FOR THE RESPECT OF HUMAN RIGHTS
AND THE RIGHT TO ASYLUM BY THE EU

Ten NGOs lodge a complaint with the European Commission
against the Italian government

Press Release January 25th 2005

During the first week of October 2004, the Italian authorities deported to Libya close to 1500
boat people who had recently come ashore on the coast of Lampedusa island. Without even
attempting to hide it from European public opinion, the government of Sylvio Berlusconi
organised what amounted to an airlift to return the fugitives to a dictatorship whose record of
human rights abuses and mistreatment of foreigners has been consistently denounced. There
was no reaction from the European nor from any of the Member States.

And yet the complaint lodged by Italian, French and Spanish organisations1 proves the
operation took place in breach of fundamental principles to which the European Union is
committed. By reference to the European Convention for the Protection of Human Rights and
Fundamental Freedoms, the Charter of Fundamental Rights adopted by the European Union
in 2000 and the Geneva Refugee Convention, the main principles violated were prohibition of
collective expulsion, protection against inhumane and degrading treatment and the principle
of non-refoulement of asylum seekers.

Although these principles have guided the reasoning and the case law of the European Court
of Justice for a long time and have now been formally incorporated into the constitutional
treaty signed on the 29th of October 2004, no action was undertaken by the European Union
either to stop the deportations from Lampedusa or to sanction Italy which was responsible for
the violation of fundamental rights. This passive attitude may well encourage governments to
consider themselves as no longer bound by their human rights obligations. It is true that the
silence of the European Union can be explained largely by the fact that for many years now it
has tried to disengage itself from its responsibilities by sub-contracting border controls, even
selection procedures and detention of refugees and migrants, to countries outside the Union.

After several weeks of investigations, ten NGOs are asking the European Commission to
initiate proceedings against Italy justified by the events denounced in their complaint, with a
view to bringing an action before the European Court of Justice based on the violations
described and to imposing appropriate sanctions on Italy.

Member states are often called to order for their economic breaches, rarely however where
fundamental rights are involved. If the Commission were to declare itself incompetent in this
affair, it would demonstrate that as far as the EU is concerned, human rights are merely a
matter of rhetoric for the benefit of the outside world.

This appears particularly worrying a few months before fundamental steps are taken to
reinforce the construction of the European Union.

1 ANAFE (F) Association nationale d'assistance aux frontières pour les étrangers - ARCI (I) - Asociación Andalucía Acoge (E) - ASGI (I) Associazione per gli Studi Giuridici sull'Immigrazione - APDHA (E) Asociación Pro Derechos Humanos de Andalucía - Asociación Sevilla Acoge (E) - Cimade (F) - Federación de Asociaciones SOS Racismo del Estado Español (E) - GISTI (F) Groupe d'information et de soutien des immigrés - ICS (I) Consorzio italiano solidarietà.