

Fleeing misery,
seeking refuge in Italy,
being destroyed by the state:
when Europe denies the human

The Black book on the
Pre-Removal Detention Centre (CPR)
of migrants in Turin – Corso Brunelleschi



Association for Immigration Law Studies
Via Gerdil 7, 10152 Torino, Italie · <https://www.asgi.it>

08.2021 · Licence Creative Commons BY-SA 4.0 International
Translation: F Zahra El Harch, F Esposito, M Veglio, M Zohdy, F Balli

Table of contents

- [Introduction](#)
- [Illegal isolation](#)
- [Four cases of ordinary savagery](#)
- [Daily self-harm](#)
- [Unworthy housing modules](#)
- [Inadequate or absent medical services](#)
- [Dehumanising context](#)
- [Simulacrum of jurisdiction](#)
- [Requests](#)
- [Further information](#)
- [References](#)

Download this document

- Italiano <https://doi.org/10.5281/zenodo.5187950>
- Français <https://doi.org/10.5281/zenodo.5187952>
- English <https://doi.org/10.5281/zenodo.5187954>

Introduction

In Italy, the police can detain an undocumented migrant for up to 120 days, regardless of any criminal record. This deprivation of liberty – and of means of communication – is ordered by the Head of Police (*Questore*), and implemented on the simple validation of an honorary (lay) judge, the Justice of the Peace (*Giudice di Pace*). The appeal procedure is reserved to the Italian Supreme Court (*Corte di cassazione*), and takes an average of 12 months.¹ – NOTES ON PAGE 25

Detention occurs when an undocumented migrant cannot be immediately returned to their country of origin or provenience. Other measures provided for by the law, such as: the issuance of a passport; the obligation to reside in a previously identified place; and/or to report to the police at fixed days and times, are rarely used.

Italy currently has thirteen detention facilities: nine Pre-Removal Detention Centres (CPR), as well as four Hotspots in the south of the country, located near the Mediterranean. More than 700 people in total can be held in these locations.

The present document describes the living conditions of detainees inside the second largest CPR in Italy, located in Turin. The information were gathered by the Association for Legal Studies on Immigration (ASGI), which provides legal assistance to migrants to ensure that fundamental rights are respected.

This black book was produced following the suicide of Moussa Balde,² a 22-year-old boy who was attacked on 9 May 2021 in the streets of Ventimiglia by three unknown men.³ After being briefly hospitalized, the young man was taken to the Head of Police of Imperia, which ordered his confinement at the CPR of Turin in order to deport him. At the CPR he was placed in solitary confinement and was found dead on 23 May 2021.

An investigation into these events, the living conditions and medical support in the Turin's CPR from the Turin's Prosecutor Office is currently ongoing.

Moussa Balde, 1998–2021

Moussa Balde did not die in an ordinary place. Waiting for him and accompanying him at the end of his life was the darkness of an isolation cell, which concealed his last steps from the rest of the world.

"I want to stay in Italy because in this country I could taste how beautiful life can be."

Moussa Balde³



Source: San Remo news

In the surreal language of the Turin's Pre-Removal Detention Centre (CPR), **the 12 henhouse-like cages used for isolating detainees become the "Ospedaletto" ("Little Hospital"), which, according to the authorities, is made available to the "guests" (euphemism used to indicate detainees) in order to protect their dignity and privacy.** The cells of which this building is made of are bare and never illuminated by the sun in the inside; sanitation is very poor and the furniture consists of a chair and a table fixed to the floor and concrete everywhere. The cell door leads into a courtyard of a few square metres, fenced in by railings and enclosed by a canopy. The view of the sky is only partial. Here, in the Brunelleschi centre, people walk on the edge of a gorge.

According to two reports by the *National Guarantor of the Rights of Persons Detained or Deprived of Liberty*:

The sector consists of a single building divided into 12 sleeping rooms that are also separated in the external area by high railings. The individual rooms are accessed through a small

courtyard dominated by high closed iron gates. Such a perimeter of the area in front of the room entrance has the effect of transforming the courtyard into a **metal cage that violates the dignity of the people living there.**⁴

The so-called "Ospedaletto" has no common areas: the individual accommodations are characterised by a small space in front of the room with **an overall effect similar to that of an old sections of a zoo.**⁵

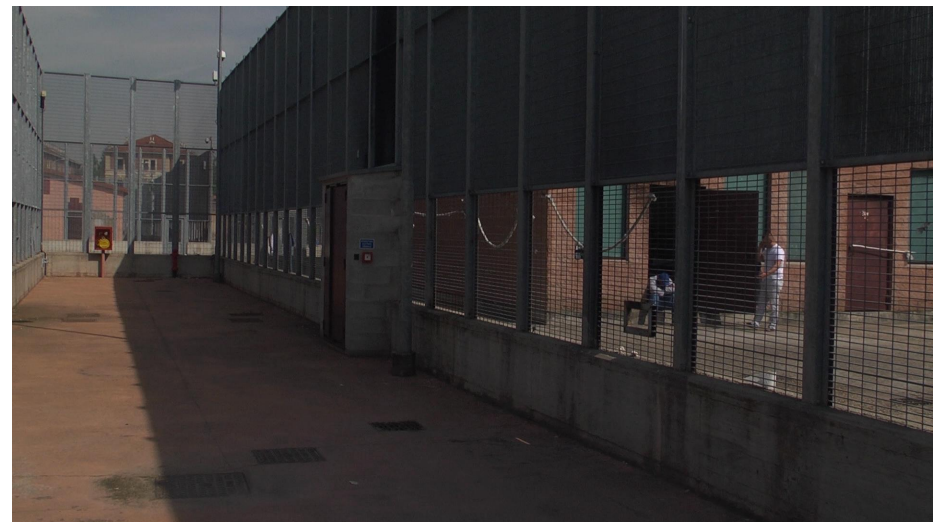
Two years ago, Hossain Faisal, a Bengali citizen, died in this "zoo". Since his arrival at the CPR, on 16 February 2019, he was placed in solitary confinement; the certificate of suitability for detention drawn up by the internal doctor states that "he is compatible with detention at the CPR "Brunelleschi" sub iudice (confused and disoriented patient) we will keep him under observation for a few days and then we will decide whether to keep him or declare him unfit to live in this centre".

Two days later 'the guest appears confused, not very present, refuses any kind of dialogue, always repeating the same confused words'. During the other two interviews with the psychologist, on 4 March and 6 May, Hossain remained silent, did not respond to offers of clothes and slippers (in his medical file it is noted that the man walks barefoot) and only asked for a cigarette. The psychologist observed that "the fact that he did not speak Italian made the possibility of a dialogue even more difficult".

On 8 July 2019, Hossain died in the same cell No. 10 in which he had been kept for almost five months. The autopsy report mentioned sudden cardiac death, probably due to arrhythmia. For some time he had not even slept in the room, but on the floor of the tiny courtyard in front of it.



CPR Turin. Source: facebook.com/NoCieTorino



CPR Turin. Source: Manuel Coser

Illegal isolation

Unlike the prison regulations,⁶ **no Italian law allows solitary confinement in Pre-Removal Detention Centres.** There is no provision for cases authorising the adoption of this isolation measure, nor for its duration or concrete modalities. However, the public administration, without any judicial control, makes daily use of solitary confinement for the most varied purposes, without any formal act, without specifying the reasons for adopting such a measure and its duration, and without even allowing the foreign national concerned to question and oppose it, or appeal to a judge.

The *National Guarantor of the Rights of Persons Detained or Deprived of their Liberty* stressed

the unacceptability of a detention condition that does not provide the possibility for detainees to spend at least a few hours of the day in an open space of adequately size that does not obstruct the view of the sky.⁷

Despite this, **some detained migrants have experienced up to five months of uninterrupted isolation:** abandoned to boredom, without access to a telephone, a book or a computer, with nothing to do, left alone to their desolation and forced to beg the centre staff for having a walk in the courtyard outside the cell or a phone call with a mobile phone temporarily made available by the managing body.

People end up in these cells **for reasons of prevention, punishment, discretion, reasons which are never disclosed by the authorities.** However, some detainees also enter by choice: life in the ordinary areas of the detention centre is so degrading that many people ask to be placed in solitary confinement and left alone in the darkness of the "little hospital". As the *National Guarantor* noticed:

Even at the Turin Centre the practice of using the isolation rooms for other purposes, which can be synthetically attributable to security reasons/order maintenance and to the satisfaction of individual requests, has become widespread. Leaving aside this last case, and without prejudice to what has been pointed out

regarding the architectural configuration of the environments and the regime, the use of solitary confinement for purely disciplinary reasons in the lack of a specific legal framework defining the procedure, with the due guarantees of cross-examination, the duration of the measure and the possibility of appeal appears to be very critical.⁸

The feeling of abandonment and injustice, the desperation of those who end up in the CPR are overwhelming, but remain confined within the walls of the centre. So this report - minimal but telling - of what happened behind the 'curtains' of the Turin CPR in the last months, before the death of Moussa Balde. We could call it an underground report, because everything in the centre is **covered by a veil of silence: the authorities** refuse to provide the number of the telephones installed in the detainees' living units, prohibit anyone (including lawyers) from making copies of detainees' medical records, and **carefully avoid keeping a register of critical events** or setting up a complaints procedure, which is a minimum guarantee of protection and transparency. Everything in the centre is reserved for the silent management of the authorities.

No law allows for solitary confinement in CPRs.
Despite this, some foreigners have been subjected to
up to five months of uninterrupted isolation.
Daily humiliations lead to self-harm.

The virus that infected the Turin CPR, well before the Covid-19 pandemic, was the humiliation of the detainees: isolated from the world, locked up in overcrowded rooms, forced to wait endlessly for any request, crushed by a "meat grinder". One "symptom" particularly illustrates this "disease": the **daily episodes of self-harm.** In the last few months alone, there have been **dozens of broken limbs, swallowed objects, cuts, sewn lips, burns, hunger strikes and attempts by detainees to hang themselves.** The last of these attempts, unfortunately, was successful.

Four cases of ordinary savagery

H. O.

H.O. is a young Tunisian man who arrived in Lampedusa on 20 October 2020 with a **gunshot wound in his right foot**. During the quarantine period on the ship Rhapsody, the Red Cross noted that "on physical examination, multiple painful healed wounds are seen on the right foot. Impossible to remove anything contained in the wounds". Beyond causing him constant pain, the numerous bullets lodged in his leg prevented H.O. from walking properly. Nevertheless, at the end of the quarantine period, H.O. received a deportation order and a detention order at the CPR in Turin, where he was confined on 4 November 2020.

The young man expressed his wish to apply for international protection in Italy in front of the Justice of the Peace (*Giudice di pace*). During the visits in the weeks following his detention, the lawyer noted that H.O.'s condition was getting worse, to the point of being unable to walk and having to be accompanied in a wheelchair. The man informed his lawyer that in the living unit to which he had been assigned **he was not allowed to use a wheelchair or crutches and was therefore forced to spend the whole day sitting or lying down**, having even to rely on the help of his fellow detainees to use the toilet.

On 24 November 2020, H.O. was **invited for a personal interview before the Asylum Determination Commission** of Turin. However, **the management of the centre**, without warning the Commission, **did not provide the necessary means to accompany him** and the young man was unable to attend the interview. The Commission, urged by the lawyer, contacted the authorities, who then clarified that they had not taken H.O. to the appointment due to the difficulty in transporting him in a wheelchair. A new call for the interview came only the following month, on 28 December 2020, after the CPR doctor had certified that H.O. was unable to walk, and this time the man was accompanied to the Commission's offices.

During subsequent interviews, the lawyer noted that **H.O.'s right leg**

was constantly shaking and that the young man was unable to control its movement. He also reported that H.O. had been examined by the medical staff of the CPR and had undergone the extraction of some bullets in the centre ambulatory. Indeed, the lawyer, after having checked H.O.'s medical report under the strict visual control of the centre management, learned of **an operation for the extraction of some bullets carried out in the centre ambulatory, a place that lacks the basic sanitary conditions** for such an operation.

In light of the absence of a specialist examination and the obvious deterioration in his health conditions, on 5 January 2021 H.O.'s lawyer asked the Prefecture to authorise the entry of a surgeon and an urgent check-up at a hospital. The request was not answered.

H.O. was detained for 202 days before he could receive proper surgery to remove some of the dozens of lead shrapnel lodged in his foot.

Despite further reminders, it was not until 11 February 2021 that H.O. was taken to the University Hospital of the City of Health and Science of Turin for a specialist examination. The doctor who visited him promptly requested **an X-ray of his right foot**, which **on 23 February 2021 revealed the presence of several dozen bullets and the need for surgery**.

On the same day, H.O.'s lawyer went to the CPR to examine his client's medical records and specialist examination reports, as agreed with the manager of the centre. But, once arrived at the centre, the lawyer was informed that access to the files was not possible at that time. On the basis of the X-ray results, the lawyer requested the immediate release of H.O. in the community, but the request, once again, was not answered. However, the young man was finally released and placed in a reception centre for asylum seekers.

In the following weeks, H.O. underwent further specialist checks and drug treatment while awaiting his surgery, and was able to walk again on crutches. On 14 April 2021, H.O. was admitted to the *Orthopaedic Trauma Centre* (CTO) in Turin, where he was discharged after more than a month, on 25 May 2021, following several operations to remove the bullets and reconstruct the tissues. **His detention inside Turin's CPR lasted for a total of 202 days.** Now, new tests and a long physiotherapy await him.

K. K.

K.K., a Tunisian citizen, lived in Italy from 2011 to 2017, obtaining a residence permit for work, a good job and a more than decent salary. In 2017, during a holiday in Tunisia, he was involved in **a serious car accident which caused him permanent injuries**: after four surgeries, his right arm and right leg were deformed..

According to the CPR doctor, K.K. "deserves to walk with crutches and be assisted by people, which is not allowed". K.K. will be detained for six further weeks without crutches or assistance.

Since his residence permit had expired, and despite his physical disability, K.K. tried on several occasions to return to Italy, most recently on 6 November 2020. During the forced quarantine on the *GNV La Suprema* ship,⁹ K.K. was examined by a doctor of the Italian Red Cross, according to whom the migrant "reported numerous osteosynthesis surgeries on his pelvis, right femur and right knee; he also presented deformities in his forearm, compatible with pseudo-arthritis. At the E.O., evident surgical scars and lameness in the right lower limb, with consequent pain in the contralateral lower limb from overload. In relation to the clinical history and anamnesis it is considered worthy of further specialist examination". But **this specialist examination never took place.**

Once disembarked from the quarantine ship, K.K. immediately received an order of removal from Italy and another order of detention at the CPR of Turin. Here K.K. applied for international protection and asked the case worker who interviewed him, among other things, if he could "talk to the person in charge of the CPR to get me the crutches". **From the moment of his entry in the centre, in fact, K.K. had not received any aid to walk** and he was forced to be painfully supported by his roommates to use the toilets. On 10 December 2020, **the doctor on duty at the CPR of Turin reports that K.K. "should walk with a load and be assisted by aids, which are not allowed in the centre.** He has real difficulties in walking". **Therefore, he was not given crutches, but, on the contrary, he was detained for another month and a half.**

On the evening of 26 January 2021, K.K. was released from Turin's CPR. Although he awaited a response from the Asylum Determination Commission of Turin, and he was in an evident condition of vulnerability, **he was not granted accommodation in the national reception system for asylum seekers. Conversely, he was released on the street.** K.K. reached the Porta Nuova railway station, where he met a fellow countryman who, noticing his difficulties, paid for a night in a room of a small hotel.

Y. M.

Y.M. is a Tunisian young man, who arrived in Lampedusa together with K.K. and was also forced to quarantine on the *GNV La Suprema* ship. The visit by the doctor of the Red Cross revealed that "The young man had evident surgical scars on the lower left side of the neck and left side. He reported to have had **previous surgery for cancer** not otherwise specified. Further diagnosis and follow-up is recommended". Also in this case, the diagnostic report was not performed: disembarked from the ship, Y.M. received an order of removal and another order for detention at the CPR of Turin, where he was locked up on 23 November 2020.

To the Justice of the Peace, Y.M. declared "I have blood cancer, I had three surgeries for treatment. **I suffer from Leukaemia**". Y.M.'s lawyer requested "an appropriate assessment to be carried out in order to establish the existence of the alleged pathology and the compatibility of this latter with the confinement, making the decision on the validation of the detention subject to this examination". **Without ordering any further medical investigation, the judge validated the detention order** "in view of the certificates of suitability for both detention and quarantine", which, however, recommended an in-depth diagnostic examination.

In the following days, **Y.M.'s lawyer received health documentation issued by Tunisian doctors certifying the existence of a chronic haematological disease requiring regular examinations and treatment**. The documentation was immediately forwarded to the CPR managing body, and was acquired as part of Y.M.'s medical records on 1 December 2020. However, it was not until 23 December 2020 that the same documentation was evaluated by a doctor on duty at the CPR, who decided not to prescribe any medical check until 29 December 2020, when a "complete blood test with lymphocyte formula and lymphocyte typing" was finally requested.

On 8 January 2021, while awaiting the results of the examination, Y.M.'s lawyer received a new certificate from a Tunisian doctor, which was promptly communicated to the detention authorities, attesting that the young man had been suffering from Hodgkin's lymphoma since 2013, he had been treated with chemotherapy and radiotherapy until 2015, with a relapse in 2016, and was currently under surveillance.

Y.M. has to be monitored for leukaemia.
He remains locked up for 49 days before a decision is made to release him on medical grounds.

On the same day, the doctor on duty at the CPR, having taken note of the results of the haemochrom, stated that "in the opinion of the

haematology specialist consulted, further haematological diagnostics would be useful to check for a lympho-proliferative disorder" and then **ordered Y.M.'s release. Forty-nine days have passed** since Y.M. entered detention, waiting for a medical check requested on several occasions by the young man, his lawyer and the Red Cross during his initial quarantine.

Although Y.M., like K.K., was awaiting the outcome of the Asylum Determination Commission of Turin, and also suffered from a serious pathology, on 11 January 2021 **the young man was released** from detention and **left on the street**. A CPR mediator, on his own initiative, gave him 20 Euros.

Y.M. did not speak Italian and was not familiar with Turin, so he did not know where to go and he ended up spending the night at Porta Susa train station; the next morning he went to the Prefecture of Turin to claim access to the reception measures to which he was entitled.

T. A.

T.A. arrived in Turin's CPR from Pisa, where he was living with his elder brother. At the hearing for the validation of his detention, T.A. **declared himself to be a minor, but the Justice of the Peace validated the measure due to the absence of "elements of certainty about the detainee's minor age", although the law establishes exactly the opposite, that is - in case of doubt - the presumption of minor age.**

T.A.'s appearance and behaviour, together with some Tunisian documents in his possession, raised doubts in the Turin Police Headquarters that he was a minor. However, **instead of reporting him to the competent Juvenile Public Prosecutor's Office and placing him in a "first reception centre for minors", as required by the law, T.A. was taken to the University Hospital Città della Salute e della Scienza** in Turin. Here, without a psycho-social interview and without the involvement of a paediatrician or another specialist or a psychologist, the youth was subjected to an X-ray examination of his left wrist and hand and an orthopantomography.

Exclusively on the basis of these X-ray, a medical report was drawn up, according to which T.A. was “estimated to be 20 (twenty) years old plus or minus 1 year”. The Police Headquarters then forwarded the report to the Prosecutor's Office at the Juvenile Court of Turin, which filed an appeal in front of the Juvenile Court of Turin for the adoption of the age assessment decree.

The decision to maintain the detention of T.A. despite the pending age determination procedure is contrary to the legislation because of:

- the "Presumption of minor age pending the age determination procedure and in case of doubtful outcome of this procedure" (art. 7, D.P.C.M. 234/16);
- the provision according to which, pending verification of age, "all administrative and criminal proceedings resulting from identification as an adult shall be suspended until a decision is taken" (art. 5, para. 9, L. 47/17);
- the provision according to which "pending the outcome of the identification procedures, the reception of the minor is guaranteed by the special facilities of first reception for minors provided for by law" (art. 19-bis, par. 2, Legislative Decree 142/15);
- circular no. 3431/17 of 18.08 2017, issued by the Piedmont and Aosta Valley Prosecutor's Office for Minors, according to which "Until, therefore, this process is concluded (by a decision on a complaint, or by the expiry of the time limits for challenging the decision of the Court) the person who has declared himself to be a minor will be considered to be as such, even in the face of a medical finding to the contrary".

Having learnt of the existence of an age verification procedure, the T.A.'s lawyer requested his client's immediate release and placement in a first reception facility for minors. The authorities did not reply to this request and **the Justice of the Peace who assessed the case extended T.A.'s detention several times** because 'the necessary checks had already been carried out on the minor/major age of the detainee, who

was found to be 20-21 years old', although there was no decree from the Juvenile Court of Turin.

For T.A., the detention experience was devastating: he expressed to his lawyer his bewilderment and perplexity for the conditions in which he was forced to live, alone, together with adults and without reference figures.

The contacts with his brother were occasional as T.A.'s mobile phone had been confiscated by the detention authorities, and it was not possible to call him inside the centre as the Police Headquarters refused to provide the number of the telephones installed inside detainees' living units, which were often also malfunctioning. **The doctors of the CPR reported that T.A. "complains of depression and insists on declaring himself a minor"; despite he had been prescribed an anxiolytic therapy, the young man was so distressed that he went so far as to cut himself on the left arm.**

On 12 May 2021, after 95 days of detention, the centre's doctor noted a "discomfort from reactive anxiety to psycho-somatic symptomatology" and a "reactive anxiety and psychosomatic symptomatology that are expressed in a condition of psycho-emotional vulnerability". He concluded that "a prolonged exposure to the current restrictive environment could compromise his (T.A.'s) psychophysical state and affect his future experience and health status".

Although he should be considered a minor, the police and various judges of peace placed and kept T.A. in detention for 95 days. His psycho-emotional distress leads him to self-harm.

The young man was finally released from detention, but not even at this point the authorities accompanied him to a first reception centre for minors. Actually, even T.A., once out of the CPR, he found himself on the sidewalk of via Santa Maria Mazzarello.

Daily self-harm

The act of T.A. cutting himself on his left forearm out of desperation is not an isolated one. The episodes of self-harm inside Turin's CPR represent indeed a daily reality, which is constantly hidden by the institutions. In the past few months alone, several acts of self-harm have been taking place among detainees, especially among Tunisian citizens – most of whom entered detention immediately after their arrival on Italian shores.

A.F. went on a tough hunger strike: in one month he lost 17 kilograms, could no longer walk, could barely speak and spent all his time lying on the mattress. He also went on a thirst strike, fainted several times and with his remaining energy still managed to injure his left arm. On 6 November 2020, A.F.'s lawyer consulted his medical records and managed to see him one last time. Two days later, A.F. got deported.



Persons retained at the CPR Turin. Source: Manuel Coser

E.M. is a 21-year-old Egyptian asylum seeker. At the end of the hearing to validate his detention, the representative of the Head of Police approached him and put his arm around his neck: "do you promise to the lawyer that from now on you will be a good boy?" Left alone with

his lawyer, the young man lifted the sleeves of his sweatshirt, revealing **many cuts – some already sewn, others still open – on both arms**. Shortly after entering the CPR, E.M. began to injure himself on his arms, legs and abdomen. On at least two occasions he swallowed razor blades and stylus batteries. **E.M. was taken to the Martini hospital five times in 11 days for his self-harming acts**. From the hospital, once the wounds were sewn up, he was discharged and punctually sent back to detention, where he was placed in solitary confinement. After a fight with five police officers in the CPR, E.M. was finally arrested. The judge for preliminary investigations validated E.M.'s arrest, but rejected the measure of pre-trial detention because of his condition of vulnerability and his "particular psychological suffering".

H.A.K, a 46-year-old man and father of three children aged 9, 5 and 4, embarked from Zawiya, Libya. When he arrived in Lampedusa, he was quarantined on the *GNV Allegra* ship, where he expressed his will to apply for international protection in Italy. On his Red Cross form is reported that "the man is afraid of being returned to Tunisia and asks for help in order to avoid it", and the same form calls for "the competent authorities [to deal with, ed.] the legal issue". However, after landing in Messina, **H.A.K. was not allowed to apply for asylum**, but was notified a removal order from Italy and consequently detained at the CPR Turin. There, **H.A.K. finally managed to apply for international protection, but despite the undue obstacle to the asylum procedure he had encountered, his detention was extended several times, leaving him in a state of helplessness**. On the evening of 5 February 2021, **after 84 days of imprisonment, H.A.K. violently fractured his left leg**. The hospital discharge report mentioned an "episode of psychomotor agitation", a "trauma of the left leg against the edge of the wall" and "inconsolable crying". H.A.K. told his lawyer, without looking him in the eye, that he broke his leg by slipping on the floor.

B.B.A., who is currently sitting in a wheelchair, also complains of an accidental fall, or rather two falls, within a short distance of each other.

As a result of these falls, he injured his leg and buttock. B.B.A. has a degree in computer science and applied for international protection in Italy to escape the homophobic discrimination he experienced in Tunisia. The Asylum Determination Commission rejected his request, but in order not to risk remaining in the CPR for up to 12 months (Art. 6, Legislative Decree 142/15), B.B.A. chose not to appeal against the decision. The detention went on for other months until **B.B.A., exhausted by the weight of segregation, injured himself twice, just before being deported.**

The list of reactions “instigated” in the CPR Turin is an endless one, of which only a few episodes are known: **A.M. fractured his right hand twice** within a few weeks, **M.R. swallowed the battery of his mobile phone, other people detained fractured their bones** by violently hitting against concrete walls.

J.M., locked up in the CPR in October 2020, immediately appeared in pain, agitated, crying and complaining of breathing problems. In the following days the situation worsened: **besides cutting himself on his arm, he sewed his lips twice and tried to hang himself.**

The CPR does not report on suicide attempts or self-harm. In 2011, 156 episodes of self-harm were counted. For the CPR's medical director, "These are childish, immature acts [...] They are fragile and so they resort to this [...]. They do it like that, just for fun...".

U. M., who was detained in the summer of 2020, came to the interview with his lawyer in a state of apathy. Entering the examination room, still standing, he turned around and lifted his shirt showing that **a large part of his back was burnt** and the surface layer of the skin was already peeling. **"He heated the oil using electrical cables recovered from who knows where"**, a police officer commented.

Humiliation of detained people

Unlike the prison world, which regularly produces information, data and statistics, the Italian detention system is hidden from the public eye. **The management and the authorities do not provide data on attempted suicides or self-harming episodes;** the only year (2011) when this happened, in the Turin CPR there were "156 episodes of self-harming, 100 of them consisted of swallowing pharmaceuticals and other materials, 56 of them consisted of cutting oneself".¹⁰

In a interview conducted in 2018, the medical director of the centre replied against the claim of the disconcerting spread of self-inflicted violence in the Turin CPR with the following statements :

These are childish, immature acts. I cannot release them [the detained men, ed.] because they cut themselves or for anything else, otherwise everyone else would do it. I don't accept the fraud, I am good and honest. I bring them sweets, candies, everyone loves me, even when they meet me in the street they greet me. But when they make fun of me, I do not accept it, therefore I do not release them [the detained men, ed.] in these cases (...) They do not have the balls [idiomatic for "They do not have the guts", ed.], I had relatives killed in Calabria [by the organised crime, ed.] and yet I do not take drugs. They are fragile and therefore they choose this (...) The cuts are little (nothing dangerous) and they do them also at home... This morning I saw one who said he cut himself after an argument with his father. They do so, just for the sake of it... Last week I saw another one who took off 130 stitches and told him: "you really had time to waste!"¹¹

Unworthy housing modules

Locked within the area to which they are assigned and left stranded, the detainees in Turin's CPR **have to wait for a staff member** – also called as "Charlie" – to pass by **for anything, from lighting a cigarette to a life-saving medical intervention**. And to combat the state of abandonment, they need trained lungs and breath, because there is no means of communication in these areas.

In fact, neither the intercom nor bells work inside the detention modules. This state of affairs is particularly serious in the case of the Turin CPR, where the housing modules are quite far from the building where the offices are located, and the only possible means of communication is, in case of emergency, to draw the attention of the internal security guards who supervise the detention area from the special guardhouse outside the sectors.¹²

The living spaces reserved for the detainees include **living modules of about 50 square metres, including bathrooms, in which seven people live, eat and sleep**. As the *National Guarantor* noticed:

Each overnight room has an en-suite bathroom, which is accessed directly from the room itself. **There is no door between the bedroom and the bathroom, nor are there any dividing doors inside the toilet to separate the two Turkish-style toilets from the rest of the room** where there are two washbasins and a shower. In other words, just a few metres separate the toilets from the nearest beds and there is no furniture, such as doors or at least curtains, to ensure a minimum of privacy for those using the bathroom. **This condition is unacceptable, unjustified and cannot be justified by any need for security.**¹³

Dictatorship of security

In addition to the removal of any object designed to protect privacy, the security process to which detainees are subjected makes it **impossible for them to turn the light on or off in the room**: every evening they have to go out, at the edge of the allocated area, calling for the attention of staff members.

At the Turin CPR the detainees informed the delegation that the rooms do not have buttons to switch the light on and off. Therefore, they are forced every time to go out of the room, to walk through the external space of their housing module until they overlook, through the bars, the external perimeter area where the security device is located, to draw the attention of the security staff on duty and to ask, depending on the cases, the switching on or off of the lighting system. The Guarantor disapproves this method.¹⁴

People live in groups of seven in 50 m².
They have to eat poor quality food without a table.

The regime imposed on the foreigners detained also does not include the right to eat lunch or dinner seated at a table :

As reported by the staff, the detainees are therefore forced to choose between **eating standing up on the counters of the social room or sitting on the bed eating with the plate in their hands**, juggling between the precariousness of the plastic tableware and the grip of the palm of the hand.¹⁵

The subsequent abandonment of the canteen by the CPR's management forced the detainees to eat directly in the rooms, on the floor or on their beds, in violation of basic hygiene standards.



Housing module at CPR Turin, during an official visit. Source: Manuel Coser



Guard post at CPR Turin. Source: Manuel Coser



Fences separating areas at CPR Turin. Source: Manuel Coser



Outside court at CPR Turin. Source: Manuel Coser

In addition to the poor quality of the meals, many detainees complain about the minimal quantities, which – combined with the tense conditions – result in significant weight loss for many. Requests for more food are not met because staffing levels are extremely low and they are forced to follow a strict time schedule that does not allow for variations.

Links with staff are kept to a minimum.
The Council of Europe's Committee
for the Prevention of Torture was struck
by the impersonal way in which food is distributed

This situation worsens the already poor living conditions experienced by the detainees, as denounced by the Council of Europe's Committee for the Prevention of Torture:

At the CPR Turin, the delegation noted the distance of relations and the lack of contact between staff and inmates. Many inmates complained that operators rarely enter the areas - as the delegation actually found during the visit. This behaviour is related to the strict security regulations in the centre and its architectural design. For example, **the delegation was impressed by the impersonal way in which food is distributed** (a member of staff delivers it to detainees through the grates of the different areas without leaving the van).¹⁶

Lack of protection

Inside the areas of the CPR in Turin, the police rarely enter: "As long as there is no blood, the guards don't enter the areas", Y.S. recalls.¹⁷

The assignment of the detainees to the different areas follows the criteria of security and prevention, avoiding to group many compatriots in order to avoid the possibility of riots. On the contrary, **no consideration is given to the different legal statuses and biographies of people detained**: asylum seekers, victims of trafficking, people with physical and intellectual disabilities, potential minors, drug addicts are placed together with people considered "socially dangerous", accused of proselytism or terrorism, even with very strong criminal records:

The distribution of people between the sectors does not at all take into account this profound diversity of situations expressing very different levels of social dangerousness and responsibility of people; nor does it take into account what is prescribed by the law on the subject of housing asylum seekers (Article 6, paragraph 2 Legislative Decree No. 142 of 18 August 2015). **The result is the emergence of predictable misunderstandings between the guests and in the worst case scenario the facilitation of dangerous contamination.**¹⁸

The promiscuity imposed by the choices of the authorities affects the hierarchies inside the areas. All the need for protection is projected outwards with a considerable impact on the protection of detainees, relegated to a context of extreme vulnerability: **"There are people who cut themselves or climb on the roof either because the guards don't let in a package sent by their relatives or because they are about to be deported"** explains R.Y. "Sometimes there are fights inside the areas between people of different nationalities".

"When some North Africans cut their throats with razor blades, I was very scared, I had never seen something like that" (A.S.).

“As soon as I entered the CPR, they put me in isolation, separating me from the three friends with whom I travelled from Gambia. I cried all night, I was 17 years old. Then they moved me to an area. A few days later, a Moroccan **young man**, who always responded badly when I tried to greet him, **tried to hang himself by tying some towels. Nobody called the police, because we did not see any staff member around**” (S.L.).

The CPR ignores the vulnerability of people: minors, people with disabilities, victims of abuse, asylum seekers, people accused of serious crimes or socially dangerous people are mixed together, which increases the tensions and risks of crises.

Precisely because they are at the complete disposal of the State, the failure or delayed intervention of the police to protect them certifies their state of abandonment:

The director of the establishment [Turin’s CPR, ed.] explained to the delegation that the internal regulations provide that custodial staff are only allowed to enter the detention areas if they are accompanied by a second colleague and that they often would not be in a position to enter the detention area. Whatever the reasons, it is not acceptable that staff do not intervene when necessary.¹⁹

In an environment already saturated with tension, nervousness and anger, ignoring calls for action and sacrificing spaces for dialogue amplifies the temptation to violence:

Personnel were treating detainees like dogs. There was a case where one guy wanted to commit suicide by hanging himself and the personnel weren’t doing anything because they thought it was a joke. He almost died. Detainees ran into the room and

tried to take him from the rope. Only after thirty minutes they opened doors and entered. After we made a strike, they were laughing and they did not care much. That is why we were making fire, because they were treating us like dogs. They put food inside which you can eat or not eat. That’s it.²⁰



Exchange with a member of the Red Cross at CPR Turin. Source: Manuel Coser

Inadequate or absent medical services

The presence of civilian staff in the Turin CPR is rare and totally inadequate. In the facility, which has a capacity of 180 places, there is only one nurse per 24 hours and a doctor is present only five hours a day. Social work and psychological support are granted 24 hours a week, and interpreters are present 48 hours a week. There are four daytime and two night-time staff. Legal information is provided for 16 hours per week. The share of the single services guaranteed to each detainee is derisory: at Brunelleschi, which on average has at least a hundred detainees, it means 14 minutes per week of psychological assistance and the same amount of time for social support.²¹

As denounced by the *Guarantor of the rights of persons deprived of their liberty* of the Municipality of Turin, **in the ten months following the declaration of the Covid-19 pandemic, no psychiatrist entered the CPR.** The visits took place externally, after the managing body had sent the list of the detainees requiring the visit to the competent Mental Health Centre. However, at the moment of the visit, it was not possible to add other people, who in the meantime had also shown serious health problems.

The right to decent medical services is systematically violated by the CPR authorities. Some medical care is provided without authorisation and in a context that may favour contamination. Medical confidentiality is non-existent.

The huge shortcomings in the services of the Turin CPR, and the consequences for the detainees, are also denounced in the most recent report of the *National Guarantor of the Rights of Detained Persons* :

during its monitoring activity on forced repatriations, the National Guarantor had to notice, on several occasions, how the lack of connections also concerns the transmission of health documents by the local structures that were in charge of the person before his/her detention or the failure to acquire them by

the arrival structure. **Therefore, it may happen that the health staff of the centre remains completely unaware of the clinical events of the detained persons, with all that follows in terms of evaluation and failure to take care**, for example, of mental health problems or drug addiction conditions, of assurance of therapeutic continuity and also of risk assessment with respect to a procedure of forced repatriation.²²

Medical consultations in the presence of the police

The relationship of trust between the detainees and the health professionals inside Turin's CPR is also undermined by the presence of public security forces inside the medical clinic:

The delegations found **serious risks of violation of the due confidentiality of the guests during the medical examinations, given the systematic presence of police officers** inside the clinic or at a distance not sufficient to guarantee it. The National Guarantor, in line with all internationally recognised parameters in this field, considers the systematic presence of police officers during medical examinations unacceptable. He recalls that such a presence can be requested by health personnel in specific and circumstantial cases and can never assume the connotation of ordinary routine.²³

In June 2017, some Italian CPRs were visited by a delegation of the *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment*. The concluding report denounces that

In the three establishments, the confidentiality of medical data was generally respected. However, at CPR Turin, custodial staff were usually present inside the room during medical consultations. This practice should be ended immediately.²⁴

In addition, the clinic itself is in a state of disrepair and blood samples are taken despite the lack of authorisation from the local health authority:

In the Turin CPR it has been found that **samples are taken inside the infirmary/ambulatory premises without specific authorisation from the local health authority. The hygienic-sanitary services attached to the infirmary/ambulatory are in a serious state of neglect, with a consequent serious risk of spreading contagious diseases.**²⁵

Abuse of psychotropic drugs

“At the Cpr in Turin, psychotropic drugs are definitely overused” says the head of the Brunelleschi medical service, who claims that 20 drops of Valium or Rivotril, an anti-epileptic drug, are not denied to “guests”.

“They often ask for something to help them sleep”. **“Psychotropic drugs are used in large amount”. This is the testimony given in court by [...] medical director of the Turin CPR,** during one of the many trials related to the migrants' riots that broke out in the facility of Corso Brunelleschi and cost, on one occasion, the wounding of a policeman.

One of the factors that periodically trigger the protests of the “detainees” – as the guests of the CPR are called by the staff – is the quality of the medical assistance [...], as it was declared by the head of the medical service who intervened at the trial upon request of the defendants' lawyers. This latter was also asked to describe how “a frontline clinic” – denomination he himself used in court – is organised. He explained that detainees are often given sedatives: “In the evening, it happens that migrants ask us for something to help them sleep: in those cases we give them Valium, which is not a psychotropic drug. But then it happens that some of them tell us that when they were in prison they used to take Rivotril: I don't understand the reason, since it is an antiepileptic. But if they have a doctor's prescription, I go ahead”.²⁶

In the 20 years of history of Italian CPRs, all the researches have highlighted **the widespread use among detainees of sedative**

substances, particularly anxiolytics, without adequate monitoring by the authorities.

The foreigners retained make extensive use of psychiatric drugs to cope with the senselessness of the conditions to which they are subjected.

Many detainees in Turin's CPR denounce **a condition of absolute inactivity and boredom, lacking any job or training opportunity,** which transforms daily life into a succession of endless days: “I'm forced to take medication because otherwise time does not pass”.²⁷

“Of course I have to take psychotropic drugs because here if you don't take the therapy you go crazy. You need psychotropic drugs both to sleep and to keep quiet. Almost everybody here takes psychotropic medication”.²⁸

Refusal of medical records

People detained in the CPR of Turin cannot have a copy of their health records either during detention or upon release. Although art. 3 of the Ministerial Regulation of 20.10.2014, establishes that “A copy of the health file is issued to the foreigner at the moment of exit from the Centre”, all the foreigners receive on release is an A4 sheet, filled in on both sides, containing scarce information on their health conditions at the moment of entry and exit from detention as well as on the prescribed therapies.

Not even the detainees' lawyers are allowed to obtain a copy of their clients' medical records. When the Prefecture allows access to such medical records, this is restricted to a view of its contents in the presence of the centre manager or a delegate, who checks out that no copies or photographs are made.

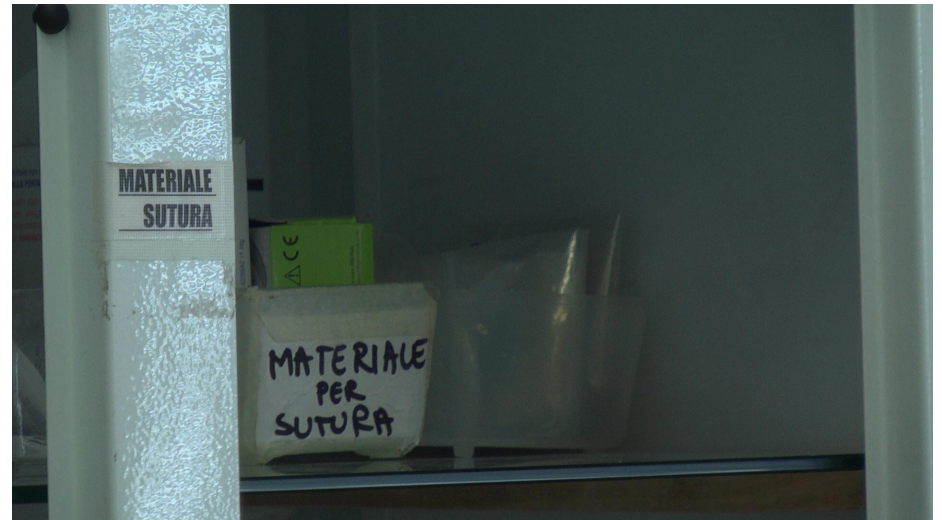
The impossibility of getting access to documents related to their health exposes the detainees to a highly irrational and harmful system.

Access to medical records is extremely limited. Upon release, people detained can only obtain a non-detailed summary of their file, which makes consistent medical follow-up impossible, including by other state entities.

The case of Y.M, the young Tunisian detained despite suffering from Hodgkin's lymphoma, is emblematic. The morning after his release, when Y.M. went to the Prefecture to ask for reception after a night spent at the train station, his lawyer received a phone call asking for any health documentation in his possess, as "the person has to be placed in a reception facility and has a serious pathology". Paradoxically, **the request came from another office of the same Prefecture of Turin that had kept Y.M. locked up in the CPR for a month and a half**, waiting 36 days to order a blood exam and refusing to provide any copy of the young man's medical record.

The fires and their consequences

The number of fires in Turin's Brunelleschi centre has further increased in recent months. The most serious fire dates back to 25-26th December 2020 and concerned the so called "Blue area" of the CPR, where – after the intervention of the firefighters and the arrest of a detainee – **23 people were transferred to the canteen, where they were left to sleep on the floor without mattresses**. As reported by the Municipal Guarantor, **the fire was not followed by an inspection by the Public Health and Hygiene Service (SISP) of the ASL** [local health unit] for the assessment of possible health and safety hazards in the environment, in particular risks from chemical agents.



Medical equipment at CPR Turin. Source: Manuel Coser

Dehumanising context

The *National Guarantor* describes:

The centre has six housing sectors, each consisting of a building with bedrooms and another building with a multifunctional room for socialization/meal/prayer". Each housing sector has a large outdoor area and is separated from the other sectors by high iron gates. As already pointed out in the previous Report, **foreign citizens are not free to go out autonomously from the detention sector assigned to them** to reach the building where the administration offices are located and the various services are provided (for example, the legal advice service); nor do they have the possibility to address their requests to the operators when they wish, since at certain times of the day the staff simply approach the gates of the various sectors without entering them, stopping at one or the other according to the voice calls they receive. **For any need, complaint or request that a guest needs to communicate, he/she is therefore forced, whatever the weather conditions, to stay in the area outside his/her living module, wait for an operator to pass by, get his/her attention and express his/her request from behind the bars of the detention sector.** The National Guarantor expresses his strong disappointment regarding such an organisational approach, which, in the name of a supposed security criterion – which strongly limits the access to the housing sections – determines **a dehumanising context where the access/exercise of the rights of the detained persons passes through the physical demarcation of the power relationship** between the staff and the detained migrant who is in a situation of inferiority.²⁹

For many foreign nationals, entering the Turin's CPR means "disappearing from the world". The confiscation of mobile phones, the denial of access to the web, the impossibility of receiving calls from outside, the prolonged suspension of visits – despite the relaxation of measures to prevent Covid-19 infections – and the inertia

of a hermetically sealed site make the Brunelleschi detention centre a hostile place for relationships.

The case of M.Y. is exemplary. Since 2015, the young man has been in love with an Italian citizen and since 2018 the two have lived together, first in the house of her parents and then in a rented flat. Following M.Y.'s detention in Turin's CPR, his partner came several times to the centre to bring him food and clothes, but she was not allowed to visit him. M.Y.'s lawyer then asked the Prefecture to authorise the entry of the woman, providing an account of the couple's background.

The CPR isolates people detained from their social life. In addition to the removal of means of communication, detainees are put in a position of inferiority and dependence when they have to interact with CPR staff.

The Prefecture refused the authorisation, stating, among other things, that "interviews within the CPR can only take place between the detained person and his/her spouse, children and/or family members. In the present case, there is no marital relationship and the declared cohabitation is not documented, for instance through the registration in the cohabitation register of the local municipality".

The Regulation of 20 October 2014 provides, however, that, in addition to the "spouse, children and family members" of the detainee (art. 6, par. 4, letter c), access may be authorised to "other persons who make a justified request" (art. 6, par. 4, letter e), a category which certainly includes M.Y.'s girlfriend. Moreover, beyond the curious request to document "the registration in the register of cohabitation of the local municipality" of a foreign national without a residence permit, the authorisation request to enter is accompanied by a declaration of the woman's father, who attests the stable relationship and cohabitation between the two. There is no mention of this document in the reply

from the Prefecture, which also ignores the subsequent request for a video call.

The policy of isolation pursued by the authorities has also led to the exclusion of civil society from accessing the CPR in Turin. **In 2019, several associations and social cooperatives, urged by the Municipal Guarantor, confirmed their willingness to cooperate in order to improve the quality of life of detained people. The request sent to the Prefecture and to the managing body, accompanied by a series of operational proposals, has never been answered.**

Unofficial security cells

Inside the Brunelleschi centre, **the authorities routinely use detention spaces which are grossly detrimental to human dignity and are not even declared to the authorities responsible for monitoring and control.**

In the Turin CPR, the National Guarantor had also discovered the presence of a number of "security cells" located inside the building at the disposal of the State Police and the managing body: one located on the ground floor and three others located in the basement. It should be pointed out that **the discovery of the existence of these cells was entirely accidental** for the delegation, which did not receive any prior information on the matter from the managers of the centre, either on the occasion of the previous monitoring carried out in 2017, or on the occasion of the monitoring which is the subject of this Report. In this regard, we must recall the principle of loyal cooperation between institutions, which implies, in this specific case, the duty of the Administration in charge of the facility to create the conditions for the Guarantee Body to fully carry out its mandate by accessing and checking all the places of deprivation of liberty within the centre visited. That said, these places are unacceptable from the point of view of the regularity of their presence within the CPR, the fairness of their possible use, the

lack of transparency linked to the absence of registration of the people who have been locked up there and also because of the rules of livability.

In particular, the cell on the ground floor is not heated and has a hole through which air enters, while the cells on the basement are very small, with very little natural light and air. Both are almost completely devoid of furniture except for a very modest bench.

The delegation was told that **they are used as support cells during the pre-departure phases of forced repatriation operations**, in particular for carrying out security checks in case of charter flights with many foreigners departing. Given the absence of a register to record the transit of persons detained in these cells, this information was not verified by the delegation. However, during the visit, in one of the cells located in the basement, the National Guarantor noted the presence of a packed meal (with the date of the day before the visit), and consequently had to ascertain that **at least in that case the stay had been prolonged.**³⁰

The Prefecture of Turin continues to use unauthorised places to detain migrants, despite a report by the National Guarantor reminding them of the rules of law two years ago.

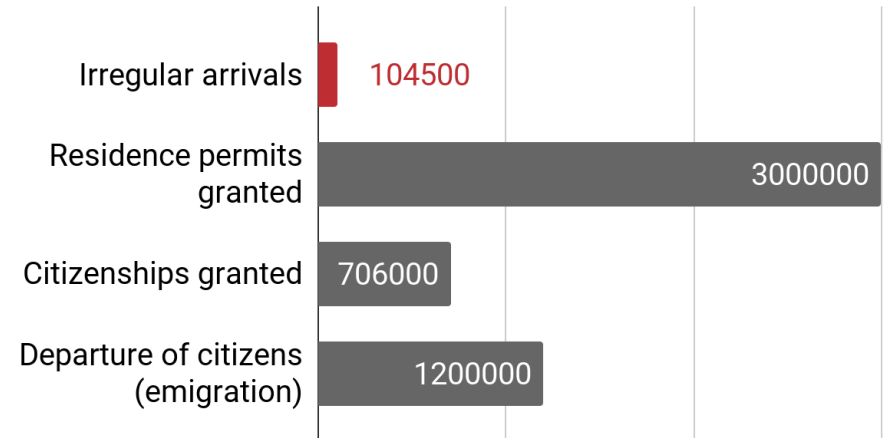
For these reasons, **already in his 2019 report, the National Guarantor asked to declare these places “out of use”, as they are “not adequate from the point of view of natural light and air supply, hygienic healthiness, the presence of call buttons, and at least sufficient furniture to allow rest and meals”.**

These unofficial places of detention, the absence of attendance registers and the conditions incompatible with standards of liveability are characteristics which hark back to nefarious experiences of other times and places. But it is first and foremost a **violation of the obligation of loyalty and fairness** that the institutions of a State under the rule of law cannot afford.



Unused canteen at CPR Turin. Source: Manuel Coser

Migration in the European Union, 2019



Source: European Union [irregular](#), [residence](#), [migration](#)

Simulacrum of jurisdiction

Foreign nationals detained in CPRs are the only people whose freedom is decided upon by a judge who has not been given the power to impose prison sentences by the legislator.³¹ Besides being discriminatory, the provision is paradoxical: the figure of the Justice of the Peace is inspired by the need for conciliatory justice, made up of proximity, listening and mediation of conflicts. On the contrary, on the matter of administrative detention there is nothing to reconcile: the public administration orders the custodial measure, the defence contests it and the judicial authority validates or refuses the detention order. **The decision to entrust the honorary magistracy with the protection of individual freedom in the CPR represents, therefore, a completely irrational unicum**, as well as a part of a wider process of handing over the matter of detention to the discretion of the public administration.

Detention is ordered by the Chief of Police and validated only by a Justice of the Peace. The Justice of the Peace is a generalist in charge of resolving minor cases or small disputes. In no other case the Justice of the Peace is empowered to decide on the deprivation of a person's liberty.

The custodial measure is in fact ordered by the Head of Police (Questore), while the judge limits himself to validating the decree. The actual duration of the detention depends on the activity of the Head of Police for the purpose of identifying the foreign national and obtaining their travel documents, and it is still the same Questore who can decide, completely autonomously, the possible early termination of the detention measure. **Even the choice of the judge to whom to submit the request for validation of detention is at the disposal of the Head of Police, who can freely decide in which CPR to take the foreign person**, thus identifying the territorially competent Justice of the Peace, who the Constitution, on the contrary, prescribes to be pre-established by law.

In addition to the issue of the attribution of powers to the honorary magistracy in matters of detention of foreign nationals, the examination of the jurisprudence of the Justices of the Peace conducted by the Lexilium observatory³² demonstrated that this judge has a performative role, that is functional to the need of **hasty, summary and serial procedures**.

As far as the places of justice are concerned, the Italian Constitution entrusts only the Minister of Justice with the organisation and operating of justice-related services (Article 110). However, in order to ensure speedy procedures, the Consolidated Act on Immigration (T.U.I., *Testo unico sull'immigrazione*) establishes that the Questore may provide the Justice of the Peace with "the availability of suitable facilities". Therefore, in order to guarantee the fastest possible case processing, the Justice of the Peace must be ready to leave his courtroom and reach the Police headquarter to validate or dismiss the Head of police orders. **This improper inversion of roles can only but compromise the alleged impartiality and autonomy of the judge**, as denounced by the Superior Council of the Magistracy (*Consiglio superiore della magistratura*) in scathing words :

The provision contained in paragraph 5-ter of Art. 13 T.U.I. raises serious concerns: it improperly attributes to the administrative bodies of the Minister of Interior, and not to the Minister of Justice (Art. 110 of the Italian Constitution), tasks of organising the services of justice and appears **likely to condition the exercise of jurisdiction, also undermining its image of impartiality.**³³

The examples of such conditioning, in the experience of the Turin lawyers, are endless. From a Justice of the Peace who, during the hearing, gets up and calls the Police representative to confabulate in a corner of the room, to a judge that after rejecting a validation started hissing to the representative of Police: "I just couldn't validate this...", up to a judge who accepted the argument of the Head of police with the following reasoning:

"The P.A. insists [for the extension of detention], pointing out that the interview took place on 1 June 2019 with an official of the Gambian Embassy. The Defence notes that there is no evidence of the interview [in the file, ed.]. The Judge holds that there is no reason to doubt that the interview took place on 1 June [...].³³

In almost all cases analysed by Lexilium (97%), hearings are held inside CPR facilities (Bari, Rome and Turin). The centres are inaccessible to the public, which affects the publicity of the hearings, and are subject to the invasive and armed control of the State Police, Carabinieri, Guardia di Finanza and the Army. How a small room inside a CPR can be qualified as a courtroom is a mystery that runs through the last 20 years of Italian history.³⁴

A further "symptom" of the crisis emerges from the analysis of the time of justice in the CPR. During the validation and extension hearing of the detention, the judge must verify the legitimacy of the action of the public administration, also for the protection of the foreigner. In fact, **the Justice of the Peace is required to hear the detainee** and to verify compliance with the requirements and time limits laid down in Articles 13 and 14 of the Consolidated Act (composed, respectively, of 29 and 17 paragraphs...). This is a burdensome and empowering task, which according to the **Constitutional Court (Corte costituzionale)** entails **"a full judicial control, and not merely external control".³⁵** Yet, in the CPR of Turin, **half of the validation hearings and 80% of the extension hearings do not last more than five minutes**, including the drafting of the judge's order.³⁶

No more than five minutes means from 0 to 300 seconds in which the judge verifies the factual and legal framework, acquires the information from the foreigner, often slowed down by the filter of the interpreter, listens to the requests of the parties (who in turn may formulate investigative requests) and takes a decision on the legitimacy of the detention order and of the expulsion order.

Until 2010, the decision to extend the detention beyond the initial 30 days was taken by the Justice of the Peace without even setting a hearing. This confirms the image of a jurisdiction perceived as the "handmaiden of the administration". In fact, after they received the request for extension from the Police, the judge granted it, without any form of communication and debate with the foreign national concerned.

Once again, **the Supreme Court hardly denounced the "blatant unconstitutionality" of this practice**, which does not respect guarantees of the defence in a regular cross-examination and the possibility of hearing the person concerned.³⁷ According to the Supreme Court, the exclusion of the foreigner concerned from the process of extension of the detention constitutes a **"macroscopic disparity of treatment" and an "unusual written conversation between the Administration and the Justice of the Peace" that lack of "any plausibility", becoming a "pure juridical invention unknown to both the civil and criminal proceedings"**.

While Justice of the Peace are required to hear individuals thoroughly before confirming a deprivation of liberty, hearings last on average less than 5 minutes. At the Turin CPR, Justice of the Peace confirm detention in almost 100% of cases.

Nevertheless, the Turin's office of the Justice of the Peace continued to order the extension of the custodial measure without allowing the participation of the detained foreigner, stating that this procedure "does not appear to be detrimental to the right of defence [...] since the participation of the lawyer ensures the right of defence of the detainee [...] the right of defence is fully ensured by the presence of the lawyer [...] the presence of the lawyer is sufficient".³⁸ In the anomalous world of the CPR of Turin, it also happens to be asked by a public official what pushes the defence lawyer to insist on the presence of his client at the hearing: "do you do it just to annoy us or also for other reasons?".

The decisions of the Judge of Peace of Turin reveal a system of purely bureaucratic justice: in 2015 **the rate of acceptance of the requests of the Turin Police Headquarters by the local Justice of the Peace was 98%**;³⁹ in the following years, according to the same Police Headquarters, the acceptance rate oscillates between 96% (2016, 2018 and 2019) and 98% (2017).⁴⁰ Almost all the validation decrees do not contain a specific motivation, but they usually report this formula – “no elements have emerged in order to suggest the illegitimacy of the expulsion procedure, nor have any of the circumstances referred to in Article 19 T.U. 286/98 been documented”.

This scenario did not change **even during the Covid-19 pandemic and the related lockdowns**, which led to periods of border closure and suspension of connections with detainees’ countries of origin. Despite the impossibility of removal/deportation, **the validations and extensions of detention orders continued without interruption**.⁴¹ The most recent data confirm the absolute ineffectiveness of detention: from 1 January 2021 to 22 April 2021, only 44 persons were effectively removed from the CPR of Turin, while 142 persons were released in the community as they had reached the maximum period of detention.

Detention in CPRs continued during the pandemic, although repatriation is almost impossible due to travel restrictions.

One last piece of evidence is more eloquent than any figure. In 2016, the Turin Police Headquarters ordered the detention of an Afghan citizen. The news seems shocking, because deportations to Afghanistan - a country notoriously affected by a twenty-year conflict - should be forbidden. Actually, in the CPR of Turin end up many foreign nationals who cannot be expelled: Sudanese, Syrians, Iraqis and Palestinians, among others.

Once again, **why does the State decide to detain them if their deportation is practically impossible?** In the intimacy of a court lobby, a Police officer explained to his lawyer in a low voice: “For now we will hold him in for three months” (the maximum detention period at the time). **Although his deportation was a chimera, and in fact it was not carried out, the officer did not even consider the possibility that the Justice of the Peace might not validate or extend the custodial measure – and so it was –** effectively restoring the image of a justice at the service of the public administration. This image is well illustrated in this excerpt from a hearing report, held at the CPR of Turin:

The defence asks for the detainee to be admitted to the courtroom so that he could exercise his right of defence. The Justice of the Peace replies that the defendant is not here to defend himself but is waiting to be identified.⁴²



Wall with inscription "Political asylum please" at CPR Turin. Source: Manuel Coser

Requests

Due to the very serious violations described above, the Association for Immigration Law Studies (ASGI) strongly reiterates **the need to restore the minimum standards of decency and legality at CPR Turin**, demanding:

- **the closure of unofficial detention facilities**, such as the so-called “Ospedaletto” (“Little Hospital”) and security cells on the ground floor of the facility and in the basement;
- **the restoration of detainees’ right to communicate and meet with family members and acquaintances**, including by their own mobile phone;
- **the examination aimed at ascertaining the compatibility of migrants’ health conditions with detention to be carried out by doctors from the public health authority**, not the doctors privately hired by the CPR and **the presence of psychiatrists and psychologists be guaranteed** both at the moment of entry and during detention;
- in the event of doubt as to the age of the detainee, **the application of the presumption of minor age, as provided by the current legislation**, and the observation of the multidisciplinary protocol for determining the age of presumed minors, ensuring that the competent juvenile prosecutor's office is informed and that the persons subjected to the age assessment procedure are placed in a first reception centre for minors;

in case of failure to meet the minimum standards of legality outlined above, the closure of the Centre.

Further information

- **Betwixt and Between: Turin's CIE - A Human Rights Investigation into Turin's Immigration Detention Centre.** Ogada-Osir A, Roman E, Stege U, Veglio M (eds). IUC Turin, IPEL Report Series 2012.
<https://doi.org/10.5281/zenodo.5191508>
- **“Choking without killing”: Opacity and the grey area of migration governmentality.** Tazzioli M. *Political Geography* 2021; 89.
<https://doi.org/10.1016/j.polgeo.2021.102412>
- **Conditions in Detention facilities. Italy.** *Asylum in Europe*. 2021.
<https://asylumineurope.org/reports/country/italy/detention-asylum-seekers/detention-conditions/conditions-detention-facilities/>
- **Detenzione migrante ai tempi del Covid.** Coalizione Italiana Libertè e Diritti civili. 2020.
https://cild.eu/wp-content/uploads/2020/07/Dossier_MigrantiCovid.pdf
- **Duty of care in Italy-France migration** [research notebook]. Balli F, Zelharch F, Kong H, Zohdy M, Stege U. Open Edition 2021.
<https://italyfrance.hypotheses.org>
- **I Centri di permanenza per i rimpatri.** Camera dei deputati. 2021.
<https://temi.camera.it/leg18/post/cpr.html>
- **Managing Migration. EU Financial Support to Italy.** European Commission. January 2021.
https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/202101_managing-migration-eu-financial-support-to-italy_en.pdf
- **Rapporto sui centri di permanenza temporanea e assistenza.** Medici Senza Frontiere. 2004.
<https://www.medicisenzafriere.it/wp-content/uploads/2018/06/Anatomia-di-un-fallimento.pdf>
- **Moussa Matters.** Association API, ASGI et Legal team italia. 2021.
<https://www.moussamatters.com>
- **Out of sight. Informal Settlements.** Médecins Sans Frontières. 2018.
https://www.msf.org/sites/msf.org/files/2018-06/out_of_sight_def.pdf
- **Rapporto sui centri di permanenza per il rimpatrio in Italia.** Senato della Repubblica. 2017.
https://www.abuondiritto.it/storage/app/media/notizie/Rapporto_Cie_Cpr.pdf
- **Rapporto sulle visite effettuate nei centri di permanenza per i rimpatri (CPR) (2019-2020).** Garante nazionale dei diritti delle persone private della libertà personale. 2021.
<https://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/b7b0081e622c62151026ac0c1d88b62c.pdf>
- **Report on European pre-removal detention centers during the COVID-19 pandemic.** Batik S, Echevarria Castresana S, Lemenih Lenger N, Nguyen J, Dule E, Roman E, Stege U, Veglio M. IUC Turin 2020.
<https://doi.org/10.5281/zenodo.5191516>
- **The Arab Spring's Fall in Italy's Detention Centers.** Veglio M. In *Border Criminologies*. University of Oxford 2021.
<https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2021/06/arab-springs-fall>
- **Uscita di emergenza. La tutela della salute dei trattenuti nel C.P.R. di Torino.** Avgerinou M, di Luciano C, Falsone L, Manghi N, Pipino P. 2018.
<https://doi.org/10.5281/zenodo.5191522>

References

1. Search "Consolidated Immigration Act" n. 286/98 in Global detention project. Italy Immigration Detention Profile.
<https://www.globaldetentionproject.org/countries/europe/italy>
2. Association API, ASGI et Legal team Italia. Moussa Matters. 2021.
<https://www.moussamatters.com>
3. Rai. La storia di Moussa Balde - #Cartabianca 01/06/2021. Youtube 2021.
<https://www.youtube.com/watch?v=RMytL-OF0e8>
4. Garante nazionale dei diritti delle persone detenute o private della libertà personale. Rapporto sulle visite nei Centri di identificazione ed espulsione e negli hotspot in Italia (2016/2017: primo anno di attività). 2017.
<http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/6f1e672a7da965c06482090d4dca4f9c.pdf>, p. 17.
5. Garante nazionale dei diritti delle persone detenute o private della libertà personale. Rapporto sulle visite tematiche effettuate nei Centri di permanenza per il rimpatrio (CPR) In Italia (febbraio-marzo 2018). 2018.
<http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/c30efc290216094f855c99bfb8644ce5.pdf>, p. 5.
6. "In penitentiary solitary confinement is allowed: a) when it is prescribed for health reasons; b) during the execution of the sanction of exclusion from communal activities; c) for suspects and defendants when there are reasons of procedural caution; The order of the competent judicial authority indicates the duration and reasons for the isolation. The regulations shall specify the manner in which solitary confinement is to be carried out. During solitary confinement, no restrictions on normal living conditions are allowed, except for those functional to the reasons for which it was decided. Isolation does not preclude the exercise of the right to conduct interviews with authorised persons" (law 354/75, art. 33).
7. → reference no 5, p. 11-12.
8. → reference no 5, p. 12.
9. Since April 2020, migrants reaching Italy via the Mediterranean Sea have been held on board private vessels in order to respect the quarantine period before disembarkation.
10. Iyengar S, Landri C, Mini M, Ogada-Osir A, Roman E, Skalon T, Stege U, Veglio M. Betwixt and Between: Turin's CIE – A Human Rights Investigation Into Turin's Immigration Detention Centre. 2012.
<https://doi.org/10.5281/zenodo.5191508>, p. 47.
Not even at the Martini hospital in Turin, the territorial health centre of reference, there are statistics concerning only the cases of patients coming from the CPR, despite 20 years of admissions and services.
11. Avgerinou M, Di Luciano C, Falsone L, & Manghi N. Uscita di emergenza. La tutela della salute dei trattenuti nel C.P.R. di Torino. 2018.
<https://doi.org/10.5281/zenodo.5191522>, p. 54-55.
12. → reference no 5, p. 10.
13. → reference no 5, p. 6.
14. → reference no 5, p. 7.
15. → reference no 5, p. 5.
16. Council of Europe. Report to the Italian Government on the visit to Italy carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2017. 2018.
<https://rm.coe.int/16807b6d56>, p. 30: "However, at CPR Turin, the delegation observed distant relations and a lack of contact between staff and detained persons. Many detainees complained that staff hardly ever entered the detention areas – this concurs with the impression obtained by the delegation on the spot. This was linked to the strict security provisions in the centre (see paragraph 62) and the physical layout of the detention centre. For instance, the delegation was struck by the impersonal method for distributing daily allowance vouchers observed by the delegation (a staff member distributed them to the detainees through the fence of the different detention sections without leaving his van).".
17. Veglio M., La Malapena. Sulla crisi della giustizia al tempo dei centri di trattenimento degli stranieri. Edizioni Seb27 2020.
<https://www.seb27.it/content/la-malapena>
18. → reference no 4, p. 18.
19. → reference no 16, p. 23.
20. → reference no 10, p. 50.
21. Ministero dell'interno. Schema di capitolato di gara per la fornitura di beni e servizi relativo alla gestione e al funzionamento dei centri di prima accoglienza. 2019.
<https://www.interno.gov.it/it/amministrazione-trasparente/bandi-gara-e-contratti/schema-capitolato-gara-appalto-fornitura-beni-e-servizi-relativo-alla-gestione-e-funzionamento-dei-centri-prima-accoglienza>.
The new ministerial specifications of 29 January 2021 foresee, in centres with 151 to 300 places, the increase of the hours of presence of the only doctor from 6 to 12, while maintaining the other services unchanged: Ministero dell'interno. Nuovo schema di capitolato di appalto per la fornitura di beni e servizi relativi alla gestione e al funzionamento dei centri. 2021.
<https://www.interno.gov.it/it/amministrazione-trasparente/bandi-gara-e-contratti/nuovo-schema-capitolato-appalto-fornitura-beni-e-servizi-relativi-alla-gestione-e-funzionamento-dei-centri>.

22. Garante nazionale dei diritti delle persone detenute o private della libertà personale. Rapporto sulle visite effettuate nei Centri di permanenza per i rimpatri (CPR) (2019/2020). 2020.
<https://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/b7b0081e622c62151026ac0c1d88b62c.pdf>, p. 20.
23. → reference no 5, p. 18.
24. → reference no 16, p. 27.
25. → reference no 22, p. 23.
26. Falconieri G. Torino. "Psicofarmaci a litri ai migranti del CPR". La testimonianza di un medico. Distretti orizzonti, 15 ottobre 2019.
http://www.ristretti.org/index.php?option=com_content&view=article&id=83700:torino-gpsicofarmaci-a-litri-ai-migranti-del-cpr-la-testimonianza-di-un-medico&catid=220:le-notizie-di-ristretti&Itemid=1.
27. → reference no 10, p. 49.
28. → reference no 10, p. 49.
29. → referenza no 5, p. 9-10.
30. → referenza no 5, p. 12-13.
31. As can be seen from the fact that when the Justice of the Peace was entrusted with the task of deciding on "home detention", the legislator hastened to specify that in such a case "the convicted person is not considered to be in a state of detention" (Art. 53, para. 2, Legislative Decree 274/00). The former President of the Republic Giorgio Napolitano raised open criticism on the decision to also attribute to the Justice of the Peace the jurisdiction on the crime of illegal immigration (law 94/09, so-called security package): "The attribution of the crime of illegal immigration to the jurisdiction of the Justice of the Peace does not seem to me to be in line with the conciliatory nature of these and draws at the same time, for the crime in question, a 'sub-system' of sanctions inconsistent with the general principles of the system and less guaranteeing than that provided for crimes of illegal detention subject to the jurisdiction of the court"
Toscana Oggi. Pacchetto sicurezza, il testo della legge e la lettera di Napolitano. 22 juillet 2009.
<https://www.toscanaoggi.it/Toscana/Pacchetto-sicurezza-il-testo-della-legge-e-la-lettera-di-Napolitano>.
32. Mastromartino F, Rigo E, Veglio M (eds.). Lexilium. Osservatorio sulla giurisprudenza in materia di immigrazione del Giudice di pace: sintesi rapporti 2015. In Diritto, Immigrazione e Cittadinanza 2017; 2.
<https://www.dirittoimmigrazionecittadinanza.it/allegati/lexilium/84-sintesi-ricerca/file>.
- 33.
34. Radio radicale. CSM - Plenum del 20 ottobre 2004, seduta antimeridiana. 20 ottobre 2004.
<https://www.radioradicale.it/scheda/185433/csm-plenum-del-20-ottobre-2004-seduta-antimeridiana>.
35. In the first years of operation of the CPR Turin, the hearings were held in prefabricated metal buildings located in an open area of the structure, totally bare inside, except for a table, some chairs, an electric stove, a poster of Valentino Rossi and one of the Juventus team.
36. The judicial authority is the holder of "a full judicial control, and not a merely external control, which would be the case if the validation judge could limit himself to ascertaining the existence of an expulsion order whatever".
Supreme Court, no. 105/01.
<https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2001&numero=105>
37. Landri CL, Veglio M (eds.). Ricerca sui provvedimenti in materia di espulsione e trattenimento emessi dal Giudice di pace di Torino : anno 2015. In Diritto, Immigrazione e Cittadinanza 2017; 2.
<https://www.dirittoimmigrazionecittadinanza.it/allegati/lexilium/83-torino/file>, p. 38.
38. Corte di cassazione, n. 4544/10.
https://www.meltingpot.org/IMG/pdf/cassazione_4544_2010_contraddittorio_trattenimento.pdf
The practice of the Office of the Justice of the Peace of Turin has partially changed only recently, following repeated convictions in the courts of legitimacy –most recently Court of Cassation, 18321/20.
<https://sentenze.laleggepertutti.it/sentenza/cassazione-civile-n-18321-del-03-09-2020>
39. → reference no 36, p. 33-34.
40. → reference no 36.
41. Garante dei diritti delle persone private della libertà personale del comune di Torino. Attività 2020. 2020.
<http://www.comune.torino.it/garantedetenuti/wp-content/uploads/2021/05/Relazione-2020-Garante-.pdf>, p. 246-247.
42. ASGI. E' legittimo trattenere se non si puo' espellere? Lettera aperta ai giudici di pace. 2020.
<https://www.asgi.it/wp-content/uploads/2020/03/il-trattenimento-al-tempo-del-coronavirus.pdf>.
43. → reference no 36, p. 1.

