

“Migrant detention centres in Europe: Open the doors! We have the right to know!”

**Campaign of parliamentary visits 2013
Country reports**

8 October 2013

The campaign of parliamentary visits to migrant detention sites was launched on 24 April 2013 at the European Parliament¹.

Over three months, members of European and national parliaments took action, asserting their right – guaranteed by law - to visit detention sites, in order to strengthen citizen surveillance of these structures, to underline the need for transparency and to give greater visibility to problems related to the detention of migrants. These visits aimed to encourage reform of national and European laws to increase respect for human rights.

The visits were organised with representatives of civil society, NGOs and the media, in support of the demands of the campaign “[Open Access Now](#)”, launched by the networks Migreurop and European Alternatives.

Visits were made to a total of 21 places of detention, in Belgium, Cyprus, Spain, France, Italy and Lebanon.

Belgium

Visit to the closed centre in Bruges, 20 June 2013

Composition of the delegation: Marie-Christine Vergiat (MEP, GUE/NGL, France), Amandine Bach (Political Adviser in charge of “immigration and asylum” issues for GUE/NGL at EP), Thierry Leguay (parliamentary assistant in charge of following up LIBE Committee at EP), representatives from the NGOs *Coordination et initiatives pour réfugiés et étrangers* (Coordination and Initiatives for Refugees and Foreigners - CIRE) and Jesuit Refugee Service (JRS).

The day before the visit, a journalist from *Radio-télé publique belge francophone* (RTBF) was refused access to the centre on the pretext that the request had been submitted too late, thus making it impossible for the directors of the centre to prepare adequately for visits by journalists, who, according to the authorities, “are not always objective”.

On arrival, the delegation was particularly struck by the prison-like aspect of the centre. Building work was underway to install higher fences and a walled walkway and a fenced walkway running from the staff offices to the courtyard had just been built.

The directors of the centre showed some degree of transparency by providing the delegation with a copy of a powerpoint presentation of the centre as well as an anonymised list of migrants. According to the list, among the 85 migrants in detention at the time of the visit (nationals from 31 different countries), 18 were either not receiving legal assistance or not from a lawyer known to the administration. Several migrants had been detained for more than three months in the centre, some of them for up to 6 or 7 months. In one case, a migrant had been detained for 10 months. In Belgium, the law provides that detention shall not exceed 4 months (or 5 months with authorisation from the Minister in charge of migration), but the counters are often reset to zero with each new detention order. This is in particular the case when someone opposes deportation, or when his or her administrative status changes (e.g. when a migrant is detained on the grounds of illegal stay and then applies for asylum).

¹ See programme and summary of the meeting [\[available online\]](#) (the summary is available in French)]

The operational manager of the centre and a representative from the Immigration Office informed the delegation that an information kit was provided to each detainee. The kit has been translated into 26 languages and includes the centre's internal rules.

Two DVDs had also been made to present life at the centre and the methods of deportation to new detainees in a comprehensible format. The aim of the DVD on deportation methods was described as being to show the difference between an "accepted" and a "forced" deportation, the idea being to convince migrants to accept removal more easily. A copy of the Internal Rules was provided to the delegation, but the DVDs could not be screened, in the absence of a specific official request.

The delegation was then provided with the centre's statistical data, including gender distribution (2/3 men – 1/3 women), the average length of detention (33 days), breakdown by nationality (Moroccans – 12%, Albanians – 9%, Turkish and Romanians – 5%), a 50% average deportation rate at the beginning of 2013 (it reached 78.3% in 2012).

Members of the delegation noted that movement of detainees was very limited: partitioning of spaces, restrictions to mobility between accessible areas, etc. Furthermore, schedules were not as flexible as the staff of the centre suggested: the delegation spotted a notice saying that when a migrant decided to spend more time in his or her bedroom in the morning, he or she would not be allowed to have breakfast and would remain locked in the bedroom.

At the time of the visit to the centre, all premises and equipment were clearly run-down. Migrants have no privacy, they spend daytime in communal areas ("recreation" rooms, areas to practice sports, the courtyard) and sleep in dormitories (narrow spaces, bunk beds). An "armoured" door separates each section of the centre.

Couples are entitled to one conjugal visit per month, in the "intimate bedroom", if they can demonstrate that their relationship has lasted at least six-months.

Access to medical care is problematic in the centre. The delegation was told during a discussion with medical staff that, except in cases of emergency, nurses at the centre are in charge of filtering detainees' requests to see the medical doctor hired by the Immigration Office. Detainees are "free" to request a visit by the medical doctor of their own choice, but in such case they must cover the costs of the visit. In the infirmary premises, which are particularly run-down, many migrants are treated for sleep disorders or stress, which is a clear sign of the impact of detention.

An agreement had been concluded with a psychiatric hospital to treat psychiatric disorders. Detainees are referred upon the sole recommendation of staff present at the centre and not necessarily on the basis of medical opinion or examination by medical staff. The migrant is only be examined once he or she has reached the hospital.

No satisfactory response was provided concerning the practice of solitary confinement. The same goes for recent incidents (hunger strikes and escapes). Answers remained very vague and showed some uneasiness.

It only remains to point out that judicial control of administrative detention is not systematic in Belgium: the migrant must file an application². According to estimates, the majority of detainees do not benefit from such supervision.

² See the statement by the *Ligue des droits de l'Homme Belgique* (League of Human Rights Belgium - LDH Belgique) during the roundtable "What access to detention centres?", Brussels, 24 April 2013 [[available online](#)(in French)]

Cyprus

The “Alien and Immigration Law” governs the detention of migrants in Cyprus. It dates back to the 1950s, before the ratification of international human rights conventions. According to this law, the Minister of the Interior may decide to detain migrants – for unlimited periods – and to deport those who have been declared to be “prohibited immigrants”³.

In 2011, the “Return” Directive⁴ was transposed into national law, without amending relevant existing provisions. Since then, the authorities continue to apply the previous system: ordinary prisoners are not separated from migrants awaiting deportation in police stations; lack of information to detainees concerning their rights; quasi systematic detention of unaccompanied minors without entry or residency permits. The maximum period of detention was set at 18 months. However, the practice persists of arresting migrants on the basis of a new expulsion order, following a decision of the Supreme Court ordering their release within the framework of *habeas corpus* cases. Accordingly, the length of detention remains “*de facto*” potentially unlimited.

Finally application of the right to an effective remedy⁵ is a complete failure. Complaints must be lodged by migrants themselves, within a period of 75 days of notification of detention. Since the directive was transposed, migrants are entitled to legal assistance, but only for complaints related to the legality of detention. The beneficiary must then prove that s/he does not have sufficient resources. Complaints do not have suspensive effect and, on average, are examined within a period of one and a half years. In detention premises visited by the delegation, detainees had no access to free legal assistance (see below).

On 23 July 2013, in the case of *M.A. vs. Cyprus* (No. 41872/10)⁶, the European Court of Human Rights (ECHR) condemned Cyprus, holding that Cyprus had violated Article 13 (right to an effective remedy) combined with Articles 2 (right to life) and 3 (prohibition of torture, inhuman and degrading treatments). These findings were based on the lack of an effective procedure to challenge an expulsion order, Article 5 §§ 1 and 4 (on the right to liberty and security) and the illegality of detention without access to an effective remedy. The court also took into consideration the fact that appeals to the Supreme Court did not have suspensive effect, the length of judicial proceedings, the lack of legal assistance and the limited scope of judicial review by the Supreme Court.

Visits were conducted by the association KISA (Movement for Equality, Support, Anti-Racism), a member of Migreurop, within the framework of the project entitled “*The Europeanization of national asylum and alien laws in Cyprus, Italy and Spain: detention and detention centres for foreigners vs. the Return Directive*”. The objective of this project, led by Borderline Europe (Germany) in partnership with KISA, Borderline Sicilia (Italy), Acoge and Mugak (Spain), is to gather and disseminate information as well as raise awareness on detention conditions and deportation measures in these countries⁷.

3 “Prohibited migrant” is (a) any destitute person; (b) any idiot or insane or feeble-minded person or any person who for any other cause is unable to take proper care of himself; (c) any person suffering from a contagious or infectious disease; (d) any person who has been convicted of murder or an offence for which a sentence of imprisonment has been passed for any term and who is deemed by the immigration officer to be an undesirable immigrant; (e) any prostitute or any person living on the proceeds of prostitution; (f) any person who, from official Government records or from information officially received by the Governor from a Secretary of State or from the Governor of any British Colony, Protectorate of Mandated Territory or from the Government of any foreign State or from any other trusted source is considered by the Governor to be an undesirable person; (g) any person who is shown by evidence which the Governor may deem sufficient, to be likely to conduct himself so as to be dangerous to peace, good order, good government or public morals or to excite enmity between the people of the Colony and Her Majesty or to intrigue against Her Majesty's power and authority in the Colony; (h) any member of an unlawful association as defined in section 63 of the Criminal Code or any Law amending or substituted for the same; (i) (any person who has been deported from the Colony either under this Law or under any enactment in force at the date of his deportation; (j) any person whose entry into the Colony is prohibited under any enactment for the time being in force; (k) any person who enters or resides in the Colony contrary to any prohibition, condition, restriction or limitation contained in this Law or any Regulations made under this Law or in any permit granted or issued under this Law or such Regulations; (l) any alien who, if he desires to enter the Colony as an immigrant, has not in his possession, in addition to a passport bearing a British Consular visa for the Colony, an immigration permit granted by the Chief Immigration Officer in accordance with any Regulations made under this Law; (m) any person who is deemed to be a prohibited immigrant under the provisions of this Law.

4 Directive 2008/115/CE [[available online](#)].

5 See Article 13 of the “Return” Directive (see footnote 2), Article 47 of the Charter of Fundamental Rights of the European Union [[available online](#)], the case-law of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR).

6 ECHR, “Lack of an effective remedy in relation to deportation and unlawful detention of Syrian national”, 27 July 2013 [[available online](#)]

7 For more information on the project in Cyprus: doros.p@kisa.org.cy

The Ministry of Justice and Public Order authorised KISA to conduct visits to police stations in Lakatamia, Nisou, Aradippou, Limassol and Paphos, to “Blocks 9 and 10” in Nicosia Prison and to the administrative detention centre in Menogeia. KISA was able to interview a fixed number of detainees of its own choice, but in the presence of police officers. Requests to visit cells and communal areas could be made on site and only those in charge of the police stations in Nisou and Aradippou agreed to such visits.

Visit to the administrative detention centre in Menogeia, 21 June 2013

The Menogeia administrative detention centre is the only facility specifically intended for the detention of migrants awaiting deportation, on decision of the Ministry of Justice and Public Order. Prior to 2011, migrants were detained in police stations scattered⁸ across the island.

Access to the centre is highly secure and the tension of police officers was obvious throughout the visit. The delegation was allowed to consult the list of detainees, but police officers called detainees selected only after the intervention of the national police, following a demand made by the Executive Director of KISA. The delegation was denied access to communal areas and cells. All meetings with detainees were attended by police officers.

Detainees remain locked in their cells from 2 pm to 5 pm and from 11 pm to 8 am. During such times, they must ring to obtain access to the toilets and they are accompanied by an agent.

The telephone network is cut off most of the time (from 1 pm to 5 pm, 8 pm to 9 pm and from 11 pm to 7 am) and sending faxes is difficult and sometimes monitored by the police. A single visit is authorised daily and it cannot exceed one hour. Finally, there is no medical department: detainees must fill in a form for medical treatment. If the police accept, they are taken to the hospital and remain handcuffed during transportation and consultation, which is attended by a police officer.

Detainees reported racist behaviours towards Sub-Saharan nationals on the part of police.

Visit to “Blocks 9 & 10” in Nicosia prison⁹, 17 June 2013

The delegation had access to the list of detainees and could interview identified detainees without the presence of police agents. At the time of the visit, 50 persons were detained in the centre, which has a capacity of 47 beds. Detainees have access to their telephone for only one hour each day. Visits are allowed six days per week and cannot exceed one hour. The weekly visit of a medical doctor is the only guaranteed access to medical care.

Visits to police stations in Lakatamia, Nisou, Aradippou, Limassol¹⁰ and Paphos, 18 - 26 June 2013

During visits conducted to Aradippou and Paphos police stations, members of the delegation were allowed access to the list of detainees and to interview identified migrants in private. In Lakatamia, the list could not be consulted and police officers attended interviews with the detainees who could not express themselves freely. This was also the case in Nisou and Limassol.

In all the police stations visited, migrants awaiting expulsion are detained in the same premises as ordinary convicts and detainees awaiting trial. A specific wing is reserved for the detention of minors in Lakatamia, as in Paphos, where 7 minors were present at the time of the visit. In Nisou, cells are also reserved for minors. Women are also detained in Nisou, Paphos and Limassol in areas separated from male detainees.

8 For more information on administrative detention and holding facilities in Cyprus: Amnesty International, “Punishment without a crime”, June 2012 [[available online](#)] and the fifth edition of the Migreurop Encampment, 2012 [[available online](#)] and video testimonies of former detainees: <http://www.youtube.com/user/KisaMedia?feature=watch>

9 In October 2013, Blocks 9 and 10 of Nicosia prison, as well as the Ayios Ioannis police station in Limassol, were closed.

10 Idem footnote 9.

Regarding detention conditions, access to outdoor areas is very restricted, with the exception of Aradippou police station where detainees have access to the courtyard whenever they want, since their cells are left open around the clock and in Nisou where the courtyard is accessible from 8 am to 10 pm. In Limassol, detainees are allowed to access a “courtyard” until 6 pm and a communal room until 11 pm, but these two enclosed spaces are located inside the police station and detainees therefore have no access to outdoors. In Lakatamia police station, there are no windows, no communal space or courtyard and the cells, in which detainees are locked up from 2 to 5 pm and from 11 pm to 8 am, have no daylight. In Paphos, men have access to the courtyard throughout the day. Minors enjoy the same conditions, but since they are mixed with adults, younger migrants tend to prefer to remain in their cells or to use the women's courtyard when the women, who only have access to it two hours per day, are not there.

Contact with the outside world is also restricted: access to mobile phones is limited to 1 hour and 30 minutes per day in Lakatamia, 1 hour in Nisou and Aradippou. In Limassol and Paphos police officers must be present during calls. Visits are authorised in all police stations. In Limassol, however, an officer attends all visits, which are authorised every day but limited to a maximum of 10 minutes. In Lakatamia, there is a visiting room with a glass partition separating detainees from visitors, communication is by telephone. In Nisou and Aradippou, the length of visits (1 hour) may be reduced depending on the number of visitors present.

Access to medical care is subject to the good will of police officers, as there is no medical department in any of the police stations visited. Detainees are required to fill in a form making a request for medical treatment, and whether or not they are taken to hospital depends on the good will of the police.

Spain

Visit to the migrant holding centre in Aluche (Madrid), 10 May 2013

Composition of the delegation: Raül Romeva i Rueda (MEP, Greens/EFA, Spain), Ulrike Lunacek (MEP, Greens/EFA, Austria), Franziska Keller (MEP, Greens/EFA, Germany), Mauricio Valiente (MP Madrid Regional Parliament, Izquierda Unida), Delfina Rossi (parliamentary assistant).

Access to Aluche migrant holding centre remains limited, in violation of the provisions of the “Return” Directive¹¹, the position of the European Parliament (EP)¹² and the Charter of Fundamental Rights of the European Union¹³, as well as domestic laws¹⁴. On the one hand, the General Police Directorate has refused access to the media (*La Sexta noticia*, *La Cadena Ser*, *El Mundo*, *Diario.es* and *Europa Press*) and granted visiting rights only to one NGO. The latter refused to participate and a collective complaint was submitted to the Spanish “*Defensora del Pueblo*” (People's Defender). On the other hand, requests for information and access to statistical data on the functioning of the centre remained unanswered by the administration.

In 2012, 3,023 persons (2,695 males and 328 females) were detained in the Aluche centre. 1,789 of them were deported (representing a deportation rate of 59.17%).

Detention conditions in the centre, which has a capacity of 280 places (236 for males and 44 for females) are precarious: overcrowding, no individual lockers, doors locked at night-time, access to a courtyard 4 hours per day

11 Article 14 al. 4 of Directive 2008/115/CE [[available online](#)].

12 Article 29 of the Report on minimum standards for the reception of asylum seekers and refugees: [[available online](#)]. Article 108 of the Report on the situation of fundamental rights in the European Union (2004-200...) [[available online](#)].

13 Article 11 of the Charter of Fundamental Rights of the European Union on freedom of expression and information [[available online](#)].

14 Pursuant to Art. 62 bis of the law transposing the “Return” Directive (LO 2/2009), migrants have the right to contact NGOs and other national and international organisations working on the protection of migrants [[available online](#) (in Spanish)]. While the right of these organisations to conduct visits to the centres is also provided for, conditions have never been set and since the entry into force of Law 2/2009 the publication of a regulation, which should have been adopted within six months, has been pending. The Government published a draft regulation in 2012, which was strongly criticised by civil society organisations. See: Amnesty International, “*Hay alternativas : No a la detencion de personas inmigrantes*”, February 2013 [[available online](#)].

for men (while women have access to a very small courtyard during mornings and evenings), no activities, cells searched when detainees are absent. Communication with the outside is highly restricted. On arrival, detainees' mobile phones are confiscated and they are deprived of any access to them. Communication is only possible via pay phones or during visits which cannot exceed 20 minutes, in a room with a glass wall separating visitors and detainees.

Finally, access to fundamental rights is not effective as there is no procedure to identify those who might be eligible for international protection. Moreover, there is no infirmary, no doctor and no interpretation services. Meanwhile reports of ill-treatment, violence and racism by the police are recurrent in this centre, sadly notorious for the death of Samba Martine in 2011¹⁵.

Visits to migrant holding centres in Zapadores (Valencia) and Sangonera la Verde (Murcia), 14 - 15 May 2013

Composition of the delegation: representatives from NGOs Sos Racismo and Andalucía Acoge.

Since the intervention of the judge in charge of supervising detention¹⁶ in 2011¹⁷, NGOs have access to Valencia migrant holding centre, without prior authorisation or time limits, to talk to detainees in private. Similarly in Murcia, where access used to be denied, NGOs were granted visiting rights to the centre for 6 hours per day to talk to detainees following the decision issued by the judge supervising detention on 15 July 2013.

Within the framework of the project "*The Europeanization of national asylum and alien laws in Cyprus, Italy and Spain: detention and detention centres for foreigners vs. the Return Directive*"¹⁸, representatives of Sos Racismo and Andalucía Acoge were granted access to all areas in the centres and were able to speak to directors of the centres, the medical staff and detainees in private. However, the statistical information requested by the delegation was not provided.

Murcia migrant holding centre has a capacity of 168 beds, exclusively for males. During the visit, 33 migrants were detained.

The Director claimed that detainees had free access to the courtyard, but detainees said access was limited to 15 to 20 minutes per day. Valencia centre has a capacity of 156 beds and almost all beds reserved for males (132) were occupied during the visit. In the two centres, cells are only equipped with washbasins and detainees have to call police officers to go to the toilet. According to testimonies, police do not answer such calls. Detainees do not have access to a library, nor to a prayer space.

Communal areas are equipped with surveillance cameras and videos are conserved for 30 days. These videos cannot thus be used to support complaints, given the lengthy nature of such procedures. In Valencia centre, visitors observed that there was no camera in the corridor leading to solitary confinement cells. Detainees who want to see medical staff have to make a request to police officers.

Since a judgement issued in April 2011 by the judge supervising detention¹⁹, detainees in the Valencia centre are informed of their removal 12 hours beforehand, however it not necessary to specify the destination. In Murcia, no prior communication is made before deportation.

15 Samba Martine, who arrived in the migrant holding centre in Madrid on 11 October 2011, requested medical assistance on ten occasions, as mentioned in her medical files. She did not speak Spanish and was not assisted by an interpreter. She was HIV-positive and no diagnostic analysis was performed, despite her alarming health situation, even though she had been transferred from the "temporary reception centre for migrants" in Melilla, where the disease had been recorded in her medical file. She died on 19 December 2011.

16 When the "Return" Directive was introduced, a judicial mechanism to monitor the detention of migrants was established. Pursuant to Article 62 of Law 2/2009, the judge competent to monitor the detention of migrants in a migrant holding centre is the investigating judge of the place where the migrant is detained. S/he has jurisdiction to receive petitions and complaints from detainees and can also conduct visits of the centres when s/he deems it appropriate [[available online](#)] (in Spanish).

17 *Juzgado de Instrucción No. 3, Valencia*, 26 April 2011 [[available online](#)] (in Spanish).

18 The project is led by Borderline Europe (Germany) in partnership with KISA (Cyprus), Borderline Sicilia (Italy), Andalucía Acoge and Sos Racismo/Mugak (Spain) and aims to gather and disseminate information and raise awareness on conditions of detention and deportation measures in those countries. For more information on the project in Spain: mugak@mugak.org

19 *Juzgado de Instrucción No. 3 of Valencia*, 26 April 2011 [[available online](#)] (in Spanish).

In both centres, a document on detainees' rights and duties is made available to detainees in several languages, without any explanation. Information on asylum applications is displayed in Valencia, but not in Murcia. In addition, according to testimonies, detainees are not aware of their rights, including the right to file a complaint and to contact an NGO. As for legal assistance, most detainees are not in contact with the court-appointed lawyer and there is no legal clinic.

The confidentiality of complaints is not guaranteed: in Valencia there are no envelopes and in Murcia complaints are submitted by fax and a copy is kept by the administration. The judge in charge of supervising detention visits the Murcia centre once every 10 to 15 days. At the Valencia centre, no information was provided on this issue.

Detainees are denied access to their mobile phones. In Valencia, they can use public phones, while in Murcia they can only make calls with pay phones. Phones are located in communal areas and confidentiality is therefore not respected. Visits are limited and the lack of intimacy is flagrant (from 12 to 2 pm in Valencia and from 4 to 6 pm in Murcia through a glass wall).

The provision of medical care is outsourced: a doctor is present in the morning and the nurse may call a doctor in the afternoon if necessary. In Murcia, a doctor is also contactable at night-time, while in Valencia the personnel of the centre may call emergency services. No medical analysis is performed on arrival at the centre. There are no interpretation services to improve communication with detainees in either centre.

Visit to migrant holding centre in Zona Franca (Barcelona), 28 June 2013

Composition of the delegation: Carmen Romero (MEP, S&D, Spain), Isabel Vallet (Member of the Regional Parliament of Catalonia, Candidatura d'Unitat Popular), Pere Aragonés (Member of the Regional Parliament of Catalonia, Esquerra Republicana de Catalunya), Elena Arce Jiménez (Head of the "Migration and Equality" Unit, Spanish "*Defensor del Pueblo*" (People's Defender)), representatives of NGOs SOS Racisme Catalunya and Movimiento por la Paz Catalunya.

Access to the Centre remains tightly controlled and authorisations are not always granted. For example, the Office of the General Commissioner on Immigration and Borders refused access to NGOs Consell de Joventut de Barcelona and Federació de ONG de Pau, as well as to journalists from *El Periódico de Catalunya*, *La Directa*, *La Sexta Noticias*²⁰. In addition, requests to provide data remained unanswered and responses to questions during the visit were very general. Finally, although the delegation had access to all areas in the centre (detainee identification zone, cells, bathrooms, refectory, kitchen, courtyard, solitary confinement cell, infirmary), the director of the centre and a police representative accompanied the delegation throughout the visit and the delegation was not allowed to interview detainees.

The NGO SOS Racisme, the Migra Studium Foundation and lawyers Andres Garcia and Laia Serra filed a complaint to denounce these obstacles. Investigating Courts²¹ Nos. 1 and 30, issued a judgement on the day of the visit. Since then, the directors of the centre are required to allow NGOs and lawyers to interview detainees, without prior authorisation. The decision was based on the Immigration Law which provides that migrants have the right to contact NGOs (as well as other national and international organisations) defending migrants' rights and providing social assistance. The aim is also to guarantee the right to effective access to legal assistance, including for detainees in other centres, who no longer benefit from the assistance of a lawyer appointed when the decision on detention is made. This judgement also provides details on the modalities of this right of access. Henceforth, NGOs have access to the centre on a daily basis, for 3 hours in the morning and 3 hours in the

²⁰ Concerning NGOs, the administration used as an excuse the "excessive" number of members in the delegation. For the media, it explained that a request had to be submitted to the media office of the national police and added that journalists could not accompany a delegation composed of MEPs, national MPs and NGOs.

²¹ Idem footnote 16.

afternoon, and can interview detainees individually and in groups (up to 10 persons). Lawyers have access to detainees for at least 8 hours per day, with time allocated both in the morning and evening.

In 2012, 1,933 migrants (including 1 female) were detained in the centre and 970 among them were deported (corresponding to an expulsion rate of 50.18%). The Zona Franca centre, with a capacity of 210 beds, holds an average of 125 to 130 detainees. Despite the number of detainees being inferior to the capacity of the centre, some cells are overcrowded (up to 6 persons) and are not equipped with ventilation. There are lockers for personal belongings, but detainees only have access to them once a day. The library – where, according to testimonies, acts of ill-treatment had in the past been committed by the police – is now used as a solitary confinement cell because “detainees broke the shelves”.

Access to medical care is provided only from 8 am to 10 pm and attention given to patients is minimum, especially in cases of mental illnesses. The centre is sadly notorious for difficulties in accessing medical care, which, according to several complaints were responsible for the death of Idrissa Diallo²² in January 2012.

Moreover, detainees are not adequately informed since information on their rights and the centre's regulations are not made available in different languages. Freedom of expression and the right to communicate with the outside world are strictly limited. Mobile phones are confiscated, detainees are only entitled to two free phone calls and there is no access to the Internet. Requests for private visits are subject to the discretionary power of the directors of the centre and take place in visiting rooms, where no physical contact or intimacy is possible.

The centre is equipped with a video-surveillance system but videos are kept for only one month and, as a consequence, cannot be used to support complaints given the length of time such procedures take.

France

Visit to administrative detention Centre No. 3 in Mesnil-Amelot, 13 May 2013

Composition of the delegation: H el ene Flautre (MEP, Greens/EFA, France).

Two journalists requested access together with the MEP. The two were denied authorisation by the French authorities, without any explanation.

During the visit, numerous worrying dysfunctions were disclosed, in particular in relation to the health of detainees, the free movement of European citizens, the length of detention, the itinerary of migrants before detention, the situation in countries of origin and the effectiveness of judicial review, etc.²³

Mesnil-Amelot administrative detention centres Nos. 2 and 3 opened 2 years ago, close to the Roissy-Charles-de-Gaulle airport area. They are located within the same fenced enclosure. A few metres away, there is the annexe to the Meaux First Instance Court (Tribunal de Grande Instance), which was due to start operation on 30 September 2013²⁴. At the time of the visit, the two centres held 79 migrants, for a total capacity of 240 beds (each centre has 120 beds).

According to the MEP, the degradation of equipment in the cells is a symptom of detainees' lack of understanding of their situation and reflects a form of protest. The dilapidation of the centre premises, despite its recent

22 Idrissa Diallo, from Guinea (Conakry), lost his life on 6 January 2012 in Barcelona migrant holding centre. See the parliamentary question for written answer to the Commission made on 19 January 2012 by MEP Willy Meyer (GUE/NGL) [[available online](#)]. Civil society organisations have also denounced lack of medical care. Following the intervention of SOS Racisme, the Spanish People's Defender published recommendations to improve the conditions of access to medical care: Defensor del Pueblo, “*Los CIE conocer an la historia cl nica de las personas que lleguen de un CETI, como recomend  la Defensora del Pueblo*”, June 2013 [[available online](#)] (in Spanish)

23 For an exhaustive account of the visit, see H el ene Flautre, “*Suites de la visite du CRA n 3 de Mesnil-Amelot*” (“Follow-up to the visit of Mesnil-Amelot administrative detention centre No. 3”), 15 May 2013 [[available online](#)] (in French)

24 See Anaf , “*D localisation des audiences*” (“Relocation of hearings”), 2013 [[available online](#)] (in French)

construction, is of particular concern, especially in relation to problems of damp and hygiene conditions in detainees' living areas.

Statistical data was provided. The delegation noted an increase in the average length of detention in Centre No. 3: from 2012 to 2013, it increased from 11.34 to 15.2 days. According to the various persons interviewed, the extension of the maximum length of detention from 32 to 45 days which followed the transposition of the "Return" Directive contributed to the degradation of detention conditions. The rate of removal is up to 26%... Three quarters of migrants are therefore detained "for nothing".

Centre No. 3 is exclusively for males and holds a majority of migrants from North Africa. Many among them have been living in France for years, where they have family and work. Arrest and detention are therefore a very violent experience for them.

Health is one of the biggest concerns in administrative detention centres. This was confirmed during discussions with medical staff: drug addiction affects 40% of detainees, scabies, hunger strikes, self-mutilation and ingestion of dangerous products (razor blades, batteries, etc.). Another concern is the deportation of sick migrants. According to H el ene Flautre, the Government must address this situation as a matter of urgency and break with methods used under the previous Government.

Close to 20% of detainees in Mesnil-Amelot were serving prisons sentences before entering the centre. This second period of detention is an extremely violent experience because, in many cases, detainees were not informed that they would be sent to the centre at the end of their sentence, sometimes due to the expiration of their residency permit while the sentence was being served.

The right to an effective remedy is not guaranteed due to the very short time – 48 hours – available to challenge a detention order. This is all the more the case as numerous decisions on detention are made on Fridays, while in practice it is very difficult to challenge the detention order over the weekend.

Finally, the MEP observed that a significant number of European citizens were detained in the centre, in particular Romanians, who in 2012, formed the fifth biggest nationality in Centre No. 3, with a 6.52% occupation rate. In 2013, Romanian nationals constitute 45% of detainees in Centre No. 2. Detaining such people violates free movement of European citizens all the more in that many of these detainees had been on the French territory for less than three months²⁵.

Visit to administrative detention centre in Vincennes, 31 May 2013

Composition of the delegation: Laurence Cohen and Pierre Laurent (MPs at the French Senate, Front de Gauche).

This visit was organised at the initiative of the *Observatoire citoyen du centre de r etention administrative de Vincennes* (Citizen Observatory of Vincennes administrative detention centre)²⁶, which requested the two MPs from Val de Marne to use their visiting rights. A journalist from the local news website *94.Citoyens.com* tried to enter together with the two elected representatives by showing up directly at the centre. The journalist was denied access. He stayed in front of the centre during the visit together with representatives from the *Observatoire citoyen*, who informed the journalist about the numerous findings made during the visit of the centre.

²⁵ The 2004 Directive on Free Movement prohibits the deportation of European citizens who have stayed less than 3 months, unless they are considered to be a threat to "public policy" [\[available online\]](#)

²⁶ For an exhaustive summary of this visit, see Observatoire du CRA de Vincennes (Citizen Observatory of Vincennes administrative detention centre), "*Visite des  lus au CRA de Vincennes*" ("Visit of MPs in Vincennes administrative detention centre"), 26 June 2013 [\[available online\]](#) (in French)]

The directors of the centre were informed of the visit one day before. It lasted more than two hours and took place in the presence of the Commandant. It should be recorded that the delegation was not allowed to interview detainees and that it visited the toilets of the new centre rather than those of the old one – still in service – the smell of which continues to infest the facilities.

In total, 300 police officers were assigned to the four centres (3 sites in Vincennes, and one site for females in Paris). The young age of the police officers policeman working in the centre drew the delegation's attention. Communal areas are subject to video-surveillance and teams conduct regular sweeps. According to *Association Service Social Familial Migrants (ASSFAM)*, the only association authorised to defend the rights of migrants in the centre, handcuffs are systematically used when detainees are moved.

The MPs concluded that the facilities were not adapted to detention exceeding several days. In particular, the delegation inspected exercise areas: in Centre No. 1, a lawn is surrounded by barbed-wire fences, in Centres Nos. 2 and 3, the arrangement gives the impression of being in “cages” (concrete floors and fully wire-fenced areas) The delegation also observed several obstacles to access to medical care and could not obtain satisfactory responses from the doctor interviewed in the centre, whether on medication “force-feeding” or acts of self-mutilation, etc.

No psychological support is provided, as in all other detention sites. This does not appear necessary in the eyes of the medical staff, even though the impact of detention has already been the subject of numerous studies and cannot reasonably be ignored.

Books are not allowed in the Vincennes centre because of the “fire risk”.

On the question of the confidentiality of interviews between detainees and visitors, the response was that boxes (which ensure confidentiality) were strictly reserved for lawyers and consular authorities. However, Article 20 of the Internal Rules provides that “visitors are received in premises provided for such purposes. If visitors wish to have a confidential conversation, visits can also be held in boxes reserved for lawyers and consular authorities, provided one is available”.

Food is served in containers from an industrial canteen which must be heated. Efforts are reportedly made to offer fish every other meal to Muslim detainees.

Finally, while essential products are indeed made available in vending machines located inside the buildings, these products are sold at exorbitant prices (2€ for a 50 cl bottle of water).

Visit to administrative detention centre in Marseille, 28 June 2013

Composition of the delegation: Marie-Christine Vergiat (MEP, GUE/NGL, France), Isabelle Pasquet (MP, groupe CRC).

Access to Marseille Centre was refused to two journalists although they had submitted a prior request. One of the journalists was freelance, the other writes for the website *Mediaterranée*²⁷.

This centre, located in an urban area, is more accessible, in particular for visitors. At the time of the visit, 83 males were detained.

The delegation was accompanied by the director during the visit.

There are four “individual visiting rooms” at the entrance to the centre. Two larger visiting rooms are reserved for families and associations. Visits are authorised from 9 am until 6 pm (except during mealtimes) and may last a

²⁷ See: Open Access Now, Campaign of parliamentary visits 2013: civil society is kept outside, infringements on human rights continue, 9 July 2013 [[available online](#)]

minimum of 30 minutes depending on police resources and the number of visits requested. There is also a specific meeting room for lawyers and an office exclusively reserved for consular authorities. Consular authorities most regularly seen at the centre (once a week) are from Algeria, Tunisia and Morocco (the majority of detainees come from North Africa).

The association *Forum Réfugiés*, in charge of providing legal assistance, has three offices and the French office for immigration and integration (*Office Français de l'Immigration et de l'Intégration* - OFII) has one. The role of the OFII is to conduct a social assessment. The service then makes purchases requested by the detainee and takes care of distribution. It also assumes responsibility for recovering luggage and personal belongings, as well as collecting parcels.

Fifty-six surveillance cameras were installed in all areas of the centre except bedrooms and stairs. Doors of rooms are locked each evening at 11 pm. Water fountains were recently installed but they are located outside living premises and are not at the free disposal of detainees. The same goes for drink and food vending machines.

The four solitary confinement rooms are placed under video-surveillance and equipped with alarms. There is no switch inside, the bed is fixed to the floor and there is a washbasin and a toilet. Confinement is systematically notified to the Prosecutor, *Forum Réfugiés* and a doctor. The longest period of confinement was one week. It seems to be a common practice, according to associations operating there, detainees as well as the register. "Rebellion" often appears in the register as the reason for confinement, which indicates that there is some degree of tension between migrants and agents of the border police (*police aux frontières* - PAF).

Detainees are deprived of their freedom of movement within the facilities, have to be escorted to visit members of the association *Forum Réfugiés* or the doctor, as well as to go to the visiting room. Police resources are generally insufficient to cover all escort needs, which amplifies tensions. It should be noted that the director regrets insufficient human resources but also insufficient training provided to police officers. The delegation found that the lack of free movement was particularly worrying, combined with the fact that premises are run-down and detainees do not have access to any activities whatsoever: "They had to fabricate a ball with pieces of socks".

The delegation was allowed to interview migrants who complained in particular about the quality of the water, which contains a particularly high concentration of limestone, the flagrant lack of understandable legal information, the lack of translation services during interviews with lawyers and the lack of activities. They have nothing to do except wait, leading to distress.

The centre is no exception: it also hosts numerous former convicts from various prisons, whose release was followed by their transfer to an administrative detention centre.

During interviews, nurses said that medical staff received visits from half the detainees every day, not always for urgent matters, but sometimes simply to talk. Nurses deplored the dental health of detainees and mentioned their lack of appetite, which, they explained as a consequence of confinement, as well as the quality of the food, which is aseptic and tasteless.

Finally contrary to other centres, there are few EU nationals. In 2012, for example, there were 37 Romanians out of 2,297 detainees. The majority of migrants are subject to an obligation to leave the territory and return to their country of origin.

Visit to administrative detention centre in Lyon, 16 July 2013²⁸

Composition of the delegation: Sylvie Guillaume (MEP, S&D, France), Marie-Christine Vergiat (MEP, GUE/NGL, France).

For the first time since the launch of the campaign calling for free access by the media to migrant detention centres, two journalists were allowed to enter with parliamentarians: one journalist from AFP (*Agence France Presse*) and one journalist from *Rue89 Lyon*.

The delegation entered the car park via a metal gate. A second gate leads to the facilities which are placed under the surveillance of 108 border policemen. The delegation was greeted by the director of the centre. Before starting the visit, the journalists were informed that they had to remain near the MEPs and could not take photos, videos or audio recordings.

The delegation began by interviewing the director for one hour before visiting the premises and was told that more than 1,500 migrants had been detained in 2012, and 53% of them had been deported. At the time of the visit, there were 53 migrants: 51 males and 2 females for a capacity of 112 beds. During the first six months of 2013, Tunisian nationals represented close to 20% of detainees. The average length of detention was 15 days in 2012, which is longer than the average rate at the national level in 2011 (9.7 days)²⁹.

The delegation visited the four visiting rooms. The director underlined that anyone could visit a detained migrant without restriction.

The entire site was equipped with cameras, with the exception of the bedrooms, which were all renovated following an act of arson in July 2011. Since then they are not locked. Each 12 m² bedroom contains four bunk beds. In bathrooms (one per bedroom), the furniture resembles that used in prisons: toilet bowl, stainless corner washbasin and shower.

Part of the site is reserved for single females and families with children.

The degree of freedom of movement enjoyed by detainees surprised the MEPs and journalists. Migrants can go to the medical unit or the offices of *Forum Réfugiés*, which is in charge of defending their rights, without any police escort. They can also go freely to OFII offices to buy cigarettes or calling cards for one of the eight booths installed in the courtyard. The delegation could not visit the refectory nor the "solitary confinement room". They were able to talk to detainees, while four policemen remained nearby. MEPs and journalists observed that migrants were "roaming about", giving in to distress and waiting for their deportation. Table tennis tables, table football, balls and card games did not seem to ease the anxiety of the migrants.

Following visits to bedrooms, the delegation went to the medical unit and *Forum Réfugiés* offices. The doctor, like the lawyers, mentioned tensions, while acknowledging that collective protest movements, such as hunger strikes, were virtually inexistent. Free movement within the fenced space together with a daily dialogue between the various interlocutors appear to be the factors of a smoothly running centre.

On the other hand, the medical department noted that *"detainees develop reaction disorders. We also observed depressions and psychiatric illnesses"*, adding that *"self-mutilation, and more particularly self-cutting took place during day time, after "bad news" had been announced, (...) each individual expresses his or her distress in a different manner, in particular former convicts who "did not expect to end up here". (...) There are drug-addiction problems – most often valium in the case of migrants from North Africa, opiates for those from Eastern countries. But also many behavioural disorders, generally resulting from their situation"*.

²⁸ Press review on the visit in Lyon [[available online](#)] (in French).

²⁹ At the time of publication of this report, the average length at the national level for 2012 was not available.

Lawyers from *Forum Réfugiés* highlighted the increase in cases of migrants who were about to leave France and were arrested, put in detention and deported from the territory.

In practice, there are many obstacles to the enjoyment of human rights. Since the 2011 law, detention of migrants is reviewed by the judge of freedoms (*juge des libertés – JLD*) after five days instead of two days, as previously required by the law. As a result, some migrants are deported before the review of the lawfulness of their detention. In addition, as complaints before the Administrative Court must be lodged within 48 hours, the filing of such complaints and the gathering of a maximum of documents is a race against the clock for detained migrants, legal practitioners at *Forum Réfugiés* and lawyers. Approximately 10% of people fail to exercise their right to an effective remedy.

For asylum seekers, the procedure must be completed within five days (instead of several months when they can circulate freely on the territory), the interview with the officer of the French Office for the Protection of Refugees and Stateless Persons (*Office français de protection des réfugiés et apatrides – OFPRA*, which is competent to grant or deny asylum) takes place by video conference and the interpreter is not physically present with the detainee, all making it even more difficult for the migrant to give his or her account.

Finally, although the Circular of 6 July 2012³⁰ provides for the house arrest of families as an alternative to detention, one family with children was detained in the Lyon centre.

Italy

In order to follow-up on the visit, in the context of the Open Access campaign³¹, to the international zone of Fiumicino airport (Rome) in 2012, the association ARCI requested access to five international airports - Milan, Rome, Bari, Palermo and Catania – with the aim of finding out whether these places are used to detain migrants and the extent to which migrants' rights are respected there.

The Ministry of the Interior refused access to all these airports on the pretext that, in accordance with Article 2§2 of the “Return” Directive³², Article 16§4³³ did not apply. According to this interpretation, in Italy, migrants turned back at the border are not covered by the provisions of the “Return” Directive. In application of the Schengen Borders Code³⁴, these migrants are “accommodated” in police premises at the border for the period necessary to organise refoulement. According to the authorities, international and non-governmental organisations are already present in these sites and monitor respect for human rights of those detained and returned.

Yet it is clear that, although they may not be labelled as such, these sites operate as detention facilities. Furthermore, the 2012 visit to Fiumicino showed that, despite the presence of NGOs, access for asylum seekers to offices located beyond the border zone is subject to the goodwill of the border police officers³⁵.

30 Circular of the Ministry of the Interior, *Mise en œuvre de l'assignation à résidence prévue par l'article L. 561-2 du CESEDA*, 6 July 2012 [\[available online\]](#)

31 Visit on 27 April 2012 by Senator Marco Perduca (Partito Democratico), a journalist from Radio Radicale and a representative of the NGO ARCI (see Summary of campaign visits, Open Access 2012 [\[available online\]](#))

32 Directive 2008/115/CE [\[available online\]](#). Article 2§2: Member States may decide not to apply this Directive to third-country nationals who: (a) are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code, or who are apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State.

33 Art. 16§4: Relevant and competent national, international and non-governmental organisations and bodies shall have the possibility to visit detention facilities..., to the extent that they are being used for detaining third-country nationals in accordance with this Chapter. Such visits may be subject to authorisation.

34 Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders [\[available online\]](#)

35 *Idem* footnote 30.

Visit to the Punta Raisi airport (Palermo), 27 July 2013

Composition of the delegation: Erasmo Palazzotto (Italian MP, Sinistra Ecologia e Libertà), two representatives of the NGO Arci and an independent photojournalist.

The Punta Raisi airport was chosen because identification procedures and returns of Tunisian citizens are carried out there, within the framework of bilateral agreements. In 2011 and 2012, thousands of Tunisians arrived by sea, were detained outside of any legal framework and refoulements were carried out on an expedited basis.

According to the border police, persons waiting to be deported are held in a room made available by the fireservice and, if necessary, the “Guardia di Finanza” provides the adjacent press room. In September 2011, because of the high numbers of people waiting to be returned, a shed was also used. The delegation had access to all these sites, where there were no migrants at the time of the visit.

Detention lasts on average 3-4 hours and in no cases longer than a day. Since the signature of the agreement between Italy and Tunisia in 2009, the identification procedure has been reduced to a mere formality: the recognition of nationality by the Tunisian consular authorities, who go to the airport during the hours leading up to departure. The border police indicated that one flight per week was chartered, enabling the return of approximately 20 people to Tunisia. Until June 2013, there were reportedly two flights per week.

In September 2011, following a fire at the centre in Lampedusa, approximately 500 Tunisians were transferred to Palermo and, within a week, returned across the border there. On the basis of practices observed in 2011, it is highly likely that this was a case of immediate or delayed refoulements (see below). However, it is impossible to confirm this, since neither the Minister of the Interior, nor the Office of the Prefect of Palermo replied to requests for statistical data concerning this border.

Italian law³⁶ provides for the possibility to return (*refouler*) persons who do not fulfil the entry conditions at the time of their arrival on the territory (immediate refoulement), those who have been temporarily admitted to the territory to receive assistance and those who have entered the territory by bypassing the official controls and are stopped “immediately after crossing the border” (“delayed” refoulement). In the first case, the decision to return is made by the border police; in the second case decision-making power resides with the “questore”³⁷ and refoulement is carried out with “accompaniment to the border”³⁸.

Delayed refoulement, as opposed to deportation, is a fast and simple procedure used widely by the Italian authorities in 2011. This procedure is facilitated by a broad interpretation of the phrase “immediately after crossing the border”, in both geographic and temporal terms. When in November 2011 a “justice of the peace” at the Agrigento tribunal cancelled decisions on delayed refoulement on the grounds that they had not respected the time limitations, the Italian authorities decided to resort to immediate refoulement and many persons who had accessed the national territory were returned simply on the basis of a decision by the police.

In the case of persons waiting to be returned (*refouler*), the guarantees which apply to administrative detention are not applied during the detention period. The Tunisian citizens were therefore detained without having access to asylum procedures, to legal assistance or to an effective remedy³⁹. There was no judicial control and

36 Article 10 of *Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero* (T.U.) [[available online](#) (in Italian)]

37 The “questore” is a representative of the police with responsibility for implementing decisions taken by the Prefect in the context of deportation procedures. In the case of immediate or delayed refoulement procedures, the “questore” him- or herself has the authority to take the decision without referring to the Prefect.

38 For further information, see: Asgi, « *L'allontamento dal territorio dello Stato dello straniero extra-comunitario in generale* », February 2012 [[available online](#) (in Italian)].

39 The T.U. does not specify explicitly the legal remedies against refoulement or the competent judicial authorities. Case-law on this question is also ambiguous and oscillates between attributing competence to the ordinary courts or to the administrative courts. As a result, when both judges declared themselves without jurisdiction in such cases, the migrants found themselves with no available effective remedy. This situation is expected to change following a recent judgement of the Italian Supreme Court establishing the jurisdiction of the ordinary judge.

notification of detention was not communicated to the “justice of the peace”. Moreover, those who were not detained inside the airport were held in the “Centre for emergency assistance and reception” in Lampedusa, used as an identification and deportation centre with detention periods going way beyond the 4 days allowed.

The authorities also had resort to warehouses under military control in port areas and to “floating identification and deportation centres”, such as the ferries which were moored for several days in the ports of Porto Empedocle and Palermo in September 2011⁴⁰, operating as “invisible detention sites”⁴¹. Several months ago, the UNHCR, IOM and Save the Children, partners in the project “Praesidium”, financed by the Italian Minister of the Interior, criticised the lack of access to Tunisian and Egyptian citizens who arrived in Italy by sea, to be able to inform them of their rights⁴².

In Punta Raisi, there were no associations or international organisations present to monitor respect for the human rights of the persons deported.

Visits were also conducted to the identification and deportation centres, in the context of the national campaign “LasciateCIEntrare”⁴³ which is part of the international Open Access campaign. Since the launch of the campaign in 2011 to denounce the decision of the Minister of the Interior, Roberto Maroni, opposing any external monitoring, “LasciateCIEntrare” has organised numerous visits. MPs, civil society representatives, union representatives, lawyers, journalists, mayors and regional, provincial and municipal councillors participated in visits.

As a result of this campaign, a circular restricting means of access to identification and deportation centres was repealed⁴⁴ and, although access to the centres remains subject to the discretionary power of Prefectures and of the Ministry of the Interior, the issue of administrative detention has acquired increased visibility in Italian public debate.

As for detention conditions in Italian identification and deportation centres, the UN Special Rapporteur for migrants' rights, François Crépeau, underlined in his report published in 2012⁴⁵: inappropriate premises, an inadequate regulatory framework, arbitrary decision making processes, an excessive maximum detention period (18 months, following implementation of the so-called “Return” Directive in 2011), difficult access for lawyers and NGOs, insufficient medical care and lack of activities. He also noted the presence of people coming from prisons where no identification procedures had been put in place.

In 2013, a “programme document”⁴⁶ was published by a commission of the Interior Ministry in charge of analysing the situation in Italian identification and deportation centres. It contains proposals for the establishment of large centres, with a view to rationalising costs. It blames malfunctions in the centres on the conduct of detainees⁴⁷, despite the conclusions of an official investigation in 2006-2007 led by a mixed commission which proposed an end to the system of administrative detention.

40 For further information, see: Fulvio Vassallo Paleologo, “Respingimenti differiti, l'ultima tendenza”, October 2012 [[available online](#)] (in Italian) and La Repubblica, “Immigrati sulle navi la Procura indaga Maroni: ‘Tutto ok’”, 28 September 2011 [[available online](#)] (in Italian)].

41 For a definition of “invisible detention sites”, see the 5th edition of the Encampment Map by Migreurop [[available online](#)]

42 See Joint Press Statement, “Le organizzazioni umanitarie chiedono di incontrare i migranti egiziani e tunisini che sbarcano sulle coste italiane”, 30 April 2013 [[available online](#)] (in Italian)].

43 For more information on the campaign, see the website “[LasciateCIEntrare](#)” (in Italian).

44 The circular was repealed by the Minister of the Interior, Anna Maria Cancellieri, who adopted an ordinance on 13 December 2011 re-establishing the previous system: possibility for registered journalists and NGOs to submit requests for access to Prefectures. The ordinance also requires all requests to be forwarded to the Ministry by prefectures prior to a decision and specifies that requests can be refused when centres are in the process of restructuring. [[available online](#)] (in Italian)].

45 “UN Special Rapporteur on the human rights of migrants concludes his third country visit in his regional study on the human rights of migrants at the borders of the European Union: Italy”, 8 October 2012 [[available online](#)]

46 “Documento programmatico sui CIE”, April 2013 [[available online](#)] (in Italian)]

47 The report's introduction reveals the authors' lack of knowledge of the law because they allow for the detention of EU citizens, and for detention without approval by a justice of the peace (“*giudice di pace*”). The document concludes that centres are indispensable and identifies the cause of management problems as the “Arab Springs” and the “North Africa Emergency”; the “non-peaceful” predisposition and violent conduct of detainees; the presence of detainees with varying legal status (former prisoners, irregular migrants, etc.) and cohabitation of people of different origins. The solutions envisaged are: the creation of cells distinguished according to the “category” of the detainee and according special powers to prefects or to “Commissions for the prevention of rebellion and disorder”. [[available online](#)] (in Italian)]

Visit to Ponte Galeria identification and deportation centre (Rome), 20 July 2013

Composition of the delegation : Luigi Manconi (Senator, Partito democratico, President of the Senate “Special Commission for the promotion and protection of human rights”), Senators Gotor (Partito democratico), Mazzoni and Falanga (Partito della libertà), Donno and Serra (Movimento 5 stelle), a representative of the office of the Ombudsman for Detainees, a member of the Prison monitoring centre of the Association of Penal Chambers, a representative of the NGO “A buon diritto”, a representative of the NGO Doctors for Human Rights and the spokesperson of the “LasciateCIEntrare” campaign.

The visit was organised by the Senate Special Commission for the promotion and protection of human rights, in charge of a project to monitor the situation in Italian centres, in continuation of the work carried out by the previous commission and which will result in a report to be released in March 2015. The Ponte Galeria centre is the largest in Italy with a capacity of 320 places and an average of 240 detainees⁴⁸. At the time of the visit, there were only 80 detainees (60 men, most coming from prisons, 18 women and 2 people waiting to have their age determined). The limited number of detainees can be explained by the closure of part of the centre following a fire and, according to testimonies gathered, “emergency” deportations which were carried out after a rebellion, without allowing the deportees’ lawyers the time necessary to request the suspension of deportation measures⁴⁹.

In 2010, the Prefect of Rome, Giuseppe Pecoraro, called for the closure of these former barracks which “failed to respect human dignity”. Detainees are allowed to retain their mobile phones provided they do not have cameras. Detention conditions are very harsh, as illustrated by frequent acts of self-mutilation, suicides (4 deaths in 2009) and the consumption of psychotropic drugs (almost 50% of detainees).

In March 2012, detainees started a hunger strike in order to protest against the circumstances of the death of Abou Saïd, an Egyptian man who committed suicide several days after leaving the centre, where he had spent several months. In February 2013, part of the centre was set alight during a rebellion against detention conditions⁵⁰ and another hunger strike was organised to protest against violent treatment by the police⁵¹. Since these events, detainees no longer receive copies of the internal regulation or charter of rights and duties. The authorities fear that detainees use paper documents to start fires. As a result, the authorities communicate the centre’s internal rules orally at the time of arrival of detainees.

The Milan and Crotone Tribunals issued two decisions on rebellions in the centres at Via Corelli, Milan and Isola Capo Rizzuto, Crotone⁵². The first decision concerned a fire at the Milano centre which was alleged to have been started by a group of Tunisian detainees. According to the Milan Tribunal, since this fire did not represent a real danger to public order, it was not considered “devastation”. The Tribunal did however convict the accused of “intentional damage”. In Crotone, migrant detainees were accused of throwing stones at security staff during a rebellion. The Tribunal considered that, although these events had taken place, detainees had acted under self-defence in view of their detention conditions. Furthermore, placing these migrants in detention was contrary to Articles 15 and 16 of the “Return” Directive, since no other measure had been envisaged before resorting to detention. The Tribunal added that detention conditions constituted a violation of human dignity, contrary to Article 3 of the Universal Declaration of Human Rights.

48 See the report of the visit of the NGO Doctors for Human Rights (Médecins pour les Droits Humains: MEDU), “*Le sbarre più alte*”, May 2012 [[available online](#) (in Italian)]

49 On 4 February 2013, a Senegalese man, father of two Italian children, was among detainees in the Ponte Galeria centre. He had been placed in the centre immediately after serving a prison sentence. Following rebellions in February, he was deported within 76 hours without having the possibility to contact a lawyer or his family. It was also in the Ponte Galeria centre that Ms. Alma Shalabayeva was detained on 28-29 May 2013 before being returned to Kazakhstan with her 6 year old daughter on a plane made available by the Kazakh authorities without her lawyers having been informed and having the opportunity to file an appeal against her deportation. On this case, which was highly publicised, see also, Internazionale, « *Il caso Shalabayeva imbarazza il governo* », 17 July 2013 [[available online](#) (in Italian)]

50 See RaiNews24, “*Rivolta nel CIE di Ponte Galeria. Tutto prevedibile*”, 21 February 2012 [[available online](#) (in Italian)]

51 On 1 May 2013, detainees issued a press statement containing the strikers’ demands, which reveal the detention conditions in Ponte Galeria.

52 See Diritto penale contemporaneo, « *Rivolte degli stranieri detenuti nei CIE: una forma di legittima difesa contro la violazione dei diritti fondamentali degli internati?* », 7 January 2013 [[available online](#) (in Italian)].

Visit to Gradisca d'Isonzo identification and deportation centre (Trieste), 26 July 2013

Composition of the delegation: Nazzareno Pillozzi (MP, Sinistra Ecologia e Libertà), 4 elected representatives of the Friuli region, a councillor from the Staranzano municipality, the representative in charge of immigration of the Sinistra Ecologie e Libertà party, representatives of the NGOs Asgi, Tenda per la Pace e i Diritti and of the “LasciateCIEntrare” campaign.

At the time of the visit, there were 67 detainees and a capacity of 248 places. One detainee, who had difficulties “integrating” with the others, had been sleeping in the corridor for several weeks, without access to the toilets (located inside the cells). Despite requests, no information was provided on the nationality of detainees.

Detention conditions are prison-like. There are no activities. Books and papers are forbidden. For the past year, detainees no longer have access to the small football pitch in the centre. They are not allowed to move about within the centre and outside their cells they only have access to spaces which resemble cages: small cement cubes topped with wire fences and surrounded by perspex “walls”, where temperatures are very high during Summer. There are no sheets. The bad quality food is served in the dormitories of 8 to 10 beds, since the canteen is not used for “public order reasons”. In application of an emergency decision of the prefecture, the centre regulations were amended and telephones are now confiscated.

Cases of self-mutilation are frequent⁵³ and 50% of detainees take psychotropic drugs. According to the delegation, these drugs seem to be used to maintain calm in the centre and not for medical reasons. According to the director of the centre, in the past the use of medication was “massive” and is now increasingly regulated. For security reasons, it is forbidden to possess inflammable material, to the point that no documents concerning migrants' rights are disseminated, including the internal regulations of the centre. According to centre staff, copies are available in the administration offices. Detention in this centre can last up to 18 months.

The delegation interviewed four Syrians who said that they wanted to request asylum but had never been informed of this option, neither by the Cagliari prefecture, nor at the Gradisca d'Isonzo centre where they had been detained for two weeks. According to the person in charge at the Prefecture, “it appears they are not Syrians”. In response to the delegation's remarks that, under the law, everyone has the right to request asylum and that the territorial commissions are competent to judge the validity of requests, the representative replied, “In that case they are all going to say they are from Syria”. According to information available, the territorial commission did not consider the origin of the applicants to have been proven. Procedural irregularities were submitted to the UNHCR.

On 8 August 2013, a rebellion broke out following a refusal to extend the possibility to access the courtyards outside during the evening beyond the end of Ramadan. Security officers in “anti-riot” gear reacted with violence: beating with truncheons and tear gas. The “containers” were transformed into gas chambers. Several detainees fainted and the glass walls were broken so that they could breathe. Violent confrontations followed.

On 11 August, four detainees mounted the roof, followed by about thirty others. Once again, repression was violent: tear gas and the arrival of police vans, the fire service and an army bus. Despite the intervention of the MP Serena Pellegrino (Sinistra Ecologia e Libertà), during the night of 12-13 August, two detainees fell from the roof. They were taken to hospital, one of them in a serious condition⁵⁴.

The President of the Senate Commission of Human Rights, Luigi Manconi, finally adopted the position of NGOs affirming that the Gradisca centre must be closed⁵⁵. A visit by the commission was planned on 10 September

⁵³ See report and photos published by the NGO *Tenda per la Pace e i Diritti*: “Se questo è un uomo”, 29 July 2013 [[available online](#)] (in Italian)

⁵⁴ For further information: “Cronache di ordinario razzismo, Cie Gradisca, fumogeni e cariche, due persone cadono dal tetto”, 14 August 2013 [[available online](#)] (in Italian) and Asgi, “Grave e persistente condizione di degrado nel CIE di Gradisca d'Isonzo: urge chiusura immediata”, 14 August 2013 [[available online](#)] (in Italian)

⁵⁵ The closure of the Gradisca CIE has long been supported by the police union, Silp-Cgil, see, Il Piccolo, “Sindacati di polizia: il CIE di Gradisca va chiuso” 15 August 2013 [[available online](#)] (in Italian). In a press statement issued after the August 2013 revolts, the cooperative managing the

2013⁵⁶. On 17 August 2013, another rebellion took place, while a protest in support of detainees was taking place in front of the centre⁵⁷.

Lebanon

For the first time in the context of the Open Access campaign, Migreurop requested access to two civilian prisons – the men's prison in Roumieh and the women's prison in Zahleh – as well as to the General Security Central Police Station in Lebanon. The aim of these visits was to gather information about the conditions of detention of migrants and access to legal assistance.

Authorisation for access to the two civilian prisons was faxed to the Migreurop network two weeks after the request and contained a condition not to stay longer than two hours on the sites. Contact with the prison directors was facilitated by an official from the Lebanese security forces, currently in charge of the prison administration. The request to visit the police station was refused by telephone.

Visit to Roumieh men's prison, 31 July 2013

Composition of the delegation: a volunteer from the Migreurop network and a volunteer from the Frontiers Ruwad association.

According to the Ministry of Justice, 10% of people⁵⁸ incarcerated in Lebanese prisons in 2012 were there in connection to their administrative status⁵⁹. The central prison of Roumieh is the largest in the country and according to the prison director, it currently has nearly 2,300 inmates with capacity for only 1,050. Detention conditions there are particularly difficult due to prison overcrowding, ageing buildings, cases of trafficking and escapes⁶⁰. In 2011, a particularly violent rebellion took place.

Journalists, civil society and lawyers have to seek permission from the Attorney General in order to be able to enter the prison. Restrictions on entry (security measures, searches, long waits to see prisoners, etc.), limiting access to inmates, were reported by lawyers during a workshop. Although journalists are able to access the prison, there are significant restrictions in terms of the areas and persons that can be visited.

The visit lasted 4.5 hours. It took one hour for the prison director to approve authorisation and to pass the different control points.

The delegation was able to interview the prison director and the guards, four migrants and to visit some of the areas (the medical centre, the courtyard, the visiting room for families and lawyers). It was not possible to gain access to the cells or sanitary blocks, or to conduct interviews with the migrants in private. The visiting room was very busy and the accompanying guard insisted on remaining present despite the delegation's requests.

It was not possible to obtain access to any statistics. The director stated that he was not in a position to provide them. The delegation asked permission to see a person with refugee status, but the director responded that there was no database listing refugees or people having requested asylum to the Office of the United Nations High Commissioner for Refugees (UNHCR). He emphasised that this type of procedure was dealt with by NGOs (visits

Gradisca CIE, "Connecting People", said it was willing to contribute to a debate on reform of the centres because it was convinced that the current structures make no sense [[available online](#) (in Italian)].

56 La Repubblica, "Manconi : immigrato in gravi condizioni. Chiudere il CIE di Gradisca d'Isonzo", 13 August 2013 [[available online](#) (in Italian)]

57 See the Rai3 service [[available online](#) (in Italian)]

58 Statistics of the Ministry of Justice ("Lebanese prisons: the reality in figures", June 2012).

59 In Lebanon, so-called "illegal" entry and stay are crimes under the law on entry and stay of immigrants (1962). The penalty can be a prison sentence of between 2 weeks and 3 months (from 2 weeks to 2 months for illegal stay and 1 to 3 months for illegal entry) and a fine, with the possibility of a deportation order.

60 Al Akhbar, "Roumieh Prison: Rule by the Sword", 14 October 2012 [[available online](#)]

made by an association working in partnership with the UNHCR). There is therefore no protection system for refugees put in place by the authorities.

Requests were made for information on the percentage of detainees who were held on the grounds of illegal entry or stay, but this figure was not given.

However, the delegation was able to speak with three migrants who had received a one-month prison sentence on these grounds. In one case, the ineffectiveness of the lawyer was criticised⁶¹. Another detainee said that access to legal services had been useless.

There is no system of legal assistance (except in cases of heavy sentences when a lawyer is appointed by the judge) and there is no legal follow-up by associations present in the prison.

All the migrants met by the delegation emphasised their isolation. Visits by families and lawyers are only authorised on certain days and on condition of obtaining a visitors' permit.

Although in practice, such permits are generally granted, there are many obstacles to implementation (time required to obtain a meeting, controls, etc.). Furthermore, visits by relatives are often very difficult because of the "irregular" status of members of their family. Visits from family and lawyers take place in rooms without chairs. Detainees and visitors are separated by a pane of glass, with the detainee in one of the prison blocks and the visitors outside in the open air. They communicate by telephone (interviews with lawyers take place inside but in the same conditions).

The internal regulation prohibits mobile phones and phone booths have not functioned since the revolts in 2011. However, many detainees do in fact possess a phone and communicate with the outside world. Three of the migrants interviewed also said that their Embassy was not interested in their fate and had not visited them (except in the case of one detainee, who added that it had had no effect). The prison governor nevertheless affirmed that several embassies called regularly to obtain the names of their citizens in detention.

The prison governor affirmed that at the end of their sentence, migrants were transferred to the General Security Central Police Station, the institution in charge of defining the status of migrants in Lebanon. Hundreds of migrants are detained there for unlimited periods, often without any judicial control and in catastrophic conditions (no daylight, no fresh air, overcrowding)⁶².

Visit to Zahleh women's prison

Composition of the delegation: A volunteer from the Migreurop network and a representative of the Frontiers Ruwad association.

The women's prison in Zahleh is a small prison in the Bekaa region (35 places). At the time of the visit, 68% of detainees were migrants, some accused of "illegal" stay. Many domestic workers from Ethiopia, the Philippines, Sri Lanka and Bangladesh flee their employers and find themselves without legal status⁶³ and at risk of receiving a prison sentence or being deported.

Journalists, civil society and lawyers have to request permission from the Prosecutor General in order to obtain access.

61 According to the detainee, the lawyer did not want to visit him in prison, had not met him before the day of proceedings and had little knowledge of his case.

62 Frontiers Ruwad, "Taking Refuge in Arbitrary Detention", 2010.

63 The legal status of domestic workers in Lebanon is linked to their sponsor (kafala) who is legally responsible for them. If they leave the house of their sponsor/ employer, they find themselves without legal protection and in many cases "undocumented" since many employers confiscate their passports upon their arrival in the country. For further information see the report, "Without protection" by Human Rights Watch [[available online](#)]

The prison visit lasted 4.5 hours. The delegation interviewed the director, a nurse and an employee of an association with daily presence in the prison to provide services (activities, medical assistance, etc.). All parts of the site were visited: cells, isolation cells, sanitary units, kitchen, courtyard, activities room, the director's office and the medical room.

The delegation was also able to conduct private interviews with five migrant women who were accused of illegal entry or stay or of falsifying a visa, but with two of them there were communication difficulties, because of a lack of interpreters.

According to the director, the judge from Bekaa visits regularly (once a month or every two months) to control the detention conditions and speak to detainees in order to accelerate legal proceedings. According to prison regulations, visits from family and lawyers are allowed certain days on condition of obtaining a permit from the Prosecutor General, but difficulties can arise in practice. A lawyer met during a roundtable on access to detention premises reported that she had been refused an interview with her client, despite having obtained a permit, because on that day "the director was angry because of the behaviour of a detainee".

The delegation noted the absence of legal assistance and information (judgement, sentence, possibilities to obtain regularisation, possibilities to request asylum, etc.). The only association which used to come is no longer present, since it is busy with the Syrian crisis. Several migrants said they did not know how to contact a lawyer or have access to a defence. One person said she had only seen the lawyer appointed by an association once, on the day of the hearing and she had still not received notification of the decision.

One migrant explained that she had been arrested at Beirut airport and detained for two months, without having appeared before a judge. She also said that she had never been informed of the right to submit a request for asylum to the UNHCR. According to officials, the large proportion of detainees in pre-trial detention (80% of detainees) reveals the slowness of the justice system. The prison administration explains this percentage by the absence of means for escorts (in particular, vehicles and guards) and by the fact that hearings are regularly postponed for long periods when there are problems (e.g. the health of a detainee).

The prison environment makes detainees psychologically fragile and this is particularly the case for migrants, who live with total uncertainty and in great isolation (families back in their country of origin, lack of contacts in Lebanon).

Although the Zahleh prison was not overcrowded at the time of the visit, detention conditions remain precarious, with approximately fifteen women to a room (there are 3 rooms in total), sleeping in bunk-beds with three levels. Rooms have a small external window with bars, a bathroom and toilets. There is no communal space. Meals are therefore eaten in the bedrooms, sitting on beds or on the ground. An association sometimes proposes activities such as language classes, sewing or hairdressing and makes a telephone available to detainees. This association has financed a small medical room so that a nurse can receive detainees in appropriate conditions. The nurse underlined that she hardly had any equipment (some aspirin and several antibiotics) and that the main problem was the mental distress of detainees.

Several migrants claimed to have been beaten by police officers, at the time of arrest or during detention. The prison director said that at the end of their sentences, migrants were transferred to the General Security Central Police Station. The director underlined that transfers are carried out quickly and that detainees are not kept in the prison beyond the end of their sentences. Checks showed that the vast majority of migrant detainees were waiting for a judgement⁶⁴.

64 One of the migrants interviewed by the delegation had completed her sentence the previous week and according to officials, she was soon to be transferred to General Security.