

PUBLIC

AI Index: EUR 30/002/2005

18 March 2005

UA 69/05      Forcible return/fear for safety/fear of torture

ITALY/LIBYA      Over 1,000 people

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The Italian authorities have forcibly returned 180 people to Libya, where they may be at risk of torture. Over 1,000 people recently arrived in Italy are in custody, and the authorities are reportedly planning further deportations. The United Nations High Commissioner for Refugees (UNHCR) has not been allowed access to the detainees, and apparently none of those deported was given the effective opportunity to apply for asylum.

Since 13 March over 1,000 people of various nationalities have landed by boat on the Sicilian island of Lampedusa. All are believed to have set off from Libya, some 300 kms away, and have been detained on arrival and held at a temporary holding centre for foreign nationals. Up to 400 have reportedly been transferred from the Lampedusa centre, intended to hold a maximum of 190 people, to a centre in Crotona, on the southern Italian mainland. On 17 March 180 people were removed from the Lampedusa centre and flown to the Libyan capital, Tripoli, under Italian police escort. According to Protocol 4 to the European Convention on Human Rights, the Italian government is prohibited from expelling entire groups of people, without properly considering each individual's situation.

On 15 March the UNHCR requested access to the Lampedusa centre, but was denied. However, Libyan officials have been in Lampedusa recently, and have reportedly been allowed into the centre. This would be likely to put any detainees later returned to Libya in grave danger. Non-Libyan nationals would risk detention on charges including illegal entry into and exit from Libya.

On 16 March the Italian Minister of the Interior informed parliament that Italy was acting lawfully. He asserted that almost all of the foreign nationals who had arrived on Lampedusa were Egyptian, but had claimed to be Palestinian or Iraq. He also stated that: "Libyan investigators" were in Lampedusa to collaborate with the Italian authorities in identifying people-traffickers. Amnesty International is deeply concerned that the authorities appear to be rushing to deport people from Lampedusa, and are doing so without proper scrutiny.

#### **BACKGROUND INFORMATION**

Amnesty International has long-standing concerns about the lack of adequate and comprehensive asylum legislation in Italy. Over the last year the organization has also expressed fears that the Italian government's attempts to deal with arrivals by sea are seriously compromising the fundamental right to seek asylum and the principle of *non-refoulement*, which prohibits the forcible return of anyone to a territory where they would be at risk of serious human rights violations.

In October 2004 the UNHCR requested access to the Lampedusa centre, but was not allowed in until five days later. By this time over 1,000 recently arrived people had been flown back to Libya, where the UNHCR was again denied access to them. The UNHCR has stated that "the rushed methods used to sort out people by nationality" meant that individuals who might have had a valid asylum claim did not receive a proper assessment. Amnesty International was also deeply troubled by the speed with which hundreds of recently arrived foreign nationals were deported from Crotona to Libya in December 2004, apparently without any opportunity to seek asylum.

Libya is a state party to the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, and is therefore bound not to return anyone to a country where they would be

at risk of serious human rights violations. Libya violated this obligation on several occasions in 2004. Hundreds of Eritreans were forcibly returned in July and August 2004; many of those returned to Eritrea are believed to be detained incommunicado in a secret prison where conditions are harsh.

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

**To the Italian authorities:**

- expressing concern at reports that 180 foreign nationals were deported to Libya on 17 March, within days of their arrival in Lampedusa and without the UNHCR being allowed access to them;
- reminding the authorities that Italy is obliged to admit asylum-seekers and refugees to its territory without discrimination and, according to Protocol 4 to the European Convention on Human Rights, is prohibited from deporting entire groups without considering each individual's situation;
- reminding the authorities that under the 1951 Refugee Convention and other international law, they must not forcibly return anyone to a country where they would be at risk of serious human rights violations;
- urging the authorities not to return any more of the detainees to Libya, and to give the UNHCR prompt access to all the detainees in Lampedusa and Crotona, to assess any claims for asylum;
- urging the authorities to ensure that all asylum-seekers have access to a fair and satisfactory asylum procedure, including access to adequate legal assistance and competent interpretation, and are not deported before their claim has been thoroughly and individually examined.

**To the Libyan authorities**

- urging them to give the UNHCR access to the 180 people returned to Libya from Italy on 17 March;
- urging them not to deport any who are recognised as refugees by the UNHCR, and to grant all refugees and asylum-seekers the opportunity to challenge any decision to deport them to a third country.

**APPEALS TO:**

**Italian authorities**

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

**Fax:** + 39 06 46549815  
**Email:** [redazionetecnica@mininterno.it](mailto:redazionetecnica@mininterno.it)  
**Salutation:** Dear 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](mailto:redazione.web@governo.it)  
**Salutation:** Dear Prime Minister

**Libyan authorities**

His Excellency Colonel Mu'ammar al-Gaddafi  
Leader of the Revolution  
Office of the Leader of the Revolution  
Tripoli, Great Socialist People's Libyan Arab Jamahiriya

**Salutation:** Your Excellency

**COPIES TO:** diplomatic representatives of Italy and Libya in your own country

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 30 April 2005