

European Parliament, GUE-NGL Group
Report of the visit to Lampedusa - Italy
13th-14th February 2009

MEPs present:

Giusto CATANIA (IT)
Kostas DROUTSAS (EL)
Willy MEYER PLEITE (ES)
Vittorio AGNOLETTO (IT)
Gabi ZIMMER (DE)
Roberto MUSACCHIO (IT)

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Political background:

After the decisions taken on immigration by the Italian government in December 2008 and the situation these decisions created on the island of Lampedusa, the group of the European United Left decided to go on site in order to:

- monitor the real situation in the "Contrada Imbriacola" centre for migrants and the new "Loran" centre and collect the testimonies of migrants detained therein;
- listen to the reasons for the protest by the inhabitants of Lampedusa (who formed the committee "Pelagie islands SOS") who for almost 2 months now have been demonstrating against the construction of the second migrants' centre ("Loran");
- verify the correct application of European directives concerning reception conditions;
- organize follow up at European level together with the local population.

Participants in the visit (in addition to Members and staff) included lawyers, journalists, representatives of associations and interpreters who contributed to the effectiveness of the intervention on various fronts.

Legal Background: main measures taken recently by the Italian government.

Until November 2008, the "Contrada Imbriacola" centre for migrants was a reception centre where migrants remained just a few days before being transferred to different structures depending on their status (unaccompanied minors, asylum seekers, economic migrants, etc.).

Starting from December 2008, the Ministry of the Interior decided to no longer make the usual transfers from Lampedusa to other Italian centres (except for minors and asylum seekers of nationality that are *prima facie* identified as potential refugees, namely the Horn of Africa). The declared aim of the decision is to return economic migrants directly from the island of Lampedusa to Tunisia - the country of origin of the majority of migrants at present on the island.

This has had several consequences:

1. an unmanageable overcrowding of the centre for migrants, which can accommodate 400 people (maximum 800 in emergency conditions) while in January it housed more than 1800.
2. from the point of view of legal guarantees, this choice has led the government to issue a decree that transformed the "reception centre" into an "identification centre" (otherwise the return would not have been possible from there), a decree issued on 24th January but never published in the Official Journal for lack of clearance by the Court of Auditors, thus devoid of any legal value. Furthermore, with a legal fiction that we consider contrary to Italian and European law, the Ministry said that until 23rd January 2009 a stay in the reception Centre was not to be considered as "detention"

(despite it being a closed centre). So for the Government, the maximum detention period of 60 days¹ begins to run only from 24th January onward.

3. because the initial project (maintaining the current centre of Contrada Imbriacola as a reception centre and creating a new centre - at the former Loran base - for identification and expulsion) has sparked a protest by local people and migrants, the government preferred to convert the Contrada Imbriacola centre into an expulsion centre and to use the new centre (Loran) for reception.

Report of the visit

13th February 2009.

8.00 a.m., "Contrada Imbriacola" Centre

The first appointment for the Members (initially not scheduled in the programme at this time) was determined by an urgent alert from inside the "Contrada Imbriacola" centre for migrants: the arrival of the delegation of MEPs had resulted in the police coming to the centre to call in haste for the countersignature by migrants of detention orders issued by the court days or - sometimes - weeks before. The migrants had to sign backdated documents, whose significance they could hardly understand and this without any legal advice. In the face of this one (at least) irregular act, migrants had protested² and contacted our members, three of whom (who were already on the island at that time) immediately rushed to the centre.

The intervention of the Delegation was therefore important to verify the management of the centre by security forces and representatives of the Ministry of the Interior, finding many aspects to criticize. It was also possible to verify that - as in the past³ - the arrival of a delegation of parliamentarians triggers mechanisms aiming to "cover up" and to conceal a serious situation.

10.00 am, Town Hall.

This is where the planned meeting with NGOs (Save the Children, ASGI-association on legal studies on immigration and ARCI-immigration) and governmental organizations (UNHCR, IOM, IRC) which are active on the island or deal with immigration/asylum issues took place.

The associations described to Members the current situation in the two centres for migrants on the island and highlighted the critical aspects which have emerged in the latter period, in particular:

- the current legal uncertainty due to the issuing of a decree by the Minister of the Interior which was never published in the Official Journal changing the legal status of the centre from "reception centre" to "centre for identification and expulsion";

-the criticism of the current asylum application procedure, which is only possible through the police office in the centre;

-judicial review of orders of deportation occurred with such speed as to create doubts about the respect of procedural safeguards;

-the alarming health and hygienic conditions, both because of the suspension of systematic medical screening upon arrival since 23 January 2009 (the eve of the entry into force of the decree by the ministry) and because of the persistent overcrowding;

-the impossibility of access by NGOs to the internal perimeter of the centre, except for the CRI.

3:00 p.m., "Contrada Imbriacola" centre

Visit (announced to the press) of the centre for migrants, with the whole delegation, several associations and some journalists. Although accompanied by police and ministry officials, Members were able to enter the dormitories of migrants and talk quite freely with them. The material conditions of "reception" are terrible, inhuman and degrading: waste and dirt everywhere (although migrants said that the same morning cleaning had taken place exceptionally in view of our arrival), the lack of the

¹ On 20th of February, some days after our visit, the Government approved a decree (which needs confirmation by the Chambers within the next 60 days, otherwise it falls) extending up to 6 months the maximum period of detention in migrants' expulsion centres. Following the decree, it shall apply also to migrants already detained at present.

² The video of the protest is available.

³ In 2005 the same mechanism was set in motion during the EP visit to Lampedusa.

most basic hygiene, bathroom not working properly, cold, overcrowding (972 detainees for 800 beds, which means that some migrants slept in the open air, others on the ground, others on the fire stairs), frequent dermatitis - due to lack of hygiene, total lack of legal advice or information on the legal status of migrants and on their future, police disinformation concerning the rights of migrants (especially about the maximum detention period).

Members were visibly shocked by the visit and declared that they had never seen similar conditions of detention and that this was something unworthy of a civilized country. For those who had already visited the centre in the past months, the rapid and severe deterioration of the material conditions and especially of the legal protection of migrants and their rights became clear.

Members also announced their intention to send information to the Prosecutor of the Tribunal of Agrigento on the 27th February 2009, that is exactly 60 days after the arrival of the first group of migrants, because detention beyond that date would represent a violation of Italian law and consequently of Article 5 of the European Convention on Human Rights⁴.

6:00 pm: bilateral meeting with the Mayor of Lampedusa.

Members exchanged views with the mayor of Lampedusa, Dino De Rubeis, and with some members of the town council on the situation on the island, particularly on the creation of the second centre for migrants, "Loran".

Both parties confirmed the common aim of fighting against the transformation of Lampedusa into a "prison island" and prevent the construction of the second centre, while the joint solidarity with migrants housed on the island was reiterated as well as the commitment to respect for their rights.

19:00: Participation of the Mayor with citizens - public demonstration⁵.

Representatives of the administration and the town council (representing all political parties) had organized a public demonstration to inform citizens of the results of their visit to Brussels some days previously. Having learnt about the presence of the delegation of the GUE group, the Mayor called on Members of the delegation to join in the event. The common aim in the fight was emphasized publicly and Giusto Catania spoke on behalf of the entire delegation to support the people of Lampedusa and the migrants in the common struggle for the island to retain its characters of hospitality and tourism, not allowing it to be turned into an open-air prison. It was also reaffirmed that human rights can be effectively protected only if they are considered as universal: at the same time, we must protect the rights of citizens of Lampedusa, of Italy, of Europe and the rights of migrants.

14.02.2009

9:00 am: visit to the new centre for migrants "Loran"

The delegation visited the premises currently used as the new reception centre and they witnessed with their own eyes the total inadequacy of the premises to accommodate people safely and healthily. The premises do not meet national housing and safety standards (electrical wires hanging in the showers, possible presence of asbestos, electromagnetic waves potentially higher than allowed, lack of anti-fire devices, etc). Moreover, the place seems to be in military area (or under military supervision, although the actual ownership of the land is controversial), which involves access controlled by the armed forces to the centre, including for associations or lawyers.

During the visit to the centre, there were 33 migrants there, either asylum seekers of Tunisian nationality or women, or also minors awaiting transfer.

Representatives from the Interior Ministry informed the delegation of their intention to undertake work to expand the capacity of the centre up to 150 beds, which would imply the installation (supposedly provisional) of different containers in the outer perimeter of the centre in order to

⁴ After the adoption of the decree extending detention up to 6 months (see footnote n°1), the delegation keeps its intention to ask for the intervention of the Prosecutor as it believes the decree be against the Italian Constitution for being a retroactive criminal law.

⁵ The demonstration video can be watched on <http://www.youtube.com/watch?v=67xXYVD4Zgs>

accommodate the migrants during the works. Members fear that the temporary structure could become permanent, they expressed their concerns relating to compliance with European directives and national legislation on environment and security of premises and more generally they reaffirmed their opposition to the use of this structure to create a second centre for migrants.

10.30 am: meeting with "SOS Pelagie" - Town hall.

Before leaving for Brussels, the delegation met several representatives of the local "SOS Pelagie" Committee and of the protesters against the construction of the second centre. Other issues relating to the development of the island and fears relating to the militarization of the territory, the environmental impact of the construction of the second centre and the possible collapse of tourism (major source of income for the islanders) were also addressed.

1.00 pm: further visit to the "Contrada Imbriacola" centre.

At 11am, the delegation informed the management of the centre that it would return to the centre during lunch time in order to eat with the migrants. This was done both to verify the quality of the food provided and to show solidarity with the migrants. Members received, like the migrants, a pack with a dish of pasta (with tomato sauce), a hamburger, bread and a small dessert, and they went to the rooms of the migrants in order to eat together with them. Migrants welcomed very warmly the delegation and affirmed that exceptionally that day the quality of the food was better (pasta was not simply boiled without sauce) and the quantities bigger (there was usually no dessert and less bread was distributed).

At 3pm. the delegation went to the airport in order to return to Brussels.

The delegation's political demands:

Following the visit to Lampedusa, the whole delegation:

- reaffirms that the migrants' centres visited in Lampedusa are inhumane and degrading places which are outside the law and do not conform with European reception and protection standards both in terms of the rights of asylum seekers and the human rights of very human being - not depending on his/her legal status;
- condemns the lack of appropriate health and legal assistance;
- insists that these centres have to be shut down in order to focus on real reception, worthy of the name;
- in the short term, urges the immediate transfer of all migrants present on the island to adequate structures in other towns of Italy and the immediate stop to the works to enlarge the "Loran" centre;
- recalls that the construction plans for the new centres for migrants have to respect fully European environmental impact standards and contracts;
- stresses the need to respect the maximum detention limit of 60 days for migrants already detained in the centre before the entry into force of the decree of 20th February 2009⁶;
- expresses its clear opposition to the plans of the Italian minister of the interior which would turn Lampedusa into an open-air prison. Expresses in this respect its solidarity with the people of Lampedusa;
- recalls that marine law and international law more generally also oblige Italy to rescue all people whose life is at risk at sea and to bring them to the nearest safe harbour. Recalls that Frontex has to respect these rules too.

⁶ See footnote n°1 for its content.

Photos of the detention centre for migrant "Contrada Imbriacola"



1. Mattresses are placed in the stairwell. external as a "room" due to lack of beds



2. Corridor of toilet



3. Corridor of toilet



4. "Lit": A mattress was added under a bed to create a bed, because of lack of space



5. Migrants need appropriate medical care but there is no systematic health screening



6. Mattress placed in the stairwell outside



7. Room.



8. Internal corridor



9. Skin disease caused by poor conditions of hygiene