

**PUBLIC**

**AI Index: EUR 30/005/2005**

**27 June 2005**

**Further Information on UA 69/05 (EUR 30/001/2005, 18 March 2005) - Forcible return/fear for safety/fear of torture**

**ITALY/LIBYA Over 1,000 people**

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The Italian authorities forcibly returned at least 45 people to Libya on 22 June, where they may be at risk of serious human rights violations, including torture. They were not given an effective opportunity to apply for asylum and have their claims assessed in a fair and satisfactory asylum procedure. Many more foreign nationals have recently arrived on the island of Lampedusa and as of 22 June 866 people were reportedly detained in the temporary holding centre for foreign nationals on the island. The authorities are reportedly planning further deportations.

The 866 people detained on Lampedusa are reportedly of various nationalities, many of them from north African and sub-Saharan African countries, and most of them are believed to have set off for Italy from Libya, some 300km away. The Lampedusa detention centre, which has a maximum capacity of 190 people, is now alarmingly over-crowded.

Many of the people now held in the Lampedusa temporary holding centre are at risk of being forcibly returned to Libya and other north African countries. Amnesty International is concerned that these people might be returned without an effective opportunity to apply for asylum. Amnesty International is concerned that non-Libyan nationals deported to Libya would be at risk of arbitrary detention, and also of forcible return from Libya to other countries where they would be at risk of serious human rights violations, including torture and other ill-treatment.

Italy is bound by international law not to return anyone to a country or territory where he or she would be at risk of serious human rights violations. This obligation is reinforced by the fact that Italy is a party to the 1951 Refugee Convention, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

**BACKGROUND INFORMATION**

The number of people arriving on Lampedusa, and the attendant overcrowding of the detention centre, has increased dramatically over the past two to three years. The number of people arriving on the island has tended to increase in the summer because the weather is more favourable for sea crossings, and the detention centre generally remains overcrowded for long periods during the summer.

In March, the authorities stopped deportations from the temporary holding centre for foreign nationals on Lampedusa thanks to pressure from the UA network and the UNHCR. The 1,000 people who were the subjects of the March UA have since been moved from Lampedusa to detention centres in mainland Italy.

Libya has not ratified the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, nor has it established national asylum procedures. Libya has signed and ratified the Organisation of African Unity (OAU) Convention on specific aspects of refugee problems in Africa, which provides a broad definition and a legal basis for refugee protection, as well as an obligation to co-operate with the United Nations High Commissioner for Refugees (UNHCR). However, according to the UNHCR, two key obstacles prevent the fulfilment of these obligations in practice: firstly, the lack of official acknowledgement of the presence of

refugees and asylum-seekers in Libya; and secondly, the absence of any official contact or status accorded to the UNHCR in the country. In the absence of a legal protection framework, there is no effective guarantee that the rights of refugees will be protected.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Italian or your own language:**

- expressing concern that at least 45 foreign nationals were deported to Libya on 22 June, and that all or some of them may not have been given an effective opportunity to apply for asylum;
- reminding the authorities of their obligation under international human rights and refugee law to respect the right of all individuals to seek asylum and to access fair and satisfactory asylum procedures, including access to adequate legal assistance and interpretation and an effective right to appeal;
- urging the authorities not to forcibly return anyone to a country where they would be at risk of serious human rights violations, in line with Italy's international obligations, including Article 33 of the 1951 Refugee Convention and Article 3 of the Convention against Torture, to which Italy is a party;
- urging the authorities to end the collective expulsion of foreign nationals to Libya or other countries.

**APPEALS TO:**

Minister of the Interior

Onorevole Giuseppe Pisanu, Ministero dell'Interno  
Palazzo Viminale, Via Agostino Depretis, 7, 00184 ROME, Italy

**Fax:** + 39 06 46549815  
**Email:** redazione tecnica@interno.it  
**Salutation:** Dear Minister

Prime Minister

Onorevole Silvio Berlusconi, Presidente del Consiglio Ministri  
Presidenza del Consiglio dei Ministri, Piazza Colonna, 375, 00187 Roma, Italy

**Fax:** + 39 06 67793543  
**Email:** redazione.web@governo.it  
**Salutation:** Dear Prime Minister

**COPIES TO:** diplomatic representatives of Italy accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 7 August 2005.