

PUBLIC

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Forcible return/fear of torture or other ill-treatment

ITALY

About 1,600 migrants, mostly Tunisian nationals

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Over 1,600 migrants who have arrived over the past weeks on the island of Lampedusa are detained there, according to an official statement of 23 January by the Minister of Interior, who added that 150 migrants had already been returned from Lampedusa since 1 January. All those detained are at risk of being forcibly returned without access to a fair procedure for examining their asylum claims or the opportunity to challenge their deportation. If returned, they would be at risk of torture and other serious human rights violations.

The Minister of Interior told at a 28 January press conference that 500 Tunisian migrants would be deported over the next two months, under an agreement Italy had reached with Tunisia on the return of irregular migrants. Furthermore, the Italian Ministry of Interior announced on 3 February that 120 irregular migrants would be immediately returned to Tunisia. No official data have been released on whether any of the detainees have been or will be transferred to other reception centres in Italy.

The detention centre where the 1,677 migrants are held was built to house 850. On 23 January, the office of the UN High Commissioner for Refugees (UNHCR) expressed concern over the conditions in the detention centre and called on the Italian authorities to take all necessary steps to address the detainees' difficult humanitarian situation. According to a 9 January UNHCR statement on the situation in Lampedusa, "People seeking asylum must nevertheless be allowed to disembark in a safe place, where they can receive information about their rights and have a genuine opportunity to file an asylum application which will be considered in a fair procedure. Sending refugees back to countries where they cannot enjoy effective protection could violate Member States' international obligations to refrain from [forcible return]."

#### **BACKGROUND INFORMATION**

Since January, over 1,000 people of various nationalities have landed by boat on the Sicilian island of Lampedusa. According to UNHCR figures, about 75 percent of the 36,000 who arrived in Italy by sea in 2008 applied for asylum, around half of whom were granted refugee status or otherwise protected from forcible return.

In January the government implemented a new policy whereby identification and asylum procedures for all migrants arriving by sea in Lampedusa are carried out in a new detention and identification centre placed on the island. This move raised widespread concern about access to fair procedures and adequate legal representation.

As a state party to the 1951 Refugee Convention, the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT) and European Convention on Human Rights (ECHR), Italy has an obligation not to return anyone to a country where they would be at risk of torture or other ill-treatment. The international law principle of *non-refoulement*, which is binding on all states, prohibits the forcible return of anyone to a country where they would be at risk of serious human rights abuses, including torture.

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

- 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 obligations as a state party to the 1951 Refugee Convention and the Convention against Torture;
- reminding them that international human rights and refugee law oblige them to allow any migrant to seek asylum through fair and satisfactory procedures, and grant protection against return to a country where they would be at risk of serious human rights violations.

**APPEALS TO:**

Prime Minister

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

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**Email: centromessaggi@governo.it**

**Salutation: Dear Prime Minister**

Minister of Interior

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**Salutation: Dear 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 18 March 2009.