

To the Councils of the Bar Associations  
of Rome, Turin, Gorizia, Caltanissetta, Trapani, Bari, Brindisi, Potenza and Nuoro

cc: National Guarantor of the rights of persons detained  
or deprived of liberty, Professor Mauro Palma  
National Coordinator of the Regional Guarantors  
of the rights of persons detained  
or deprived of liberty, Professor Stefano Anastasia

Dear Colleagues,

The Italian Coalition for Civil Liberties and Rights ([Coalizione Italiana per le Libertà e i Diritti Civili, CILD](#)) would like to share its concerns regarding the health emergency management in pre-removal detention centres.

As is well known, European Union (EU) Member States can detain non-EU citizens in these centres for the sole purpose of ensuring that the repatriation measures taken against them are effectively enforced. At present, however, it is impossible to carry out repatriations as many borders have been closed and several flights cancelled, while extra-EU states are not taking in people arriving from the third most infected country in the world.

Nonetheless, the offices of the Justices of the Peace<sup>1</sup> and the Courts' specialised departments continue receiving requests to confirm detention orders for foreigners in pre-removal centres or to extend the ones already in place, thus leading to large gatherings of people that are dangerous for the safeguard of the rights to health and life of both foreigners and staff. Furthermore, since it is impossible to carry out repatriations, the extension of foreigners' holding in administrative detention centres is contrary to the provisions of national, European and international law, as well as useless for the achievement of the goals for which administrative detention is intended.

In Italy, there are 9 pre-removal detention centres, located across the country, *i.e.* Turin, Gradisca d'Isonzo (Gorizia), Ponte Galeria (Rome), Caltanissetta, Trapani (temporarily closed), Bari, Brindisi Restinco, Palazzo San Gervasio (Potenza) and Macomer (Nuoro). After having observed that the competent judicial authorities of these places have been adopting divergent practices in regards to foreigners' detention, CILD, along with Antigone, ASGI, Progetto Diritti, Legal Team Italy, the Legal Clinic of Roma Tre University and LasciateCIEentrare, sent a letter to the Justices of Peace and the Courts' specialised departments inviting them not to confirm or extend foreigners' detention in these centres.

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<sup>1</sup> The Justices of the Peace (*Giudici di pace*) are honorary (*i.e.* not professional) judges who hear minor civil and criminal matters.

We, thus, now turn to the Councils of the Bar Associations that have competence over the aforementioned territories to monitor the decisions that the competent judicial authorities are taking on the matter of foreigners' detention during this unprecedented emergency. Moreover, we kindly ask you to provide public defenders, who participate in detention confirmation and extension hearings, with useful information, including the aforementioned letter, in the hope that it can be used as a tool for providing the best defence to their clients.

At the same time, as long as there are people detained in pre-removal centres, we firmly believe that it is essential to carry out every activity that is aimed at ensuring the respect of the fundamental rights of detained people, starting with monitoring the containment measures of contagion, which is known to be exponentially high in closed facilities. In this regard, and in line with the valuable work and daily commitment of the National Guarantor of the rights of persons detained or deprived of liberty, Professor Mauro Palma, and of the National Coordinator of the Regional Guarantors of the rights of persons detained or deprived of liberty, Professor Stefano Anastasia, we propose to join forces in order to strengthen evaluation activities and act together, each bringing its own specific contribution, to limit the harmful and dangerous consequences arising from detention confirmation provisions.

The [Circular of the Ministry of Interior's Civil Liberties and Immigration Department](#) of 26 March 2020 provides for measures to monitor the health of detainees and potential visitors. It highlights the importance of delivering information on how to prevent the virus from spreading and it calls for appropriate measures to be taken in order to ensure that people can maintain telephone contact with relatives who cannot reach the detention facility.

Some observations must be made in relation to the Circular. First, we believe that the measures foreseen in case of new entries into the detention facilities appear insufficient to prevent the virus from spreading. It is not acceptable that body temperature measurements still take place in the centres' clinics, since this potentially allows people positive to the virus to access such facilities. It would be more appropriate to set up a *pre-triage* area outside the detention facilities, as it has been done to contain and deal with the coronavirus health emergency in prisons. It is necessary to ask for the immediate intervention of the competent Local Health Authority and the Civil Protection to address the matter and put an end to a practice that favours the spread of contagion.

Second, it is essential to guarantee detainees' relations with the outside world. We cannot support the decision to limit the use of mobile phones in pre-removal centres, while their use has been extended in prisons. We are aware of the serious consequences of the COVID-19 emergency that require the adoption of appropriate prevention measures and that make it almost impossible for visitors to reach the centres due to the general traffic ban. Detainees are unable to have contact with the outside world (*i.e.* lawyers, family members, third parties) because the outside world is required to comply with the requirements set out in the recent decrees, which can be summarised with the general warning to stay at home.

According to Art. 4, para. 2, Legislative Decree no. 286/98, the freedom of correspondence, including *via* phone, with the outside world is guaranteed under all circumstances to foreigners detained in a pre-removal centre. Therefore, it must and can be guaranteed by authorising the use of mobile phones.

In a dramatic period of loneliness, anxiety and potential panic, it is absolutely necessary to ensure that foreigners in pre-removal centres have their cell phones available in order to, *inter alia*, ease the tension. No security concern can be imposed to deny fundamental rights, such as the right to respect for private and family life and the right to be informed in one's own language, opportunities that the internet offers.

We look forward to your feedback and to an effective cooperation for the protection of human rights.

Best regards,

Lawyer Arturo Salerni  
President of CILD