

Italy carries out mass deportation of refugees

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9 October 2004

While the European Union is still discussing how to circumvent international law in order to establish camps for refugees in North Africa, the Italian government is creating facts on the ground. In defiance of existing national laws and international agreements, last weekend it summarily deported to Libya up to 1,000 refugees who had reached Italy's Mediterranean island of Lampedusa. They were expelled from the country without being allowed to apply for asylum.

The deportations continued even as it was learned that an overloaded boat with more than 70 people on board had begun to break up and sink off the coast of Tunisia. Only 11 refugees were saved; 17 bodies were recovered and 47 remain missing. Those on board were mainly Moroccans and some Tunisians who were trying to reach Italy. This year, several hundred refugees have drowned in the Mediterranean; in the last 10 years, according to official statistics, 5,000 people trying to escape to Europe in rickety boats paid with their lives. The real numbers are probably many times higher.

Italian authorities are now deporting those who have managed to survive the journey. Out of more than 2,500 refugees who reached the small island between Sicily and the African coast in the course of a week, at least 1,000 were taken straight to the airport by the police. The Italian authorities used two passenger jets from Alitalia and two army transport planes to establish an air bridge to Libya. On Monday alone, 20 flights were planned.

There were no asylum hearings as prescribed by Italian law; the authorities did not even bother to determine the country of origin of the refugees. A brief medical checkup and a small meal was all that the authorities offered to people left completely exhausted by their harrowing journey.

According to the German daily *tageszeitung*, the refugees were divided according to racial categories—all Arab-looking individuals were handcuffed and herded onto planes that were standing by, while about 200 Eritreans and Ethiopians were allowed to remain. Lawyers from the United Nations refugee agency and human rights groups were denied access to the refugees. How many have actually been deported is unknown.

In July, Italian authorities conducted express proceedings and deported 37 refugees saved from the shipwrecked Cap Anamur—despite the ruling of an Italian constitutional court that a deportation order can be granted only by a judge and in the presence of the refugee's lawyer. The previous deportation of a number of refugees presumed to have come from Ghana and Nigeria was ultimately declared illegal, but those concerned were long gone.

With the current deportations, Italian Interior Minister Giuseppe Pisanu is going one step further in denying access to asylum proceedings. Refugees have neither the time nor the opportunity to lodge a complaint before the courts. Pisanu is not only ignoring Italian laws—the right of asylum is anchored in the Italian constitution—but also breaking international agreements.

The Geneva Convention on Refugees, signed by Italy, contains the “non refoulement” principle, which bars the arbitrary deportation of refugees to countries where they may face persecution, torture or death. However, Libya has never signed the Geneva Convention. The North African state has interned refugees in camps, where some say they have been mistreated. They are routinely refused access to asylum proceedings. Although there are hundreds of thousands of refugees in Libya, only 500 were able to lodge an application for asylum this year.

Under the Geneva Convention, all refugees not only have the right to have their applications for asylum examined, but also the right to defend their application in court. The European Union has also adopted these regulations as a minimum standard for asylum proceedings.

Human rights organisations sharply criticised this open break with international law. Karl Kopp of *pro asyl* said the mass deportations are “putting an axe to the roots of international refugee protection.” *Amnesty International* stated that “Italy is guilty of the most serious breaches of international law.”

But Giuseppe Pisanu feigns innocence. He claimed he had been forced to act by an “emergency situation” caused by the overflow of refugees at the Lampedusa camp, which has space for only 190 people. But this fails to explain why the refugees were summarily deported. Instead of being expelled

to Libya, they could have been taken to one of the Italian refugee camps on the Adriatic coast, which are largely empty.

The government, according to Pisanu, has acted “with the necessary decisiveness” and “in conformity with the law.” He cynically added, “We are protecting those who have a right asylum.”

The refugees who landed on Lampedusa have clearly been denied this right. “Illegal immigrants,” according to Pisanu, “should realise that they will be sent back immediately after receiving humanitarian aid.” Under the EU’s existing restrictive visa and “safe state of origin” regulations, it is no longer possible to lodge an asylum application without first undertaking an illegal border crossing.

Italy’s completely illegal actions, risking the lives of the refugees, are not a matter of an emergency reaction to a wave of asylum seekers, as Pisanu would have one believe. Rather, it is the calculated result of secret agreements between the Berlusconi government and Libya. Moreover, the actions of the Italian government provide a foretaste of future EU refugee policy, as soon as the planned refugee camps are established in North Africa.

A year ago, Italy and Libya signed a bilateral agreement concerning the control of refugees. But the helicopters, armoured vehicles and night-vision devices promised to the Libyan government could not be supplied because of an existing EU embargo against Libya. The agreement was put on ice; the planned joint patrols in Libyan territorial waters did not take place.

But the recent rapprochement between the EU and Libya signalled that an end to the embargo was imminent. The Berlusconi government played a crucial role in this process, using the alleged presence of 2 million refugees on Libya’s coasts to convince his EU colleagues of the urgency of abolishing the embargo. In return, Libya has signed a refugee repatriation agreement with Italy.

The wording of the agreement was not even submitted to the Italian cabinet, let alone discussed in parliament. The minister for Italians living abroad, Mirko Tremaglia of the right-wing Northern League, told *Corriere della Sera*, “The air bridge from Lampedusa to Libya? I assume that it is the result of the new agreement with Libya, but I do not know for sure. There was no discussion regarding the new agreement.”

This agreement, made in secret and implemented autocratically, tramples underfoot the democratic rights of refugees.

In Italy, tents and other materials for the first three refugee camps are ready to be shipped to Libya. The camps are expected to hold some 1,000 refugees, approximately the same number deported from Lampedusa.

Giuseppe Pisanu is now pushing through a policy worked out in August with his German counterpart Otto Schily: the creation of refugee camps in North Africa. Schily’s plan had initially been to place only those refugees apprehended at sea in the external EU camps. However, the mass deportations carried out by the Italian government show the real intent of this agreement: the criminalisation of refugees, denying them any right to apply for asylum. Immediately after their arrival, they are to be deported back to Africa. There, asylum proceedings are to take place, behind closed doors and without any legal redress. On August 2, Schily told the *Sueddeutsche Zeitung* that refugees there are outside the jurisdiction of EU law.

The German government and the EU Commission seemed to approve the actions of the Italian authorities, despite the open breach of international law. Both the German foreign and interior ministries have yet to make any statement. The EU Commission said only that it was “nearly impossible to accept thousands of refugees on the tiny island of Lampedusa.” EU interior ministers announced last week at their informal meeting that they plan to provide assistance to the North African states with their asylum proceedings.

The idea that the refugee problem can be solved by establishing extra-territorial refugee camps outside the EU, as Schily now expounds, could become Germany’s next “export hit.” In 1993, the Kohl government was the first EU state to introduce the “safe third state regulation,” permitting the turning back of asylum-seekers directly at the border. This restrictive regulation now forms part of the asylum rules of the EU.

Calling the mass deportations to Libya “non-acceptance”—a term employed under the “safe third state” rule—Pisanu made clear how well this regulation fits in with the proposed refugee camps. The same rationale will be used to justify the mass deportation of refugees to camps in North Africa, the Ukraine or Belarus. The result would be the final abolition of the already badly weakened right to asylum in the EU.



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