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G8 Genoa policing operation of July 2001 A summary of concerns

PREFACE

On 19 September 2001 the President of the European Parliament announced that the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (Citizens' Rights Committee) had been authorized to draw up a recommendation to the Council of the European Union on "an area of Freedom, Security and Justice: security at meetings of the European Council and other comparable events"

A draft report containing a draft proposal for such a recommendation was submitted to the Committee by the appointed rapporteur and this was considered by the Committee on 16 October 2001.

An explanatory note to the draft report stated that "After the demonstrations which took place during the European Council of Nice (December 2000), Gothenburg (June 2000) and finally in Genoa (July 2001) and the regrettable acts of violence that marked these demonstrations, it would be advisable for European institutions and notably the European Parliament, to understand the causes and furthermore avoid such incidents in the future."

In view of an examination of the report by the Citizens' Rights Committee scheduled for 12 November 2001, including examination of a proposed amendment according to which the Parliament would recommend the institution of a commission of inquiry into the incidents at the Genoa summit, Amnesty International took the opportunity to draw the Committee's attention in advance to a summary of its key concerns regarding the G8 Genoa policing operation.

The Committee adopted the final text of the report with a proposal for a recommendation on 12 November [European Parliament Index No: A5-0396/2001]. The text was passed to the Plenary of the European Parliament which is scheduled to vote on the proposal during the week beginning 10 December 2001. If adopted the recommendation would then be forwarded to the Council of the European Union and, for information, to the Commission and to governments and parliaments of the Member States of the European Union.

The text of the proposal adopted by the Committee does not include a recommendation for the institution of a commission of inquiry into the incidents at the Genoa summit but, noting that "following the Genoa disorders several administrative, judicial and parliamentary inquiries have been launched in Italy to ascertain if there was inhuman or degrading treatment or punishment (article 4 - European Charter of Fundamental Rights)", the text states that "The EP [European Parliament] will pay a particular attention to the follow-up of these inquiries in view of its 2001 annual report on protection of fundamental

rights in the European Union". Amnesty International notes in particular that in its 'Specific recommendations to be followed to ensure a better protection of fundamental rights' the proposal includes the following recommendations:

- *" - to avoid blocking of borders or denying the right to cross borders to individuals or groups of people who seek to participate peacefully in legitimate demonstrations. - The increasingly frequent re-establishment by Member States of controls at internal borders has developed from an exceptional situation to becoming the rule, even for international events of minor importance. Article 2.2 of the Schengen Convention only lays down the possibility for Member States to reintroduce border controls, where public policy or national security so require. It is therefore the exception to the general rule that internal borders may be crossed at any point without any checks being carried out on persons. However, the reintroduction of border controls does not affect existing Community law in the field of free movement. The blockage at borders of thousands of persons travelling by train or boat without assessing if they are a serious threat affecting one of the fundamental interests of society (according to the European Court of Justice case law) is disproportionate and contrary to articles 11, 12 and 45 of the ECHR [European Charter of Fundamental Rights] and to the requirements of Directive 64/221/EC".*