiles in France just for their presumed intention to cross the Channel, and to expel them from Europe. The project was nick-named the «*Calais Guantanamo*» by the English newspaper *the Independent*, which is generally not prone to exaggeration⁷. Even if it was not successful, the fact that the idea managed to attract some political authorities is significant: for several among them, respecting the law is effectively perceived as a nuisance when it comes to that concerning migrants, undesirables against whom any means may be used.

⁶ «A Douvres, migrants invisibles», *la Voix du Nord* (France), 15 October 2008.

⁷ «The Calais Guantanamo», *the Independent*, 21 March 2009, article translated by *le Courier International*, 25 March 2009, under the title «Guantanamo en Calais».

Extracts of a report to the French *Assemblée nationale* [the lower house of parliament] before the ratification of the Touquet Treaty (Louis Guédon, 18 December 2003)

Two states, partners in dissuasion

«Since around five years ago, the United Kingdom has been facing a considerable increase in clandestine immigration that often takes the shape of an asylum application addressed to the British authorities: the number of asylum applications, that was around 45,000 in 1998, passed to 76,000 in 2000 and to 84,000 in 2002.

This phenomenon concerns British political authorities and public opinion alike, particularly when illegal immigration attempts turn into tragedy, with the death of immigrants during the journey, whether it is by sea or by railway. These tragic accidents, like the difficulty and cost of managing such a large number of asylum applications as well, have led the British government to have several stricter laws approved in the field of asylum and immigration.

(...) The British authorities wish to pursue a firm policy of dissuasion. Hence, the British have demanded the closure of the reception centre set up by the Red Cross in Sangatte, which they obtained on 15 December 2002. At present, the British authorities deem that the measures taken -hardening of national legislation, heightened cooperation between authorities, closing of the Sangatte centre and the setting up of detection systems in ports- have contributed to dissuade part of the potential immigrants. To these measures, one should add the search for and stopping of an important number of smugglers by the French authorities.

(...) But these dissuasive measures have also had the effect of displacing the flow of immigrants towards other French ports like Le Havre, Dunkerque and Boulogne, and even towards Belgian ports.

This is why France and the United Kingdom have signed this treaty [of Touquet] on 4 February 2003, which is, as it were, the corollary of the Sangatte protocol, concerning maritime ports, the legal and practical issues regarding

control that appear to be rather similar in both fields (...) ».

The report by MP Louis Guédon to the French Assemblée nationale, in the context of the ratification of the Touquet Treaty between the United Kingdom and France, had thus illustrated the real reasons for the new specific legal obstacle that the two states were preparing to erect on the migrants' route.

It appeared clearly in the report that although the majority of the exiles are asylum seekers (to disqualify them, it talks of «clandestine immigration that often takes the shape of an asylum application»), the Treaty aimed to dissuade them from seeking protection to which they should have a right, of how the closing of the Sangatte camp (in December 2002) had intervened in this goal, and of how the new legal instrument that was being submitted for ratification was conceived to strengthen this policy of dissuasion. Six years later, in 2009, in spite of it being invalidated by events, this «ideological basis» is still prevalent.

III - Hiding, (seeking to) Make invisible

Throughout the existence of the Sangatte camp, the refusal to inform exiles about their possibility to seek asylum and the difficulties in the procedures that they had to carry out in order to submit this application had made it possible to conceal the request for protection that they were in fact making. Thus, the French and British governments had been able to claim that their journey was the mistaken quest to reach the «Eldorado» that Great Britain supposedly represented for them.

By closing the Sangatte camp in 2002, by forcing those who sought to apply for

asylum in France to do so as far as possible from Calais, the French authorities had gambled that the forced dispersal of exiles into the countryside would lead to their invisibility. But in September 2008, the associations that came together within the *Coordination française pour le droit d'asile* (CFDA, French co-ordination for the right to asylum) showed, in a report entitled *La loi des jungles*, that in spite of being less visible, the exiles were no less numerous, but rather, the opposite was true. And in 2009, all of the national and international press regularly highlighted the increase in the number of exiles along the French coast and in Paris. «*The number of migrants in the street is unprecedented. They are about 1,100 or 1,200 in the streets of Calais and around 2,000 on the northern coast. The crossing is increasingly difficult. It takes people between three and five months, compared with a month only a year ago*», and it was in the region of a week for a long time, notes, among many other newspapers, the daily *Libération*⁸.

Now, possibly more than the truth, it is the evidence of the phenomenon that exasperates the authorities in France, because it allows everyone to gauge the failure of the policy that is employed. At the time of the closing of Sangatte, Nicolas Sarkozy, who was interior minister, declared: «*We [the United Kingdom and France] put an end to a symbol that is encouraging clandestine immigration worldwides*»⁹. If there had been some defiance and plenty of petty treason between the United Kingdom and France, this declaration summed up the fundamental agreement on ideological grounds

⁸ «Dans la « jungle » de Calais, la vie sous la peur de l'expulsion», *Libération* (France) 25 July 2009.

⁹ RFI, «Sangatte: Fermeture anticipée», 3 December 2002.

that existed between the two states. In exchange for the destruction of the camp, the minister had obtained, on the British side, a hardening of its regulation in the field of asylum that brought it closer to the French counter-model. Heightened inhospitableness on one side of the Channel, more selective asylum on the other: they would jointly suppress any factors of «encouragement».

Six years later, these views have been belied: more exiles still wander in Calais and, under the effect of a permanent repression, their settlement has spread out to the six departments [administrative districts] of north-western France – Pas-de-Calais, Somme, Seine-Maritime, Calvados, Manche and Paris¹⁰.

Regardless of the means of control that have been set up, of their multiplication and the perfecting of technologies that are used, geography continues to impose the localisation of the areas in which they gather and the routes they pass through. Thus, the Calais area remains the region that is preferentially used to seek to reach England, on board of lorries crossing the Channel on ferries or through the Euro-tunnel. But, often after several unsuccessful attempts to pass through Calais, some seek to pass through other ports all along the northern coast of France: Boulogne, Dieppe, Le Havre, Ouistreham, Cherbourg, Saint-Malo and even Roscoff, to the west of Calais, and Dunkerque, Ostende or Zeebrugge, to the east. Moreover, the heightened surveillance in all these ports has entailed the creation of many places of transit and to stop in, particularly

in Paris, through which the majority of migrants pass before heading towards the United Kingdom, and in the woods or embankments that flank the motorways leading to ports, where the lorries on board of which they may seek to embark stop. Numerous informal camps thus appeared since 2003, some rather close to port cities, like those in Loon-Plage or Grande-Synthe near Dunkerque, others further upstream, like in Teteghem, or even further upstream: in St-Omer, Norrent-Fontes, Angres...

In France, access to emergency accommodation structures is not subjected to the condition of regular residence; it is normally enough to find oneself in a situation of distress. Now, in none of the towns where the *jungles* have been formed have the exiles been offered to be accommodated in this way. Where town councils have made some gestures for the benefit of exiles, they have only offered some tents or duvets here, a drinking water fountain there. Everywhere, the debates prior to such decisions have been marked by the same concern: that of «creating a new Sangatte», the risk of «letting in a draught» [thus encouraging migrants, *translator's note*].

The exiles who express their intention to apply to France for asylum should, they at the very least, benefit from shelter in a CADA (*Centre d'accueil pour demandeurs d'asile*, reception centre for asylum seekers), but while their numbers grow and while it could potentially become far higher, no new CADA has been established, neither in the Calais area –the CADA in Calais only has 40 places-, nor in Paris, and the lack of accommodation in these specialised structures for receiving and assisting asylum seekers contributes to discourage possible asylum candidates.

¹⁰ Read *La loi des «jungles»*, report by CFDA, September 2008.

Instead of creating a «Calais Guantanamo», France and Great Britain have thus «shut out» the exiles, forcing them to wander, disperse, into permanent insecurity, and in this way they still seek to render them invisible.

When, in 2009, Irfan wonders in Calais, *«why does France, which does not want to keep us, stop us from leaving as well?»* and, like Fred in Morocco, he expresses his *«impression of being in a cage»*, he does not believe he is speaking the truth so well. Because what matters to the United Kingdom and to France on their own territory as well as to the European Union on the territory of the partner countries to which it entrusts the protection of its external borders, is that, in the name of the theory of «not letting in a draught», the treatment of today's migrants serves as a dissuasive lesson for potential migrants. Irfan, like Fred, have difficulty imagining that they are hostages of a policy that targets their absent compatriots as much as them and that, in this Machiavellian context, fundamental rights, for which they had come here, are no longer topical. Because, in order for them to become involuntarily dissuasive agents of the «draught», it is necessary for Irfan or Fred and those like them in this plight to spread terrifying information about their situation in Europe in their countries of origin. And for this terrifying information to exist, they must be terrified themselves. This is what France and the United Kingdom are engaged in at their common border.

IV - Holding, Detaining in the United Kingdom

Those who, in spite of all the obstacles, manage to set foot in England come into contact with the hazards of an increasingly wary reception: if they are sheltered when they manage to request asylum there, which few of them obtain, they can just as



Jungle - Calais - France - December 2008

well be subjected to lengthy detention, pressure to accept «assistance to return», forced repatriations to their countries or to the European countries through which they have passed, including France.

Testimonies collected during a demonstration in front of Yarl's Wood detention camp near Bedford on 23 March 2009:

Mr.W., a Ugandan who came to seek refuge with his wife and children, four and one years old, tells of his isolation for five days at Christmas, for «presumption of having prepared something». He was helping a fellow detainee to translate his administrative letters. In detention, nothing is written, everything is arbitrary, there is nobody to complain to. He gives another example of a technique to push people to the edge, to upset them so that they may wish to leave the country themselves: in turns, they tried to free them, but separately.

At first he refused and signed a paper demanding to be kept in detention [...], he did not want to be separated from his family. Then some days later, they suggested that his wife and children be released. Obviously, there is a dilemma: how can one ask to stay when he can see his children waste away as a result of detention? «It is all done to drive you mad.» «If they don't want me in this country, fair enough. In that case, let me leave! But why impose the country of destination on me? Who are you to choose what is good for our family instead of us?»

Ms.A., a Somali, tells of her 18 months «inside», her arrival by plane and her detention in the hours that followed. First the detention, to examine her asylum application, yes, that is how it is in England. Then detention because her right to asylum is dismissed. But, as a Somali, she is difficult to expel. And, since some time ago, it is no longer possible. Oh! Not because Europe has finally accepted to protect these people coming from this country of blood and gunfire, and hence to be the sanctuary that it pretends to be, that «Europe of asylum». No! Just because the Islamic courts that establish terror in Somalia do not issue the necessary «passes» that allow someone to be expelled. Her clear, firm, determined voice

explains 18 months of detention, lack of understanding, solitude, annoyance, of time spent thinking only of the past, of violence, rape. 18 months of daily humiliation, of pressure to accept the «voluntary return», of reproaches for «messing up the system», «how much people like her cost the country». The absence of the immigration services. The absence of the *Home Office*. The absence of the outside world. (...) then the microphone was placed firmly on a telephone. And there, «inside» came into contact with the outside. In turns, women asked for help in good English, translated by those who have so many things to say but are still more cut off from everything, they ask, they explain. Today, they do not know why they do not even have the right to go out into the corridor or to open their windows. They suppose something must be happening outside [...]. They explain where they come from, why they do not want to go back there, how they have been to prison in England because, to protect themselves, they entered with fake documents, they tell of the long months of detention. Through simple words, they transmit their shock at feeling like criminals, they who sought protection and an improvement of their lives. They speak a lot of the detained pregnant women, of their expulsion, while from a certain point in the pregnancy that is no longer lawful, they explain the lies about the dates. The fear of those men in uniforms who enter the rooms at any time to count them. The women who scream and are dragged along the floor, when they have not been broken yet, not yet tamed, and they resist their expulsion. Most of all, they talk of the system, of «their system» to «them», they refuse the fact of being there for abusing it, and even of having come here to do so. They declare that they could take part in the system as well, because «we are African strong women!» That they do not want to live off charity and social welfare, especially *vouchers* (to buy food), that they want to work. They ask how much their detention and that of their children, often for two years, costs. The last one who talks says that she has never seen so much harassment against people, so much contempt, hatred and loneliness. Testimonies collected by Lily Boillet: «Migrations, l'errance ou l'exil», *Carnet de route pour le programme Échanges et partenariat*, 2009.

V - Removing, Expelling

The first key goal of this policy of terror aims to sterilise the hopes of the exiles. They come from countries hit by wars or violent crises and can they, as a result of this, expect protection from countries deemed to respect fundamental rights? The right of asylum will be neutralised. For reasons of image, it is done «softly». It is not a matter, for example, of condemning the Geneva Convention. At one point, this was considered: in 1998, Austria, which had the presidency of the EU, had suggested that, if it was not done away with, this obsolete instrument could at least be reformed. Following the same reasoning, in 2003, the British prime minister threatened to denounce the European Convention on Human Rights, an obstacle to the immigration policy that it sought to conduct. We are no longer at that point. More subtly, it was in the name of refugee protection that the European Union adopted the «Dublin II» Regulation in 2003¹¹. Officially, it seeks to offer all asylum seekers a guarantee to have their situation examined in one of the Union's countries. Appearances have been kept up. In reality, it is a diabolical machine. There is a sole examining country. It is beyond the choice of the applicant. It is obligatorily either the one that issued them a visa for entry into Europe, or the one on whose territory the first traces of their passage, basically in the shape of fingerprints,

11 Council Regulation (EC) no. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of the member states by a third-country national.

have been recorded by the police and transferred to the Eurodac database.

In the absence of visas that no European country currently issues to nationals of countries in ruin, these migrants are sentenced to travel the world using the least controllable means of transport – marching on foot and, clandestinely and often with the help of indispensable «smugglers», on lorries, buses, etc. They inevitably leave their first traces in Europe in its periphery, that is, on the territory of countries where, for different reasons, they do not have a place, whether they are new EU member states (among others and increasingly often, Bulgaria, Hungary, Malta or Slovakia) with asylum policies that we will describe as «uncertain» and weak capabilities of insertion; or countries in the southern EU, characterised by their near-ignorance of asylum (Greece – 146,337 interceptions at the border in 2008, according to Frontex, and a recognition rate of 0.04% on first assessment and of 2.05% on appeal in 2006 and 2007, according to the Commissioner on human rights of the Council of Europe¹²) and/or their xenophobia (Italy, from which even refugee status holders must flee as a result of how much they encounter racist attitudes¹³). For them, in application of «Dublin II», the rest of Europe is quite simply forbidden¹⁴.

In theory the guarantor of a systematic assessment of every protection request, the

12 Report by Thomas Hammarberg, Council of Europe Commissioner on human rights, following his visit to Greece from 8 to 10 December 2008 - <https://wcd.coe.int/ViewDoc.jsp?id=1412853&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>.

13 «*In Italy, we were like animals*», an Eritrean, after several others, confides to the *Guardian* (UK), «The house of despair», 30 July 2009.

14 Cimade, *Droit d'asile : Les gens de «Dublin II» - Rapport d'expérience*, December 2008.

European rule effectively corresponds to a strategy to neutralise asylum for exiles in countries that have a reputation for respecting it. France and the United Kingdom are among the prime beneficiaries of this strategy. Thus, out of the 150 asylum requests recorded in May and June of 2009 by the Calais sub-prefecture¹⁵, only around twenty have been deemed admissible. The others fell under the responsibility of other countries, primarily Greece.

But it is in the field of dissuasion that the outcome reaches some peaks. Whereas there are several thousand people wandering all along the coast, only 228 Afghans, 117 Iraqis, 110 Eritreans or 382 Sudanese have, for example, taken the risk of applying for asylum in France in 2008¹⁶. Knowing that they are condemned to being sent back to the periphery of Europe, the others have given up on making themselves known. That is where the message against letting in a draught starts: an offer of asylum that is inexistent in practice, but which, on a theoretical plane (image), keeps up all the appearances of international legality.

For example, during his passage in Calais on the past 23 April, minister Besson announced the transfer of the recording of asylum applications from Arras to Calais, which corresponds with a long-standing claim by associations. However, he steered well clear of specifying whether the examination of some of these claims would be carried out using a procedure known as

¹⁵ After the announcement in January 2009 of the upcoming eradication of the «jungles» in the north-west, the French immigration minister, Éric Besson, finally allowed the Calais sub-prefecture to record asylum applications.

¹⁶ 2008 report of the Office français des réfugiés et apatrides (OFPRA, French office for refugees and stateless people). The ridiculous level of these numbers is the same as that in previous years.

«priority» or not, that is, a fast-track procedure whereby very few have a chance of obtaining refugee status. Likewise, he did not say anything about fears that applicants may be sent back without requests being examined to another European Union member state such as Greece, where the recognition rate of this status is so low that in April 2009, the United Nations High Commissioner for Refugees (UNHCR) issued a recommendation for the Greek authorities to «review» their protection system «with great care»... As the new law on asylum adopted in July 2009 made the system even harsher (especially by suppressing the right to an «effective appeal» before another judicial authority), UNHCR declared that, in these conditions, it could not participate in the instruction of first-ruling asylum applications nor in examining the 30,000 pending appeal files¹⁷. Nevertheless, it is doubtful whether it will retire for a long time from the masquerade of asylum in Greece, for which it has been a guarantor for many years.

In May 2009, UNHCR itself resolved to intervene in Calais by concluding «an operational partnership» with the association *France terre d'asile*. But without the guarantees mentioned above, and without the certainty for applicants of being accommodated in CADAs, the operation seriously risks ending up as a failure. In fact, two months later, only 170 requests for admission to residence on the basis of asylum were recorded in Calais, which had only resulted in the issuing of 31 permissions to stay, with the others excluded either because their fingerprints were in the Eurodac database,

¹⁷ UNHCR press statement, «UNHCR will not participate in the new procedure in Greece unless structural changes are made», 17 July 2009.

or because it had been impossible to obtain the fingerprints as the exiles had voluntarily burnt their fingers in the hope of thus avoiding the finding by Eurodac of a previous application filed in Greece, Italy or elsewhere.

Thanks to this artifice –the apparent offer of asylum, a lack of respect for the right of asylum in practice– the public powers, helped by UNHCR, transformed the region into a reserve for «clandestines» (those of whom MP Louis Guédon spoke as *«clandestine immigration that often takes the shape of an asylum application»* –see the figure above), and could lawfully ill-treat the foreigners whose only possibility of access to regular residence they had annihilated.

Rather than a means, these ill-treatments are also an objective as they only rarely lead to the goal (expulsion) for which they are practised. For 17,000 people stopped in the Pas-de-Calais and 5,500 removal decisions in 2007, the French police has only thus executed 41 expulsions to countries of origin¹⁸. In essence, France is more concerned by the virtual or imaginary control of future flows than by the treatment of exiles, whose legal dimension and «protection» side have been abandoned. This sterilisation of the right of asylum by overlooking the procedures and principles pertaining to it is generally justified using the fact that a majority of the exiles seek to reach England, and that plenty of them eventually manage to do so, through choice or the need to flee French inhospitality. The exiles who are confined in France in an inhumane precariousness are, themselves,

supposed to play the role of a negative communication agency and dissuade new candidates for departure.

Even the possibilities of removal offered by the «Dublin II» Regulation are used sparingly. In April 2009, a high-ranking official of the French immigration ministry only calculated a figure of 127 requests for people to be «sent back» to other member states in the first quarter (66 of whom from the Pas-de-Calais department) and 27 actual transfers towards other member states (12 to Italy, 5 to Austria and 2 towards Greece). As the years go by, a trend towards a decrease in the use of this weapon can be noted in Calais and its surrounding region: 838 actual readmissions during the first nine months of 2006; 728 during the same period in 2007. Is it because a majority of them end up returning to square one [departure] that France tends to be economical with them? Or because it suffices to only exhaust a minority of the exiles to discourage all the others from applying for asylum?

Returns to other European Union countries enacted thanks to the implementation of the Dublin II Regulation, including those that take on the shape of a game of ping pong, are not the only dissuasive weapon in the hands of the governments on both sides of the border. But the roles are distributed in a heterogeneous fashion between France and Great Britain.

If the French government decides to make orders for the removal of foreigners in an irregular situation more effective by setting annual expulsion quotas (quotas which also include Dublin returns and even people who have not accepted assistance for returns), migrants whose nationalities are those most involved in attempts to

¹⁸ French immigration minister, «Pression migratoire dans le Calais : Éric Besson présente le bilan des trois premiers mois de mise en œuvre de son plan d'action», 29 July 2009.

Sardar: five years of «Dublin» ping pong

Sardar, born in 1984 in Iraqi Kurdistan has, if one may say so, been lucky. Because eleven «Dublin» returns between EU member states over five years of wandering have led to a solution. Whereas for thousands of his companions in misfortune, there is never an outcome.

- start of 2003: enters the EU through Greece, which does not spot him;
- March 2003: detained for 35 days in Italy;
- December 2004: applies for asylum in Belgium, where he has some friends;
- February 2005: Belgium sends him back to Italy;
- March 2005: 58 days' detention in England, which sends him back to Italy;
- November 2005: returns to Belgium, where he stays for a year without initiating any administrative procedures;
- October 2006: unable to do so in Belgium, he wants to try to claim asylum in France, where he is directed to the Bobigny prefecture in the Paris region, which he does not find;
- December 2006: believing a lie, he returns to Belgium, where a second attempt to apply for asylum ends up with a new return to Italy;
- September 2007: new arrival in France and asylum application in Amiens, where he is placed into the «Dublin» procedure, involving several European countries;
- November 2007: returns to Belgium for a third attempt at claiming asylum which has as its outcome his detention for 18 days and has him sent back for a third time to Italy, where he stays irregularly until March 2008;
- March 2008: asylum application in Sweden, which places it into the «Dublin» procedure whose outcome he does not await;
- 15 June 2008: stopped by Germany at the French border; resulting in three months' imprisonment and his being sent back to France;
- September 2008: in possession of an eight-day pass issued when he landed, he is surprised to find his application accepted by France. Which grants him an authorisation to reside and lodges him in a reception centre for asylum seekers. Strongly marked by the time spent wandering and having aged prematurely, he is recognised as a refugee straight away by OFPRA in a first instance decision.

cross the Channel are relatively protected from effective expulsion towards their countries of origin. While, in 2008, Afghans, Eritreans and Iraqis became the foreign nationals who were most often stopped¹⁹, France is a long way away from always executing removal measures concerning them. Those stopped are either released straight away, or they are placed in custody in a police station, at the end of which they may be released or taken into a detention centre, from which a majority of them are once again released: either because France does not expel them because of the situation in their region of origin, or because their government does not issue passes, nationals from these countries are in fact impossible to expel and only some of them who are removed within the framework of a Dublin procedure (see above) are taken out of the French borders.

The «dirty job» of effectively returning these foreigners to their countries of origin falls upon Great Britain, which constitutes the bottom of the European net and beyond which it is impossible to continue one's journey. The hardening of its policy towards asylum seekers and foreigners in general, heightened by an economic crisis that directly affects the most unstable wage earners – firstly foreigners, many of whom work without being registered – progressively changes the situation, however. More and more, the exiles who have reached England mention their wish to continue until the United States or to go back along their steps, while in France and elsewhere there

¹⁹ Cf. 2008 Report by CICI, Comité interministériel de contrôle de l'immigration (Interministerial committee on the control of immigration), <http://lesrapports.ladocumentationfrancaise.fr/BRP/094000036/0000.pdf>.

Two Eritreans who have lost their bearings

He must have been around 25 years old. He came from a family that was certainly well-off in Eritrea, where he drove the lorries of his family business. He must have first fled to Sudan. In 2007, he had passed through the jungle of Norrent-Fontes. Six months later, he had reached England, which placed him straight into detention and sent him back to Italy. In August, he returned to France in Norrent-Fontes, where he explained his deadlock. There was not much to suggest to him other than to try, in spite of his «Dublinisation» (fingerprints recorded in Italy), to seek asylum and not to rely on accommodation. He excluded a return to Italy, recalling the squat in which he lived. He left to think things over in Calais.

In late September 2008, he decided to try to reach England again, as he absolutely did not want to live in the *jungles*, regardless of whether they were in France or Italy.

In mid-October, he was caught by officers from the border police (PAF, *Police aux frontières*) in a parking lot when he shut the door of a lorry into which some of his compatriots had just climbed. Eight of them were arrested, two of whom said that they were beaten up during their interrogation to confess that they had paid the lorry's two «door closers».

The group of passengers was released on the following morning. There was no further news about him for seven months.

In fact, with another man, he was imprisoned in Loos (in France, North department) from where he was released without any further formalities in May 2009, without being notified of any court ruling.

Alongside his comrade in misfortune, he returned to Calais, from where he visited Norrent-Fontes hoping to receive some useful advice. But there was very little to suggest to them to escape the legal deadlock –being assigned to Italy, where they knew that they found it unbearable that was very likely not to have an outcome.

Hence, he was willing to stay in France. His [court] appearance resulted in him being «re-minded of the law», and it was stated that if he was found responsible of anything in the following three years, he could be imprisoned again

for three years. This prospect terrorised him. He wanted to leave. Without any reason for doing so, he thought of Belgium, towards which he left.

On the next day, he was in Calais. Intercepted by the Belgian police shortly after crossing the border, he was told that asylum in Belgium was not attainable.

Then, he sought asylum in France.

is an increase in the numbers who claim that they may seek asylum, under reservation depending on the reception that they are given before crossing the Channel. This growing British inhospitableness became especially apparent in its «scores» in the field of group returns by charter flights. Thus, from February 2006 to May 2007, 91 flights were organised that left from the United Kingdom:

- 69 towards eastern Europe (Aardvark Operation)
- 18 towards Afghanistan (Ravel Operation)
- 2 towards Iraqi Kurdistan (Consimilar Operation)
- 1 towards Congo-DRC (Castor Operation)
- 1 towards Vietnam (Naïad Operation)²⁰

During the first three months of 2008, 3,025 foreigners were expelled from Great Britain²¹, including 270 Afghans who, in spite of an increasingly heated public debate about the war in Afghanistan, are no longer considered a «protected category» as regards expulsions.

France and Great Britain, sometimes with Belgium, regularly announce their intention to jointly carry out expulsions by

²⁰ National Coalition of Anti-Deportation Campaigns (NCADC), «United Kingdom: Increased use of charter flights» - <http://www.ncadc.org.uk/archives/field%20newszines/oldnewszines/Old%2051-100/newszine79/charter.html>

²¹ Corporate Watch research group, «Franco-British charter flights to deport Afghan refugees», 30 October 2008.

Ataullah Sultani, 31 years old, was repatriated from Europe (...). In 2001, [threatened because his family was deemed to be close to the Taliban], he dreamed of England, became indebted to his uncle and paid 12,000 dollars (8,500 euros) to a smuggler who was meant to open the gates to the West to him. He crossed Iran by bus, and sometimes on horseback. Then Turkey, where he met up with a group of Afghans, Iraqis and Pakistanis with whom he was to share the rest of his odyssey. Refouled at the Bulgarian border, he changed route towards Italy. In Rome, he slept in stations and was sheltered in churches. Finally, he reached France, on a criss-cross route on trains until Calais, the dead end for migrants longing for Dover. Twice, he snuck into a container but, caught by customs officials, he was dragged out of it. The third attempt would be the successful one. He hid under a Eurostar carriage and, clinging onto the metal structure in impossible conditions, he crossed the Channel with his back just above the railtracks.

From 2002 to 2008, he was an immigrant in Birmingham, where he found work in a delicatessen factory owned by an Indian. His status went from precarious to illegal. The British administration denied him asylum because «peace has returned to Afghanistan». His expulsion was inevitable. Thrown into a plane for Kabul, he found a country that he did not understand any longer. «I have become completely different from the Afghans here.»

The «reconstruction»? He had a painful experience of it. Sure, he did find a job as a «logistics officer» in a construction company in Kabul. On the sites, he experienced getting beaten by security guards. His wage hardly enabled him to survive in a city where the international manna and drug money had caused the prices to soar. His uncle had just been abducted by a gang. «There is no future in Afghanistan», he grimaces. Dreams of exodus take hold of him again. «This time, I will try for Canada», he confides while, with a sad appearance, he stuffs his documents into the black plastic schoolbag.

« Les rêves d'exil d'Ataullah Sultani », Frédéric Bobin, *Le Monde*, 17 August 2009

charter flight. A first Franco-English «group flight» was organised towards Afghanistan in 2005. In November 2008, the operation was nearly repeated, but it was blocked on the French side by a lawsuit against collective expulsion orders, which are forbidden *a priori* by international law. The Franco-British «arrangement» of 6 July 2009 nonetheless envisages the resumption of such operations, and everything leads to think that they will be undertaken again by the end of 2009, within the delay that was announced by the French immigration ministry for the closing of the Calais *jungles*²².

T., 35 years old, officer in the Eritrean army and a Pentecostalist. As this religion was forbidden in his country, and even more so for officers at the service of the state, he had to flee from his life, his wife and three children [to reach Italy]. He needed to work to continue to provide for the needs of his family in spite of his departure, and especially to pay the ransoms that the Eritrean state demands of the families of deserters (...) [In view of the «reception conditions»] he fled again and went to England to work. Without documents, he could not envisage getting his family out of Eritrea, and it was persecuted after his departure. After four years, he wandered in Europe and had only managed to work in England, where he was exploited. Twice, he was taken back to Italy; the first time, after filing an asylum claim, hoping that Italy had not entered his fingerprints in the database; the second time, after having been reported by his employer, who had been well aware of his irregular status when he hired him, but who was strangely seized by his civic conscience on payday. To complete the anecdote, when he was expelled the second time, four days passed between his arrival in Rome and his return to London, again through Calais.

Account collected by Lily Boillet: «Migrations, l'errance ou l'exil», *Carnet de route pour le programme Échanges et partenariat*, 2009.

²² Speech by Mr. Besson in Calais on 23 April 2009 - http://www.immigration.gouv.fr/spip.php?page=discours2&id_rubrique=307&id_article=1578

VI - Dehumanising, Killing

The impossibility for a majority of exiles to have access to administrative solutions in Europe forces them into a permanent fear of arrest, imprisonment and expulsion, threats of which unceasingly hover over them. In France like in Greece, to this, one must add their being left in misery in places which, whether they are in cities or the countryside, share the characteristic of being unhealthy.

It is not without reason that the exiles have adopted the term «jungles», borrowed from the Persian *jangal*, to speak of the informal camps in which they are made to hide. The same term had designated the majority of Afghan refugee camps in Pakistan following the Russian invasion in 1979. Afghans exported it to France to designate the unlikely sites in which they are forced to survive, like the exiles from other nationalities, following the closure of the Sangatte camp.

The word *jungle* expresses what characterises the totality of these places well. «"Jungle", this means that we are like beasts who are scared of men. We hide in abandoned houses or in forests. And, like animals, we only leave them to eat», explains an Iraqi who has, only just, avoided a police raid in a wood near Calais by climbing up a tree. A Sudanese met in June 2008 during the research mission by CFDA spoke of his surprise and pain at being forced to live in such hideouts: «I would have never imagined living in such a place (...). When I saw this entirely dilapidated hangar, I couldn't believe my eyes (...). I had the impression of having stooped very low, into a place from which

you cannot pick yourself up again.»

Whether they are found on the outskirts of cities, in woods, makeshift shelters constructed with recovered materials and covered with rubbish bags, or whether they are urban squats, set up in former factories or dilapidated buildings, these camps effectively only provide immediate protection from the bad weather and cold. There, people sleep on mattresses or covers that were found in rubbish tips. Quickly, because migrants only pass through and follow each other in these places, the floor and area around them are strewn with all sorts of waste. Often, access to water is difficult, particularly drinking water. The occupants wash as they can, in public fountains or using hosepipes found on building sites. They heat up their tea or food on small campfires between two rocks, in containers that have been found here and there as well.

It is not difficult to imagine the consequences for health of such unhygienic conditions. The volunteers who seek to lend some assistance to the exiles, like PASS (*Permanence de l'accès aux soins*, Permanent access to care) workers, witness the terrible effects of the living conditions imposed upon exiles; skin diseases, tuberculosis, infectious diseases, without taking into account the complications resulting from neglected injuries or badly treated illnesses, in the absence of effective access to health structures. In Calais, the arrival of ill migrants at PASS, which is overcrowded, and their transfer to a hospital centre, requires the activity of volunteers.

In May 2008, the *Collectif interassociatif Santé* (Inter-association health collective) reported the appearance among the exiles of epidemics of scabies and boils that had

«not been seen in France for dozens of years²³». A year later, it was *le Monde* that, with regards to scabies, spoke of a «catastrophe that it is impossible to eradicate», because of which «other diseases such as diabetes, asthma, bronchitis or tuberculosis can no longer be treated – the patients who are too weak no longer dare to come».

«Migrants are reduced to living like animals, and everyone does not give a damn about it. One calls the SPA [Association for the protection of animals] for a cat. For them, nothing. They are treated like rats», a nurse exclaims²⁴.

In the very heart of the wealthiest part of Europe, exiles thus experience an unparalleled misery. The comparison between informal camps for exiles in northern France and refugee camps in southern countries may appear excessive. Nevertheless, in June 2009, UNHCR itself drew a comparison between the situation in Calais and that which prevails in the southern hemisphere, while it announced the setting up of the «same mechanism as the one used when we intervene with regards to refugees in a crisis situation [...]». In Chad and Sudan, refugees do not have the means to come to us, it is UNHCR that goes to them. In Calais, the same thing will happen²⁵.

The issue of the anti-scabies plan is as indicative of the highly degraded situation of the Calais migrants, as it is of the hypocrisy of public authorities. For some months, associations had called for measures to tackle the scabies that affected the Calais migrants in vain – and especially for easy access to a sufficient amount of showers. To seek to speed up the process,

23 Collectif interassociatif Santé, 18 May 2009.

24 «Calais : la jungle des mal-lavés», *le Monde*, 26 June 2009.

25 «Le HCR prend ses marques», *Nord Littoral* (France), 29 May 2009.

they had envisaged an «anti-scabies operation» in the midsummer of 2009. The operation was short-circuited by the prefect of Pas-de-Calais who, a few days earlier, announced that the state services themselves would enact an anti-scabies plan to stop the epidemic. For the duration of this plan, initially conceived as a «quick-strike» operation, some showers were made available after they were commended by the public authorities. However, the latter did not finance any new material means, even though for years they had organised the shortage of places for personal hygiene in order to prevent the gathering of exiles – always within the same logic of «dissuasion». Besides, no counselling measures were envisaged: no information for migrants in the different jungles, no provision of security on the route to the showers (many exiles fear being arrested if they go there), no instructions about the use of disinfectant sprays for clothing and bedding, that the migrants have even sprayed their skin with. And most of all, without tackling the root cause of the disease: «medical treatment on its own doesn't make any sense. If one doesn't improve the migrants' sanitary conditions, the scabies epidemic will re-surface», noted a doctor from the association *Médecins du Monde* at the end of August 2009²⁶.

And, while on the one hand the public authorities pretend to oversee the well-being and health of exiles, on the other they reinforce the harassment where they live, and enact some operations to close down or destroy these jungles.

For a few years, there has been a suc-

26 «A Calais, le préfet soigne la gale, en vain», *Libération*, 29 August 2009.

cession of testimonies by exiles concerning police harassment, often accompanied by violence or humiliating acts. In its research in the spring of 2008 for the report *La loi des jungles*, the CFDA has taken stock of several types of acts of repression that were manifestly aimed at making them leave or dissuading them from staying. This behaviour has not ceased in 2009 and affects all the informal exiles' camps, as is confirmed by the testimonies of the exiles themselves, and often those of volunteers and members of associations who come to help them. The misdeeds committed range from repeated identity checks, sometimes carried out at dawn, to unwarranted handcuffings, while also involving the destruction of shelters, the use of teargas outside of situations of rebellion (which sprinkles onto sleeping bags and clothes, on the food), up until insults, throwing urine onto foodstuffs, abandoning exiles without their shoes several kilometres away, etc.

To tackle what he called «the sedentarisation of clandestine networks», the immigration minister Éric Besson assured, in his speech in Calais on 23 April 2009 –in which he brought together trafficking networks, scabies and tuberculosis carriers and asylum seekers- that he would have ordered the destruction of the Calais jungles before the end of the year. «*We will dismantle the jungles*», he said. Two days earlier, on 21 April, an operation was launched in a Calais squat. Around 300 police officers and *gendarmes* proceeded to identify 150 exiles. During the following night, *gendarmes* checked 44 other people in the motorway lay-bys between Calais and Saint-Omer.

Even though such operations had been undertaken during previous years, each

time for the purpose of dismantling smugglers' networks, like for example in April 2009 in the lay-bys on motorway A26, the operation of 21 April in Calais kicked off a series of other similar operations against different *jungles*: on 10 June the Tétéghem camp was destroyed; on the 17th, the larger Loon-Plage camp was entirely razed, and some of the exiles taken to Lille or the PAF in Dunkerque. The entire month of June saw shelters destroyed, in the motorway lay-bys near Dunkerque: Tétéghem, Moères, Loon-Plage.

On 3 July, it was the turn of the occupants of a building belonging to the *Réseau ferré de France* in Calais to be evicted. Police officers and members of the CRS (*Corps Républicaines de Sécurité*) intervened following a court's decision on a lawsuit by the company that owned it. CRS, police officers, translators, bailiffs, SNCF [the French national railway company] representatives... around ten lorries and vehicles arrived with their sirens screaming in the parking lot facing the sea. Quickly, they swamped the place. Around ten Sudanese were checked and led to some lodging centres. «*The state services suggested to them, as of tomorrow, to file an asylum application or benefit from assistance to return voluntarily to their countries*», the prefecture assured. The operation lasted less than half an hour. The site, declared unhygienic, was to be destroyed. In the meantime, the squat's occupants who were not given accommodation but held in custody and then released, settled again around fifty metres away from their old shelter.

Likewise in Paris, where an anti-*jungle* operation was undertaken in the month of August by the mayor's office which, with support from the prefect, decided to make effective the night-time closure of two

parks that for several years had become gathering points for Afghan and Iraqi Kurd exiles during the daytime, and their main refuge at night. They had not pitched any tents or built cabins there. The operation was carried out without any interpreters, hence without any explanation provided to those moved out. For the 200 exiles who were there, including around 70 asylum applicants awaiting a place in CADAs, and several minors, around 80 places for urgent lodging were offered. Paris city council justified the operation by recalling some aggressions apparently suffered by park guards, as well as the difficulties that municipal officers were experiencing to clean the parks from the excrements and waste left there by the exiles.

Again in Calais, it was the pretext of the anti-scabies operation that justified the destruction of a site occupied by several dozen Afghan migrants on 20 August. At around 10 a.m., several individuals wearing gas masks and white uniforms entered the *jungle* referred to as *des Hazaras*, located close to the old hoverport terminal. They destroyed the shelters and sprayed an irritant chemical product on the exiles' stuff, claiming that they were proceeding to disinfect the site. Some cooking utensils were polluted. The authors of this «disinfection» also collected and threw away the migrants' personal effects. They arrested six people, under the watch of several CRS police vans.

As can be seen, the attacks carried out against the camps where exiles seek shelter are always enacted using hygienic pretexts: it is either a matter of cleaning up excrement, or clearing out scabies, or getting rid of the smugglers' influence. On the other hand, concerns over hygiene never seem

to lead to the question being asked about the fate of human beings reduced to living in the scandalous conditions provided by the *jungles*, and most of all to deciding to offer them dignified accommodation.

Exiles are not killed in France, even if some have been victims of attacks by residents of Calais or its surroundings, and others, of fights. Nonetheless, every year, in Calais as in other border towns, one can count the deaths resulting from attempts to cross borders disregarding danger. Those people disappear like 13-year-old **Zaher Rezaï, a soldierer, Hazara, born in Mazar-el Sharif in Afghanistan** who died in Venice, crushed by the lorry under which he was clinging to enter Italy²⁷. **They are the last ones in a long chain that had caused the most fragile to perish, laden with dreams of a better life in Europe.**

There are also the living conditions –and those of death– in the *jungle*. Céline Dallery, a nurse at the Calais health access point, explains: *«there are diabetics, asthma sufferers, people injured by barbed wire, fractures, burns. An old 72-year-old Kurdish lady, in the jungle, we have no time to take care of her. An Eritrean, six-months pregnant, she was in the jungle as well. She had been in Calais for two days. Her waters burst, a volunteer realised that something was wrong. There was nothing that could be done for her to keep the baby, she gave birth in the A&E of the hospital to a baby weighing 800 grammes, we do not know if he will live. There are cases of tuberculosis as well, a young Iranian who had a heart attack in the jungle, he didn't have any anticoagulant left. He was admitted into hospital,*

²⁷ See the tribute that is paid to them on the website of the Collectif de soutien des exilés du 10^e arrondissement (Paris) that includes, in particular, extracts from his «travel notebook»: <http://www.exiles10.org/spip.php?article1179>.

he left again. I must take the time to explain to him that he must manage never to be short again, he could die.»²⁸

In June 2009, Aman, a young Eritrean, drowned while, in the absence of a shower, he sought to wash near a lock in a dangerous place full of mud.

VII - Lending assistance, Resisting

Not all the exiles have going to England as their primary goal. Most are looking for the protection that they seek to obtain in vain, from one European country to the next. Treated as animals for most of the time, according to their own terms, they are rejected along the route that leads them inevitably to the north-west, towards England, which is made inaccessible by the sea. Blocked, mainly in Calais but also in other port towns on the coast of the Channel and of the North Sea, the exiles often try their luck for some months before they manage to elude the increasingly numerous and sophisticated controls that are set up in the ports. After a difficult migration journey lasting several months, they must still resist police violence, inhumane living conditions, quartered in ditches or forests, as well as the rackets that monetise their crossing for a high price.

Like in Morocco and elsewhere, their resistance passes through organisation and

solidarity. They particularly use mobile phones to tell their travel companions who have stayed behind about safe places, those where neither the police nor the rackets are present. It is to get around the controls, not to suffer police harassment any longer and to loosen the smugglers' grip that the exiles tend to move away from the coast for up to a hundred kilometres inland. Some have managed to free themselves from the smugglers who controlled their *jungle*, as happened in Norrent-Fontes where the Eritreans, who had had enough of suffering the violence and exorbitant rates charged by the racket, took back control of the camp and parking lot of the motorway service station. By now, there are only small-time smugglers in the camp, who themselves are passing through, and open and shut the doors of the lorries for a while before handing over the task to others. Their rates are compatible with the migrants' means, and go all the way to being free of charge for those who are worst off, particularly women. This solidarity organisation is the result of a collective agreement.

The appearance of makeshift *jungles* in the forests or ditches of the small towns flanking the motorways has given rise to plenty of questions and commotion among the population and elected officials. Numerous collectives to support the exiles have been set up, for a long time already in Calais with the associations *C'Sur*, *Salam* and *l'Auberge des migrants*, and then, progressively, wherever an informal camp was established, like in Norrent-Fontes and Steenvoorde with the association *Terre d'errance*, in Cherbourg with the association *Itinérances*, or in Angres, where a collective to assist migrants was also created. The

²⁸ Haydée Sabéran , «Il est mort parce qu'il n'a pas pu prendre une douche», *LibéLille*, 16 June 2009.



Dieppe 's haven - France - 2008

volunteers make an effort, as happens in Calais, to assist the exiles as best they can towards their survival by providing clothing, food, treatments, showers, shelter and support. They counsel those who wish to apply for asylum in France through the procedure. Some elected local officials participate in these expressions of solidarity.

Since the start of 2009, these collectives have sought to co-ordinate, to exchange information and knowledge, particularly through the «*Jungles*» network, that was created as a follow-up to the CFDA's *La loi*

des jungles report. This network comprises most of the collectives that support migrants in the north-west of France, which reflect the carrying out of actions and shared claims on a basis that is never limited to the sole humanitarian dimension. The *Collectif de soutien des exilés* of the 10th *arrondissement* [administrative division] in Paris has also found a space in it. Its activists are particularly involved in giving visibility to the exiles through the press, intervening before political authorities, and raising awareness among the neighbourhood's residents, while also lending them daily assistance (information concerning an asylum applications or the taking into care of unaccompanied minors).

In Great Britain, the associative mobilisation is not set up in the same way. A number of associations nonetheless struggle on a daily basis to defend the rights of one or another group of migrants,

or they fight against the system of detaining migrants, for example, through the organisation of very regular demonstrations outside detention camps.

But things may change. The inter-associative work that has begun within the «*Jungles*» network has been reinforced and has become more international with the appearance of the No Border movement in Calais. After having organised a one-week camp in June 2009 aiming to promote freedom of movement and to criticise the living conditions of exiles in Calais, the No



Border activists, mainly English, decided to obstruct the destruction of the *jungles* and the organisation of charter flights announced by the French immigration minister. The No Border activists particularly strive to assure a presence in the *jungles* in order to prevent daily police abuses and to testify about them. Working in connection with humanitarian organisations that are present on the ground and with French organisations for the defence of the rights of migrants, they divulge information to the exiles and try to raise awareness among the population about their actions, on both sides of the Channel.



Jungle - Calais 2009





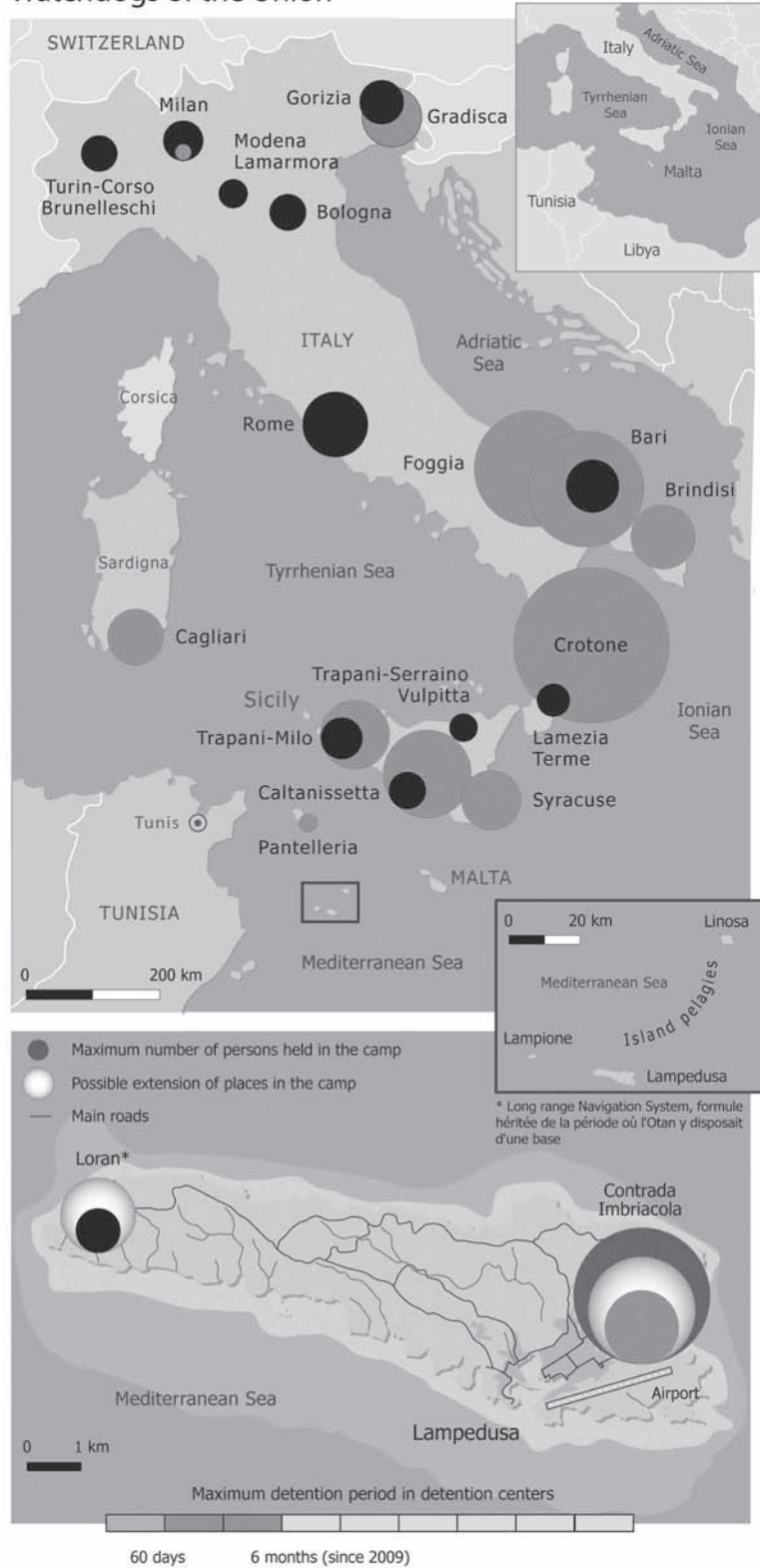
Lampedusa, sentinel's Island of Europe



Lampedusa - Italia - August 2007



Watchdogs of the Union



Datas : Fortress Europe (2009) Italia : ecco la mappa di cpt, cara e centri emergenza ; Réseau euro-méditerranéen des droits de l'homme (2009) Mission d'enquête à Lampedusa, 24 p. ; Step Consulting Social & Cimade (2007) The conditions in centres for third country national (detention camps, open centres as well as transit centres and transit zones) with a particular focus on provisions and facilities for persons with special needs in the 25 EU member states / inspection report in Italy, 45 p.

Fact-finding mission

On 23 February 2009, Migreurop drew attention to the alarming situation in the migrants' detention centres on the islands of Lampedusa and Malta in a press release: *Detention Camps in Malta and Lampedusa: Revolts out of desperation*¹, and it decided to carry out a fact-finding mission to Lampedusa from 24 to 28 February 2009. The mission, in which Claire Rodier and Sara Prestianni took part, was carried out jointly with the one by the REMDH (Euro-Mediterranean Network for Human Rights) delegation, represented by the Tunisian League for Human Rights, CIR² and FT'CR (Tunisian Federation for Citizenship on Both Shores), which is also a Migreurop member.

The mission was unable to visit the two centres on the island (Contrada Imbriacola and Loran), as the Italian authorities denied access on the basis of security reasons. The delegation met the associations that are part of *Praesidium* Project -the Italian Red Cross, UNHCR, IOM, Save the Children-, as well as the island's mayor, Dino de Rubeis, and the group *SOS Pelagie* that mobilised against the opening of a detention centre in Lampedusa.

Furthermore, Migreurop met the local ARCI chapter that was recently formed for the purpose of mobilising against the opening of a detention centre, in particular by proposing that a referendum be held on the matter. The group also claim a right of access to the first aid and reception centre to offer activities to the migrants who are being held there, but most of all to know the conditions they experience.

The Migreurop delegation is consid-

ring the possibility of including this effort within the framework of the campaign «For a right of access to detention places» that was set up by the network.

The report published by the REMDH Network³ includes the mission's chronology and report, and the recommendations made by REMDH to the Italian authorities and European institutions.

In the first section, this note combines the Migreurop mission's observations with those by ARCI, whose members repeatedly went to Lampedusa between January and February 2009, some of whom were able to enter the detention centres. In its second section, it is completed by an analysis of the Italian context in relation to the concerns that Migreurop has made one of the themes of its Borders Observatory, namely the effects of readmission agreements reached between EU countries and third countries, such as Tunisia and Libya in this case.

NB: the mechanism established in Lampedusa by the Italian authorities at the start of 2009 that is described below and was criticised by associations as contravening national and international laws, was revealed to be a mere first step towards some far more serious violations of human rights and the right of asylum. In fact, as of May 2009, Italy embarked upon a policy of systematic refoulement of the boats of migrants, pushing them back towards Libyan prisons or death by drowning for hundreds of people (close to 2,000 were stopped from arriving between May and August), without the EU authorities intervening.

³ See, REMDH: Fact-finding mission in Lampedusa 25-26-27 February 2009: <http://mawgeng.unblog.fr/files/2009/04/rapplampedusa15409.pdf>.

¹ <http://www.migreurop.org/article1401.html>

² Italian Council for Refugees

I - Lampedusa detention centre: a tradition of opacity and violation of migrants' human rights

Background

The management of the detention policy in Italy has always been characterised by a lack of transparency. Since the creation of CPTs (*Centri di permanenza temporanea*, temporary reception centres) by the 1998 Turco-Napolitano Law, turned into CIEs (*Centri d'identificazione ed espulsione*, identification and expulsion centres) in 2008, the Italian governments have always sought to conceal what happened inside these camps.

The island of Lampedusa, 169 km away from the Tunisian coast and 350 km from Libya, which has become one of the main gateways into Europe with 32,250 arrivals just in 2008, illustrates this opacity. At the start of the 2000s, the Italian government established a CPT on the island that was entirely removed from any external scrutiny for a long time, using the pretext of the emergency conditions resulting from ongoing waves of landings of migrants on the island.

In 2004 and 2005, Italian authorities organised mass expulsions from Lampedusa's airport, which is next to the CPT, without allowing NGOs or lawyers to intervene⁴. It took a journalist, Fabrizio Gatti, passing himself off before the police authorities as a Kurd who had survived a shipwreck to make the public aware of the climate of physical and psychological violence that

was prevalent within the CPT⁵.

The screen of silence appeared to dissolve in May 2006, when the Italian government decided to turn the Lampedusa camp into a showcase for Italian maritime border management policy (but nothing was changed in the country's other 20 detention centers for foreigners).

The «*Lampedusa model*» envisaged a first aid and relief centre with 800 places, in which migrants would only be held for a few days before their transfer to closed detention or reception centres, either in Sicily or on the mainland. At this point, the centre opened its doors to some NGOs and international bodies: the IOM, UNHCR and the Italian Red Cross, then to Save the Children, in the framework of the *Praesidium* project, funded by the Italian government and, initially, by the European Commission. A little bit of light was thus shed on the centre. However, the regime that is in force there is not clear: migrants often stay in the centre for up to up to 20 days, without always being able to receive information to which they have a right.

A Migreurop mission to the island in August 2007 within the framework of ARCI activities (see box) criticised the living conditions in the centre, which is often overcrowded, the arbitrary nature of procedures to identify minors and the malfunctions in guaranteeing access to asylum

⁴ <http://www.migreurop.org/rubrique173.html>

⁵ See the investigative report *Io, clandestino a Lampedusa*: <http://www.meltingpot.org/articolo6003.html>

procedures and in sea rescue operations.

Information gathered during interviews conducted in 2009 lead to think that the reception mechanism that has been operating in Lampedusa between 2006 and the end of 2008, although it is better than the one employed in previous years (and obviously better than the one established since January 2009), raises a number of issues. We highlight two of them:

- the system's effectiveness basically rests on the very short length of the migrants' stay in the CPSA (*Centro Primo Soccorso e Accoglienza*, first aid and reception centre). A brief transit period is indispensable to avoid overcrowding, and also because the infrastructure and modes of reception are only suitable for the first few days after their arrival. Now, the information gathered by the mission shows that the two or three days that are envisaged in theory, often rise to ten, or even twenty, days. This entails chronic overcrowding, with peaks of 2,000 people in the centre in August 2008.

- insofar as it is a "reception" centre, the CPSA should have had a status as an open centre, but its operation did not allow foreigners to leave the centre freely, nor were visitors from outside allowed to enter it freely.

An imposition by the interior minister

On 29 December 2008, interior minister Roberto Maroni put an end to the «Lampedusa model», justifying this decision by citing the emergency situation caused by mass arrivals of migrants in boats on the island. He announced that transfers to other centres in Italy would cease and that, from that moment on, the deportations of

migrants would take place from the island. Stays in the centre, which were only meant to last for a few days, were further extended. To accelerate deportation procedures, Maroni went to Tunis where he negotiated the expulsion of Tunisian nationals held in the centre –over 1,500 on 20 January- with his Tunisian counterpart (*See part II: Notes on readmission agreements*).

On 14 January 2009, 2,000 migrants were detained in the centre in Lampedusa, including some asylum seekers, that is, migrants who had already expressed their wish to apply for asylum on the basis of art. 20 of legislative decree no. 25 of 28 January 2008. They should have been transferred to a reception centre for asylum seekers (CARA, *Centro di accoglienza per richiedenti asilo*) on the mainland, to be heard by the competent *ad hoc** Territorial Commission responsible for examining their requests for international protection.

However, in order to short-circuit this transfer, from 14 to 22 January, a delegation from the Trapani Commission responsible travelled to Lampedusa in order to interview the 400 asylum seekers detained in the centre *in situ*.

This was a flagrant violation of the procedure provided for by legislative decree 2008/25. There was no possibility to exercise the right to defence (contravening art. 18 of DL 2008/25), nor to the right of access to a means of appeal (art. 35). In fact, due to the absence of lawyers on the island, it was impossible to have any real legal assistance during the interviews, or with a view to an appeal if the commission's decision turned out to be a rejection. After the Commission left, 270 asylum seekers, mainly from the Horn of Africa, were transferred either to CARAs on the Italian

peninsula or, some of them, to the Loran centre in Lampedusa (see below).

Minister Maroni stated that he wanted to «Make it perfectly clear to all migrants arriving in Lampedusa that they will be expelled directly from the island». For this reason, on 22 January the former NATO base of was turned into a CIE on the basis of a text that has not yet been disclosed, contravening art. 14 of the immigration law. The island's population opposed this decision and demonstrated against it on 23 January, alongside migrants who left the centre to join the march.

On 26 January, in another memorandum that has not yet been released yet either, the minister announced the transfer of migrants from the CIE to the Contrada Imbriacola centre that had been a first aid and reception centre until then, with the Loran centre reserved for the reception of women and minors.

There are now two detention centres operating in Lampedusa:

- Loran receives asylum seekers, women and minors. This decommissioned military base that was turned into a CPSA and CARA is on the lands of a natural reserve and is not equipped for this function: safety standards decreed by national and European legislation are not respected. A fire broke out and the migrants had to jump out of windows to escape it. The Agrigento (Sicily) public prosecutor opened investigations into the case.

- Contrada Imbriacola is a CIE to which all the other migrants are sent.

Until 23 January 2009, the former Contrada Imbriacola first aid and reception centre fulfilled its functions set by art. 23 of D.P.R. (presidential decree) 1999/394, namely «activities of reception, assistance, and

those required to meet health and medical needs, in relation to aid for foreign citizens for the time that is strictly necessary for their transfer towards competent centres or the adoption of the necessary measures to implement specific forms of assistance that fall under the state's competencies».

The facility was envisaged for temporary reception (for a maximum of four or five days). After it became a CIE on 24 January, it now falls under articles 21 and 22 of D.P.R. 1999/394. As stated by art. 22 point 1, the management and organisation of these centres is entrusted to the competent prefect [government official responsible for overseeing local authorities and with responsibilities including security] in their province. The running of the centre must take place in accordance with «instructions concerning organisation, administration and accounting set by the interior ministry, through the signing of conventions with local institutions, public or private actors» (art. 22§1 of the implementation decree). If such an agreement is stipulated, the choice of operator will have to be carried out through a public procedure, entirely transparent and while respecting the professionalism and plurality of participants.

The prefect is the guarantor of the necessary provisions for a good coexistence in the centre (including indispensable measures for people's safety) and access to fundamental services to provide care, assistance, human and social respect. Thus, the management of each centre must guarantee «assistance for hygiene and health, the right practise one's religion, clothing, food, and anything that will be necessary during one's stay in the centre» (art. 22§2). If a foreigner cannot receive adequate care within the centre's enclosure, they must be taken to a place where medical care is available. Art. 21§4 states that

«the treatment may be provided by a CPT or a place for medical treatment in which the foreigner is admitted as a result of an urgent need».

These articles have been systematically violated in Lampedusa. Neither safety requirements (the case of the fire when migrants were kept on the site while it was on fire, overcrowding of the centre which holds between 1,700 and 1,800 people) nor health requirements (during a visit by ARCI and MEPs on 14 February, many migrants were experiencing critical medical and sanitary conditions: dermatitis, wounds that were superficially treated, a foreigner had been left on a bed, without treatment, with a fractured tibia) are complied with, contravening art. 32 of the Constitution which envisages that «the Republic protects health as a fundamental right of the individual and a collective interest», as well as art. 3 of the European Convention on Human Rights which forbids inhuman and degrading treatment.

These detention conditions are unbearable for migrants: there were ten suicide attempts in a few days. On the eve of the visit on 13 and 14 February by several MEPs to what had now become a CIE, police officers made the detainees sign detention notices which stated that their detention began in February, whereas they had been there since December. According to MEP Vittorio Agnoletto, the police did not hesitate to use violence in order to get the document signed.

In reality, some were detained in the centre for a month, or even a month and a half, without any judicial authority checking whether this deprivation of freedom was justified. Thus, it was a violation detailed by art. 5 of the European Convention on Hu-

man Rights and art. 13 of the Italian Constitution, which states that «*Personal freedom is inviolable. No form of detention, inspection or search affecting a person, nor any other restriction of a person's freedom is allowed, unless it is due to a motivated decision signed by a judicial authority and in the cases and only in the ways envisaged by the law*». It is only in exceptional cases of necessity and urgency, envisaged by the Constitution, that administrative authorities may adopt provisional measures of which a judicial authority must be informed within 48 hours to the appropriate judicial authority, which will confirm or revoke them within the following 48 hours.

Now, some migrants in the Lampedusa CIE were informed of an expulsion order against them well after this 96-hour limit; others were notified of a measure for them to be placed in detention (for a maximum of 60 days at the time, a term that was extended to six months in June 2009), using the date when they were informed as a starting reference, although some people had been in detention for over a month.

Moreover, these migrants, who were held far away from any court or lawyer, cannot exercise their right to a defence (interview with a lawyer, collection of documents and evidence), even though it is constitutionally guaranteed by art. 24. The hearing to validate a foreigner's being kept in detention, which is attended by a court-appointed lawyer who has not been able to meet their client, nor to talk with them about detention conditions, is more a pretence of justice than a verification of the legal conditions that legitimate their being kept in detention. Now, from the moment when their being held is validated, expulsion may be decreed at any time: hence, the confirmation hearing is «the only moment

when it is possible to assert one's arguments that oppose a forced expulsion».

The IOM (International Organisation for Migrations) which plays a role within the centre by providing legal advice, informed the mission of the problems experienced by detainees to file an appeal against repatriation measures issued against them after they are notified (over a month having passed between the date when they crossed the border and the measures adopted, as well as the fact that they should have received expulsion rather than repatriation orders, as repatriation designates a refusal of access into the territory). These problems are two-fold: on the one hand, there are no lawyers on Lampedusa, and on the other, due to jurisdictional competencies, the administrative court of Agrigento, designated as the authority before which appeals may be filed in the refolement notification documents, denies that it is responsible for assessing the legality of the measures.

Through IOM, the Italian government offers detainees 1,500 euros in aid towards voluntary repatriation (300 when they leave and 1,200 on arrival). For Tunisians, this return is envisaged without them receiving any guarantees that they will not be arrested when they arrive there. At the end of February, 50 people had accepted this offer.

The Revolt

After learning that some migrants were transferred from Lampedusa to Rome in order for them to be expelled, the migrants in the centre started a revolt* and on 18 February 2009, they set the centre's main structure alight. 18 migrants were identified as being responsible for the fire on the ba-

sis of video recordings shot by the police, and they were transferred to different locations in Sicily and perhaps on the mainland, either in prison or in detention centres. Over 15 days after these events, it was impossible to obtain information about this matter, and hence to contact the people concerned, a situation that poses serious problems both as regards migrants' right to a defence and the right to information for associations that wish to support them.

In spite of the conditions in which the centre now lies after it was damaged by the fire (far less places and no access to telephone booths until the end of February), more than 500 migrants were still being held there.

After the revolt, the opacity surrounding the centre intensified, with access forbidden to any external organisation. For over a week, even the organisations authorised to enter the centre were kept at a distance from the centre's closed sections (the «cages»). The island looked as if it was in a state of siege: over 1,000 members of the different law enforcement agencies (customs police, *carabinieri*, police officers and firemen) to keep watch over 500 migrants, a population of 5,000 and a 22km² area. This overwhelming presence appeared difficult to justify and may have been a response to a different motive than that of maintaining security: it may have been a token for the local population, which saw its hotels and restaurants fill up in a season that is generally slack.

Lampedusa, a camp for the sorting of migrants?

The Italian government's plan to separate the migrants who land on the island

into two centers, on the one hand a first aid and reception centre whose capacity was increased to 2,000–3,000 places, on the other an identification and expulsion centre, associated to a legislative reform that seeks to increase the length of detention to six months, obviously poses the problem of the status of this outpost of European in the Mediterranean. A series of questions concerning respect for human rights result from this situation⁶:

- How can you turn a place conceived as a transfer centre involving a maximum stay of a few days into a long-term detention centre –for up to 6 months– without endangering the dignity and the physical and psychological health of the detainees who are held in it?

- How can you make provisions for an additional stable population of thousands of people on an island that has less than 6,000 inhabitants where there is a lack of drinking water and there are already serious rubbish disposal, water channelling and waste water disposal problems?

- Following what criteria will the separation of migrants who will be «received» in the first aid and reception centre and those detained in the identification and expulsion centre be organised? In relation to current practices in Lampedusa, the answer could be a sorting process carried out when the *boat people* arrive in the harbour, on the basis of nationality (sub-Saharan, who are potential asylum seekers, would be sent to the reception centre, whereas Maghreb-coun-

try nationals such as Egyptians, who are presumed to be «economic migrants», would end up in the detention centre). Such a solution would constitute a violation of the right to asylum, given that the Geneva Convention on refugees requires that asylum procedures be dealt with on an individual basis and cannot be satisfied through the designation of categories based on physical traits. Unfortunately, this possibility is not a mere academic hypothesis: in early March 2009, the sorting of migrants was enacted by customs officers in the high seas on a boat intercepted 25 miles away from Lampedusa.

- Insofar as there are neither courts nor lawyers on Lampedusa, how can one ensure that Italian law is respected there (it envisages the presence of justices of the peace to notify detention orders and legal assistance for appeals against repatriation orders), the decisions by the Territorial Commission that assesses asylum applications, and European norms with regards to asylum procedure?

- How can it be envisaged for mass expulsions to be carried out from the island, as minister Maroni announced, when the island's only airport is only authorised to handle planes with small capacities and national flights?

- Finally, how will independent monitoring of the situation in the two camps in Lampedusa be allowed, whether it is through the intervention of NGOs, democratic control by civil society or visits by families and relatives, when transport links with the mainland are lengthy and costly?

⁶ A few months after the mission, these issues were unfortunately no longer on the agenda, given that since May 2009 Italy embarked upon a policy of systematic re-foulements to Libya to prevent boats from approaching Lampedusa. This situation allowed prime minister Silvio Berlusconi to ironically state, in August 2009: "This summer the only empty beaches in Italy are those in Lampedusa."

The activity of ARCI, member of Migreurop, in Lampedusa between 2004 and 2007

ARCI, a Migreurop member association, has been able to observe the situation on the island.

The monitoring carried out in the framework of the activities of the Italian ARCI association www.arci.it (as part of the *Presidio Democratico* project) between **June and September 2004**, highlighted the lack of transparency, both at the level of the centre's legal status and as regards the number of detainees in it.

The detention conditions (overcrowding, shortage of beds, problems with connections to the water and sewer systems, dirty toilets, etc.), and «reception» conditions in the harbour do not respect any minimum standards. No specific treatment is envisaged for vulnerable categories (pregnant women, minors, people who are ill). No legal assistance is provided, apart from that organised by activists from associations who are present on the island.

See the complete report on ARCI's presence in Lampedusa in 2004 <http://www.tesseramento.it/immigrazione/documenti/index.php?idnews=236>

From **July to September 2007**, the Italian association ARCI was authorised by the interior ministry to enter Lampedusa's first aid and reception centre (CPSA). In coordination with other international organisations and with Migreurop's cooperation, ARCI organised a mission with the goal of providing legal information to the detainees and to offer guidance at a social level.

ARCI was able to collect testimonies, particularly from women, on the violence they were subjected to in the Libyan camps, and numerous people were finally able to give their accounts of how they saw people starve to death, before their very eyes, in the boats.

Moreover, this monitoring work made it possible to shed light on several violations of human rights in the reception procedures in Italy, as well as the arbitrary nature of procedures to identify minors, malfunctions in access to the possibility of applying for asylum and in operations to rescue migrants at sea. In particular, ARCI noted:

- a lack of specialised training of the staff that runs the centre;
- frequent mistakes in transcribing personal details;
- poor conditions during transfers;
- an absence of psychological assistance;
- shortages at the level of interpreters, particularly for languages such as Amharic (the most spoken language in Ethiopia), Tigrinya (Eritrea) and Somali;
- an absolute lack of information about legislation;
- a lack of communication between the migrants and institutions (a role taken on by default by NGOs and associations);
- a lack of continuity in the provision of health care;
- problems in the distribution and the quality of food;
- a lack of personal hygiene kits if more than 48 hours' maintenance is required;
- absence of facilities for the reception of young children.

II - Comments on Italy's foreign policy and the management of migration lows

What happened at the start of 2009 in Lampedusa allows to gauge the growing role played by the bilateral relations between Italy and its African neighbours in its management of migration flows.

Italy has signed around 52 readmission agreements to date, according to prefect Ronconi, head of the central directorate for immigration and the border police. Those stipulated with Tunisia were a sort of pilot trial for the externalisation of the detention of irregular migrants to transit countries.

Italy – Tunisia Bilateral Agreements

On 27 January 2009, the Italian interior minister, Roberto Maroni, alongside the chief of police, Antonio Manganelli and a government delegation, went to meet his counterpart Rafik Belhaj Kacem in Tunisia in order to negotiate the expulsion of Tunisians held in the Lampedusa detention centre. The agreement signed in this instance provided for:

- continuing Italian support in the fight against illegal immigration carried out by Tunisia, following the path set by an agreement signed in 1998;
- defining a plan that enables the simplification and speeding up of procedures to identify Tunisians migrants held in Italian detention centres;
- the «gradual and ongoing» expulsion of migrants who had already been identified as Tunisians held in the facilities at Lampedusa at the time.

Within the framework of this agreement, the Tunisian government accepted the expulsion of 500 migrants on condition that their expulsions be «spread out» over a period: that is, 150 migrants to be expelled per month for the first two months, and then 100 per month in groups of no more than seven people per return.

The overall number of people expelled in application of this agreement is not known: no official figure has ever been released, with the government limiting itself to issuing press releases detailing the total number of people expelled, without dividing them up by nationality.

To find out the content of the latest agreement between Italy and Tunisia, one must refer back to the document that prefect Rodolfo Ronconi, head director for immigration and the border police, submitted to the parliamentary committee (Senate and Chamber of Representatives) for the implementation of the Schengen Agreement: *«The interior minister, the chief of police (in a technical role), and my central directorate (in an operational role) have reached an agreement with Tunisia, in application of which the Tunisian government accepts the repatriation of people from their country using a fast-track procedure: supposed citizens or irregular immigrants arriving from Tunisia will be heard by Tunisian consular authorities, then their fingerprint-photograph* card will be sent to the scientific police headquarters in Tunis and, if their nationality is confirmed, a temporary travel document will be issued and the irregular migrant returned to Tunisia. This procedure is detailed in the readmission agreement signed with Tunisia, but until then it was very difficult to repatriate more*

than three, four, or even five Tunisian citizens per month. Thanks to the agreement, we would now be in a position to repatriate around 200 Tunisian citizens per month to tackle and curb the urgent situation, before scaling down to a level of around 100 monthly repatriations. This a great step forward for us, both in quantitative terms and as regards Tunisia's willingness to respect the readmission agreements».

Furthermore: «the readmission agreement with Tunisia provides for the identification of a presumed Tunisian citizen within 15 days. It generally takes four days to inform the consular authorities, which have four days to meet the person believed to be Tunisian to interview them and take their fingerprints. This data must then be sent to Tunis, and Tunis must provide its answer within three days. The procedure is complex, but it makes it possible to have an answer regarding a person's identification in ten or fifteen days, whereby if it is confirmed, the issuing of a travel permit is certain».

The readmission agreement sets a precise deadline for each phase, but what happens in practice? The Italian police takes their fingerprints and sends them to the Tunisian general consulate which, in turn, passes them on to Tunis. There are several ways to dispatch this correspondence: the diplomatic pouch is the slowest, as it only sent once a week. If the fingerprints are not sent on Thursday, one will have to wait until the following week. The digital matching process will only work if the fingerprints are already recorded in the police database in Tunis, but if the person is not included in the database, digital identification will not be possible, and the travel permit will not be issued. Like Morocco, Tunisia currently collects the fingerprints of all its citizens, using the pretext of guaranteeing personal identity.

If this is the procedure, why set six-month detention periods? Or why even 60 days? Moreover, prefect Ronconi, just like the interior minister, appears to have forgotten that in 2005 the European Union condemned the practice of mass repatriations from Italy to Tunisia that contravenes the *non-refoulement* principle guaranteed by art. 33 of the 1951 Geneva Convention, by Art. 3 of the United Nations Convention Against Torture and by Art. 3 of the European Convention on Human Rights.

At the start of 2009, this reminder that numerous Tunisians seek international protection due to repeated violations of their fundamental rights by their authorities was particularly topical: a significant portion of the many Tunisians who arrived in Lampedusa by sea in late 2008 came from a region, the Gafsa phosphate mining basin in southwestern Tunisia, where a very harsh repression had been raging for over a year. For some months, inhabitants of this very poor and neglected region have embarked upon a protest movement against the social policies and the management of natural resources by the powers that are in place, that was severely repressed: beatings, torture, police round-ups, the firing of live ammunition, deaths and political trials with very harsh prison sentences. These events have been documented and there have been reports about them and testimonies provided by witnesses and observers, human rights organisations and jurists. In this context,



Lampedusa - Italia - August 2007

«enhanced cooperation» announced by Italian and Tunisian authorities for the purpose of enacting large-scale and quick returns leads us to fear the worst. In fact, on the one hand, it entails denying any political nature to the fact that people from this region, who are classified *a priori* as «economic migrants», leave their country, making the possibility of their application for protection in Italy having a positive outcome unlikely. The visit to the centre of an official delegation sent by the Tunisian government on 23 February 2009, contravening all the norms for the protection of asylum seekers, is a sign of this disregard. Secondly, it exposes expelled Tunisians to serious risks once they return, about which, given the situation that exists there, it is very difficult to obtain information.

So, at the beginning of 2009 the Italian government was primarily negotiating with

Tunisia. Just a few months later, resuming its approach from previous years, it presented its «partnership» with its Libyan ally. These agreements, which were as secret at a legal level as they were extensively publicised in the media at the political level, were the subject of detailed analyses⁷. Like those reached with Tunisia, they follow the same logic of disregarding international conventions and the fundamental rights of migrants for the sake of a game of bartering between States whose price, in terms of human lives, is very high. Thus, the latest event to date⁸ in a long list of tragedies caused by the intention to prevent migrants from landing in the Italian EU ports, involved the death of 73 Eritreans in mid-

⁷ See the dossier on the Italian website *Melting Pot*, particularly the articles by Fulvio Vassallo Paleologo:

<http://www.meltingpot.org/articolo14602.html>. In French, Claire Rodier "Externalisation des frontières au sud de l'Europe. L'alliance contre nature de UE-Libye" in A. Bensaad: *Le Maghreb à l'épreuve des Migrations subsahariennes*, Karthala, 2009.

⁸ The latest changes in this report were made in August 2009.

August during their crossing from Libya on a boat that drifted for 23 days during which they encountered a number of ships. Opponents of the new agreements between Italy and Libya on the control of migrants' departures and the sending back of boats to Tripoli, have reiterated their criticism of this policy, and the Italian Catholic church's newspaper, *Avvenire*⁹, has denounced «the West's closed eyes» and a policy that disregards «the idea of what a human being is».

The practice of signing expulsion agreements in Italy

The Italian tradition of reaching bilateral agreements with migrants' countries of origin and transit began in 1998, the same year when detention camps for foreigners were introduced in Italy.

The signing of these agreements for the readmission of irregular foreigners is envisaged by the law on immigration (law 49/1998) that sets out that the foreign affairs and interior ministries engage in discussions with the countries concerned, so as to speed up identification and the issuing of documents required for expulsions.

The first bilateral agreement in the field of immigration was signed by Italy with Tunisia in 1998 under the center-left government of Lamberto Dini. It was not a real readmission agreement such as those signed later, in 2007 with Egypt and in 2008 with Libya, but it consisted of an «exchange of files between Italy and Tunisia concerning the entry and readmission of people in an irregular position».

⁹ *Avvenire*, 21 August 2008, editorial, <http://edicola.avvenire.it/ee/avvenire/default.php?pSetup=avvenire>.

The points envisaged in the agreement already evoke those that would be discussed in 2009:

- a joint programme to fight illegal immigration
- a commitment by the Italian government to assist the improvement of socio-economic conditions in Tunisia's deprived areas;
- intensification of controls by the two countries' law enforcement agencies along the Tunisian coast;
- readmission of migrants by Tunisia, including non-nationals, who entered Italian territory illegally after departing from the Tunisian coast.

Italy's «economic commitment» to Tunisia amounted to 150 billion lire (300 million euros) in industrial credits over a three-year period, of which 500 million lire (250,000 euros) would be used to build 13 detention centres in Tunisia.

According to information that has often been reported, but neither sourced nor verified, 13 detention camps have supposedly been completed since, one of them near Tunis and another between Gabes and the Libyan border. Not even the location of the other 11 is known. On this issue, the Tunisian authorities keep an absolute silence and no information seeps through on a matter that is especially delicate because it does not just concern sub-Saharan, but also Tunisian citizens who seek to flee from Ben Ali's dictatorship.

In September 1999, when the agreement came into force, the Italian government instructed prefects to intensify controls, particularly those targeting irregular migrants. Despair, suicide attempts and acts of self-harm spread across detention

centres from Trapani (Sicily), to Milan and Turin. In December 1999, six migrants burned to death during an attempted escape from Trapani detention centre on the eve of the execution of the expulsion orders against them.

In this first three-year phase (1998-2000) of the readmission agreements' application, Italy supplied 20 million euros' worth of material to Tunisia. In exchange, Tunisia received a privileged quota for «legal entries» (employment visas) into Italy: 3,000 in 2000 and 2001, 2,000 in 2002 and 600 in 2003.

After the interruption of Italian funding, a decrease in entry quotas and an increase in the arrivals of migrants by sea, in 2003 the Italian government decided to reopen negotiations with Tunisia to sign a new readmission agreement, which was reached at the end of the year. It also concerned police cooperation: Italy committed to train the Tunisian police and to increase the legal entry quotas (which, after the agreement was signed, rose from 600 to 3,000 units).

In 2004, Tunisia proved its goodwill by adopting a law envisaged harsh sentences for people accused of involvement in trafficking migrants, and the departures of *boat people* partly shifted to neighbouring Libya.



Lampedusa - Italia - August 2007

