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Committee on Civil Liberties, Justice and Home Affairs

Brussels, 19 September 2005

**Report from the Committee on Civil Liberties delegation
on the visit to the Temporary Holding Centre (THC) in Lampedusa (IT)
Rapporteur: Ms Martine ROURE**

Report on the visit

A delegation of 12 MEPs (see list in Annex I) travelled to the island of Lampedusa in southern Sicily to visit the Temporary Holding Centre.

Prior to visiting the centre, the EP delegation questioned the Italian authorities for more than two hours in order to obtain information on the centre.

Among the representatives of the Italian authorities were: Deputy Minister Mr Giampiero D'Alia; Provincial Governors Bruno Pezzuto, Michele Lepri Gallerano and Nicola Prete; Quaestor of Agrigento, Mr Nicola Zito; the Mayor of Lampedusa, Mr Bruno Siragusa, and other law-enforcement officials.

The delegation then visited the THC for approximately one and a half hours and afterwards gave a press conference.

The visit received broad media coverage, especially on television.

The simulation of a sea rescue operation by coastguard boats did not take place.

Briefing with the Italian authorities

Figures

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

The MEPs were not able to establish the number of people present from the record of arrivals and departures because these records were not held at the centre, but at the prefecture of

Agrigento. The MEPs asked to see this information on several occasions, but were refused. Neither was it possible to see the expulsion orders, which were also at the prefecture of Agrigento.

The authorities provided other figures:

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

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

In connection with the text of the European Parliament resolution of 14 April 2005, which declared itself *'concerned at the collective expulsions of migrants from the island of Lampedusa in Italy to Libya carried out by the Italian authorities between October 2004 and March 2005,'* the Italian authorities had provided the following figures:

- *from 29 September to 8 October 2004* 1 787 people arrived in Lampedusa, 544 of whom expressed their intention to claim asylum and were immediately transferred to the Crotona centre. Of these, 181 had obtained a temporary residence permit and 140 had absconded. A total of 1 153 of these people, all presumed to be Egyptians, were sent to Libya on 11 charter flights. There was no mention of the 90 people who did not fall into either of these categories.

- *from 13 to 21 March 2005* 1 235 people arrived on the island, 421 of whom expressed their intention to claim asylum and were immediately transferred to the Crotona centre. All 421 fled the Crotona centre after overpowering the Carabinieri. Of the others, 494 were sent back to Libya and 126 repatriated to Egypt.

Management of the centre

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

Reception procedure

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

Normally boats carrying illegal migrants were stopped in the waters off Lampedusa and very rarely reached the coast. People were first frisked in an area at the entrance to the centre, and then underwent an initial health check. They then received clothing, cigarettes and telephone cards. Bed linen was changed every three days. Nationality was determined by means of an interview with interpreters and also by taking into account physical characteristics. The authorities stated that most arrivals were Egyptian. The news that nearly all the migrants were from Egypt surprised most of the MEPs. They also expressed their doubts about the

possibility of identifying a person after a meeting lasting only a few minutes and depending entirely on the person's accent and skin colour. MEPs were astonished to hear that almost all the migrants were considered to be of Egyptian nationality, and that there was a total absence of any other nationalities, especially Iraqis and Palestinians, among the people identified at the centre.

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

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

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

Doctors use X-rays to identify children at the centre.

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

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

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

The Italian authorities insisted several times on the difference between 'refusal of entry' and 'expulsion'¹. Expulsion required an order from a judge and was valid for 10 years. Refusal of entry was an administrative measure decided by the quaestor and did not prevent the migrant

¹ Reference to the Bossi-Fini Law: Article 10: refusal of entry; Art 13: expulsion.

from returning to Italian territory.

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

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

The cost of air tickets and other technical expenses in 2004 amounted to € 21 326 000.

The Italian authorities were currently setting up a larger centre in a former military barracks to provide greater reception capacity.

Visit to the centre

The MEPs were allowed access to the centre along with staff, interpreters and one accompanying person each, many of whom were journalists. For almost two hours, the delegation was able to visit the whole centre and meet the 11 people who were staying there on that day. The entire centre was surrounded by an enclosure made of metal grilles and a large amount of barbed wire, like a military zone. The centre was right next to Lampedusa airport and had direct private access to the runway.

There were four prefabricated containers each containing about 40 beds (two rows of bunks). The first container appeared clean and freshly painted, with the charter of migrants' rights displayed in French, English and Arabic. The MEPs noted that this charter had been put up recently. The bunk beds were made of iron and had new foam mattresses. There were no sheets or blankets on the beds. There was no glass in the windows. The explanation was that the centre's windows were constantly being broken because of the many fights and disturbances. There was a single common structure that served as a communal bathroom, with toilets without doors, a wash basin and showers, also without doors. There were only about ten toilets in the entire centre. The showers and wash basins were fed with salt water from the sea. There were no windows.

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

Another container held:

- the kitchen, well-stocked with foodstuffs;
- a separate hall for women and children and entire families, which MEPs were not able to visit;
- an empty room to be used for meetings with lawyers, containing neither a desk nor chairs. There was a single living room to serve the entire centre. The MEPs expressed their surprise at the lack of space. It seemed impossible to be able to assess everyone's situation in a calm and clear manner. With average stays of four days it seemed impossible to grant everyone an individual interview, especially at times when there were up to 1 000 people at the centre;
- an office with equipment for taking fingerprints and digital photographs.

Statements by the migrants

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

Request for clarification from the Italian Government

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

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

- more precise and detailed figures for the people held at the centre, in order to check arrivals and departures;
- copies of the expulsion orders, especially during the period covered by the EP resolution of 14 April 2005;
- a copy of the agreement between Italy and Libya concerning the sending of illegal migrants to Libya;
- figures for people sent to Libya since the start of 2004.

Conclusions

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

Comments from the Rapporteur, Ms Martine ROURE

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

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

ran the centre, the figure was €21.

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

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

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

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

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

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

**Draft Programme for the Visit by the Committee on Civil Liberties,
Justice and Home Affairs
to the Lampedusa Holding Centre
15 and 16 September 2005**

15 September 2005

- 05.00: Departure by bus from Parliament to the airport.
- 06.30: Departure of the flight Brussels – Rome Fiumicino (SN 5015).
- 08.40: Arrival at Rome Fiumicino airport.
Welcome by Deputy Minister Giampiero D’Alia.
- 10.20: Departure of the flight Rome Fiumicino – Lampedusa (LH 2746).
- 11.40: Arrival in Lampedusa. Welcome by the municipal leader of Agrigento, the Mayor of Lampedusa and representatives of the local police.
- 12.00: Briefing in the Air Force meeting room.
Welcome cocktail.
- 13.00: Bus transfer to hotels.
- 14.30: Bus transfer from the hotels to the Holding Centre.
- 15.00: Visit to the Lampedusa temporary holding and assistance centre.
- 17.00: Simulation of a sea rescue operation by boats of the Coastguard and the Guardia di Finanza (military corps responsible for enforcing the financial regulations of the State).
- 18.00: Bus transfer to hotels. *Press conference at the Hotel El Mosaico del Sol Resort Via F. Riso.*
- 21.00: Dinner given by the Ministry of the Interior.

16 September 2005

- 11.00: Transfer from the hotel to the airport.
- 12.25: Departure of the flight Lampedusa – Rome Fiumicino (LH 2747).
- 13.45: Arrival at Rome Fiumicino airport.
- 15.15: Departure of the flight Rome Fiumicino – Brussels (SN 5022).
- 17.30: Arrival in Brussels.
Transfer by bus to the European Parliament.

MISSION to LAMPEDUSA – 15/16 September 2005

PARTICIPANTS:

Members of Parliament:

Mr **Stefano ZAPPALÀ**, Vice-Chairman LIBE, EPP-ED
Mr **Agustín DÍAZ de MERA**, EPP-ED
Mr **Patrick GAUBERT**, EPP-ED
Ms **Martine ROURE**, PES
Mr **Wolfgang Kreissl-Dörfler**, PES
Ms **Jeanine HENNIS-PLASSCHAERT**, ALDE
Ms **Jean LAMBERT**, Greens

Members outside quota (will pay for flights and hotel accommodation themselves):

Mr **Giovanni Claudio FAVA**, PES
Mr **Giusto CATANIA**, GUE
Mr **Mario BORGHEZIO**, ID)
Ms **Kathalijne BUITENWEG**, Greens
Mr **Romano Maria LA RUSSA**, UEN

Political groups:

Ms **FABRIZIA PANZETTI**, PES
Ms **Annie LEMARCHAL**, PES
Mr **ANDERS RASMUSSEN**, ALDE
Mr **JEAN-LUC ROBERT**, Greens
Ms **Chiara TAMBURINI**, GUE

LIBE secretariat:

Ms **Cristina CASTAGNOLI**
Ms **Lena Vestberg**

Interpreting:

IT, FR, EN, ES = 4 interpreters:
FR – Marie-Claude LAURENT (Team leader)
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EN – Honor Mary DOLAN
ES – Carmen ROMERO