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Meeting: 1428th meeting (March 2022) (DH)

Communication from NGOs (Association for Juridical Studies on Immigration (ASGI), Ambasciata dei Diritti di Ancona, Lungo la Rotta balcanica, No Name Kitchen and Associazione SOS Diritti) (07/02/2022) in the case of SHARIFI AND OTHERS v. Italy and Greece (Application No. 16643/09).

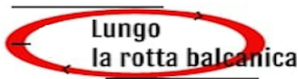
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Réunion : 1428^e réunion (mars 2022) (DH)

Communication d'ONG (Association for Juridical Studies on Immigration (ASGI), Ambasciata dei Diritti di Ancona, Lungo la Rotta balcanica, No Name Kitchen and Associazione SOS Diritti) (07/02/2022) relative à l'affaire SHARIFI ET AUTRES c. Italie et Grèce (requête n° 16643/09) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



DGI Directorate General of Human Rights and Rule of Law

Department for the Execution of Judgments of the ECtHR

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7 february, 2022

Communication from the Association for Juridical Studies on Immigration (ASGI), Ambasciata dei Diritti di Ancona, Lungo la Rotta balcanica, No Name Kitchen and Associazione SOS Diritti, pursuant to Rule 9.2 of the Rules of the Committee of Ministers of the Council of Europe for supervision the execution of the judgments and the terms of friendly settlements, relating to the case of *Sharifi and Others v Italy and Greece* (Application No 16643/09).

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1. Introduction

This submission concerns the general measures required for the implementation of the ECtHR judgment in *Sharifi and Others v Italy and Greece* (Application No 16643/09). The present communication is the result of the monitoring and legal support activities carried out by the Adriatic Seaports Network, a network of the associations indicated below, which, in collaboration with

associations operating in the territories and countries along the Balkan route and in Greece, since 2017 has been monitoring what is happening at the ports, guaranteeing information and legal protection to foreign citizens arriving in Italy from Greece and other countries in the Balkan area, such as Albania, Croatia and Montenegro.

ASGI is an association made up of lawyers, jurists and civil society representatives that has been working for decades to better understand the juridical questions linked to the migratory phenomenon, contributing to the advancement of knowledge in these matters at a national and international level.

Ambasciata dei Diritti di Ancona, an association that organizes activities based on sharing, collaboration, co-construction, awareness and analysis with all those living in the Ancona area. The association provides free services to migrants, including Italian language classes and legal consultation.

No Name Kitchen (NNK), a volunteer independent organization providing support for the people-on-move, like food and clothes or other supplies. At the moment NNK is present in Velika Kladusa (BiH), Sid (Serbia) and Patras (Greece) to people living outdoors without rights and with their basic needs uncovered. NNK are present in Patras since February 2019, assisting people coming to Patras to try to cross to Italy.¹

Associazione SOS Diritti, a volunteer organization active since 2010 in the Venice area. It works to promote Human Rights, fight against discrimination and support migrants residing in the territory. It organizes awareness-raising workshops and events in schools and for the public. Since its birth, the association has engaged in a constant monitoring of immigrant sea arrivals in Venice.

Lungo la rotta balcanica, is an Italian association based in Venice that aims to raising awareness, standing in solidarity and giving support to the people on the move along the Balkan route. Since 2015 the association has been organizing trainings and seminars on the fields in the Balkan route countries for social workers from Italian reception centers, university and secondary schools students and citizens interested in the topic.

In the previous communications sent by the above-mentioned association², most recently on [21 January 2020](#), it was pointed out that the Italian government had not implemented effective measures to rectify the issues sanctioned by the Court, nor provided what the Court had asked for. This conclusion remains correct even after the Italian [Government's Action Report](#) of 15 December 2021.

The main consequence of the non-implementation of this judgement is the continuation of a policy of push-backs and readmissions from the main Italian Adriatic ports also during 2020 and 2021, without any formal measures, without any assessment of the individual situations and eventual causes of inadmissibility of foreign citizens, including asylum seekers and unaccompanied minors, in violation of the right to asylum and Conventional guarantees and of the provisions of the Readmission Agreement.

¹ See for more details on the monitoring activities carried out <https://www.nonamekitchen.org/en/what-do-we-do/> e https://www.facebook.com/NoNameKitchenBelgrade/?_tn=2Cd%2CP-R&eid=ARBD_OvqbS9duYV6eZ_3cU4rzLu-GVgK3wdJXR_PiYFcsLV-9aCKfvgIo-DOjrAc3RdgKIllyYlbjSii1

² See: [https://hudoc.exec.coe.int/eng#f{%22EXECIdentifier%22:\[%22DH-DD\(2019\)176E%22\]}](https://hudoc.exec.coe.int/eng#f{%22EXECIdentifier%22:[%22DH-DD(2019)176E%22]}).

2. Case Summary

The case concerns the **non-registered readmission of four irregular migrants** from Italy to Greece based on the bilateral readmission agreement of 1999. The migrants were intercepted as unauthorized passengers on ferries that, from January 2008 to February 2009, had arrived in Ancona harbour. The applicants were returned to the ferry captains by the border authorities **without having access to legal information, linguistic mediation or legal assistance regarding the right to seek asylum and the relevant procedures.**

The European Court of Human Rights, with its Judgment of October 21, 2014, found a violation of Article 4 of the Additional Protocol no. 4 of the European Convention on Human Rights with regards to the collective nature of the expulsion; of Article 3 of the ECHR, as the applicants' repatriation to Greece effectuated by the Italian authorities had exposed them to risks stemming from the limited access to asylum procedures in that country; of Article 13 in conjunction with Article 3 of the ECHR and with Article 4 of the Protocol no. 4 in relation to the lack of access to the asylum procedure at Ancona harbour, as well as other effective remedies.

In the context of its March 2020 meeting, the Committee of Ministers of the Council of Europe [decided](#) not to end the supervision procedure and instead requested that the Italian Government provide, by no later than 15th of June 2020, up-to-date and complete information on reception services in the Adriatic ports, especially with regard to the shortcomings highlighted in relation to the Bari transit area; giving guarantees regarding the effective provision of information to foreign citizens arriving about their rights and asylum procedures, including through immediate access to reception services immediately upon arrival, clarifying how this can be guaranteed where reception services are located outside the transit zones of ports.

The Italian Government responded beyond the deadline, with an [Action Report](#) asking for the closure of the Committee of Ministers' supervision procedure, without, however, actually implementing the Court's judgment. This communication responds to what was represented by the Government in its reply, highlighting how, in fact, in line with what was already represented in the [previous communication](#), the illegal rejections towards Greece are pursued and concerns remain regarding the migrant reception systems at Adriatic ports, with specific reference to the exercise of the right of asylum, and regarding the concrete application of the Bilateral Agreement between Italy and Greece.

3. General measures

3.1. The wrongful implementation of the *non - refoulement* principle at Adriatic maritime borders

The monitoring activities carried out by the Associations operating in the main ports of the Adriatic Route, showed that there is a continuation of informal readmissions and push-backs of persons found on the ships or in the immediacy of the disembarkation area. In the foreword, it is pointed out that readmissions are also implemented at airport border crossings (See for example *Doc. 1 - Report woman requesting international protection and her minor child at the Rome Fiumicino airport border - July 2021*). According to the collected testimonies, most of the returns of foreign citizens from

Adriatic ports to Greece seem to follow completely informal procedures, in violation of the legal framework of reference.

According to the collected information, irregular immigrants intercepted on ferries arriving in Italian ports in the Adriatic Sea are still pushed back without any registration or formal documentation. These ferries, coming from Patras and Igoumenitsa in Greece, but also from Croatia and Albania, arrive in the Italian ports of Ancona, Bari, Brindisi and Venice; the people intercepted inside the ferries or immediately upon arrival in Italy are in most cases returned to the ports of departure in custody of the captain of the ferry, after being detained in the transit zones or inside the ferries themselves, even for many hours, until a new departure with the same or a new ship is scheduled. According to data from the Department of Public Security³ (*Doc. 2-Ministry of the Interior-Air and sea port of Venice-March and October 2021*) the third country nationals disembarked in the Adriatic ports come from Turkey, Greece and Albania (the figures also include persons landing with so-called 'ghost landings' on the Apulian and Calabrian coasts, which are difficult to monitor), while the destination countries after readmission are, as far as the sea route is concerned, Albania, Croatia and Greece.

More in general, the countries of origin of traced people are, mostly, Afghanistan, Albania, Turkey, Kurdish, Pakistan, Bangladesh, Sri Lanka, Morocco and sub-Saharan Africa. Moreover, there is significant reported data confirming the refoulement of persons who expressed the will to seek international protection in transit zones, without this request being taken into account by the competent authorities and, thus, being officially registered. Although the (official) data on rejections do not show large numbers, they concern several thousand of foreign citizens who enter or try to enter Italy every year (See *Doc. 2*).

The associations received several reports from foreign nationals claiming to be about to be readmitted despite their asylum request or even if they were minors, both in 2020 and 2021. Thanks to the intervention of the associations, which immediately contacted the Border Police Offices and, on some occasions, alerted the operational bodies at the border crossings and UNHCR, it was possible to interrupt or avoid some readmissions of asylum seekers and unaccompanied minors, thus guaranteeing access to the territory, asylum applications and protection. The reports of the associations working in Greece also highlighted the continuation of illegitimate practices. In addition, in Bari in particular, a number of testimonies of foreign citizens were collected, which had arrived in Italy after having been readmitted previously, despite the fact that they had manifested their intention to seek asylum or had declared their minor age. Finally, it seems useful to underline that the collected testimonies reported that: the tracked person did not receive any legal information, the readmission procedures took place without having met any civil society organisation and in the absence of a translator. In addition, the testimonies report episodes of mistreatment and behaviour violating personal dignity both during the tracking phase on board the ship or ashore, and during the readmission procedures, such as confiscation of personal belongings, forcing to undress, exposure to extreme temperatures, etc.

It should be also highlighted that the Greek government, in compliance with the 2016 EU-Turkey agreement, has hugely increased illegal pushbacks of refugees since January 2020⁴, with some victims stating they have been beaten by Greek officials before being forced back across borders, or into the

³ FOIA submitted by the Adriatic Seaports Network

⁴ <https://aegeanboatreport.com>

sea and forcing readmission of people to Turkey, fostering the illegitimate practice of the pushbacks chain.

3.2. Reception services at the border crossing points of Adriatic ports: critical profiles and practices

With regard to reception services of the Adriatic Ports, the shortcomings already highlighted above are confirmed by the writing associations⁵. In particular, the presence of operators is foreseen only on certain days a week and in certain time slots which, in most cases, do not coincide with the arrival times of the ferries. In the absence of an effective and autonomous intervention space, the reporting and filtering procedures carried out lead to a serious violation of the rights of foreign citizens.

3.3. Access to the procedure for granting international protection and the role of information: collected cases involving readmission to Greece⁶

As reported, people arriving at the Adriatic ports, encounter large obstacles in accessing information on their legal status and rights, thus in accessing the request for international protection and in the emergence of additional causes of inextricability provided for by Italian law, risking being illegitimately pushed back. This is in spite of the fact that Italian and European legislation clearly stipulates the obligation of States to guarantee these rights. The following are some individual cases that testify to the persistence of serious problems, starting with the exercise of the right to asylum.

In particular, we point out the [case of readmission](#)⁷ from Bari on Sunday 23 May 2021, which involved six Turkish and Kurdish citizens, including one woman, despite having immediately declared their wish to seek asylum (See *Doc. 3 - Report of persons of Turkish and Kurdish citizens Port of Bari-May 2021*). Foreign citizens had arrived hidden inside a truck arrived by ferry. Mobile phones, documents and even some essential medicines were seized from the group of foreign nationals immediately after they were traced. They were prevented from any contact with lawyers, associations and family members; they were not guaranteed any legal information or the assistance of a mediator. They reported that they had been forcibly taken on the ferry back to Greece and that they had been subjected to abuse and violence by the Italian police during the readmission procedure. They were arbitrarily deprived of personal freedom and kept inside a technical room, without windows and toilets, so small that they had to alternate to stay seated on the ground. The six asylum seekers were detained for the 12-hour journey, in the cold and without receiving food or water. When they arrived in the port of Igoumenitsa in Greece, they were held for 24 hours in a dilapidated and confined place, along with many other foreign citizens, without being able to communicate to their families and associations where they were. Their readmission to Greece took place in a completely informal manner without the handing over of a measure.

⁵ See par. 2 of previous communication: [https://hudoc.exec.coe.int/eng#{%22EXECIdentifier%22:\[%22DH-DD\(2020\)88E%22\]}](https://hudoc.exec.coe.int/eng#{%22EXECIdentifier%22:[%22DH-DD(2020)88E%22]}).

⁶ Only some of the cases involving readmissions to Greece are reported, but many cases of refoulement to Albania and Croatia were detected.

⁷ <https://medea.asgi.it/riammissioni-di-richiedenti-asilo-dal-porto-di-bari/>
<https://www.editorialedomani.it/fatti/migranti-grecia-rota-balcantica-respingimenti-porto-bari-ecbmrvls>
<https://www.rainews.it/tgr/puglia/video/2021/06/pug-porto-bari-asilo-grecia-9aea3fc0-40f4-4298-91d8-23492613aa19.html>.

For this episode of 23 May 2021 to the port of Bari, a parliamentary interpellation was introduced⁸.

On 03 April 2021 an Afghan national was traced after crossing the border and customs control at the port of Venice by hiding in a trailer loaded on board a ferry arrived from the port of Patras, via Bari. When the person was apprehended by the police, the civil society association in charge of the reception at the port was not notified and a Farsi-language interpreter was not called to provide legal information. The Afghan citizen telephoned the number of one of the associations of the Adriatic Ports Network and reported that he had been put on a ship and locked in a room on the ship, which was still at the port. The phone call arrived at 11 p.m. and the Afghan citizen was stopped by the police at 4.30 p.m. The association called the border police to point out that it had received the phone call in which the Afghan citizen said he had not understood what the police had told him and that he intended to express his wish to apply for international protection. The police replied saying that the ship had already left with the applicant on board for Patras, via Bari. The police authorities had decided not to disembark the person, also in the light of the new information received, thus effectively keeping the Afghan citizen on the ship for several hours. Thanks to the cooperation with the associations working in the port of Bari, the following morning, the applicant was able to disembark from the ship in Bari, where he applied for asylum (See *Doc. 4-Report on the presence of an applicant for international protection at the Bari port border - April 2021*).

3.3.1. Pushbacks of unaccompanied minors

On the 14 August 2020 a single minor of Afghan nationality was tracked down at the port of Brindisi and, without being given any legal information and without the presence of an interpreter, was denied the right to enter the territory and was about to be readmitted to the port of origin despite being a minor (*Doc. 5- Report on the presence of unaccompanied foreign minors at the port border of Brindisi - August 2020*). The minor was able to contact the associations of the Adriatic Seaports Network, which sent a written report to the Border Police, as a result of which his rights were recognised.

On the 29 May 2021 a single minor of Afghan nationality was tracked down at the port of Brindisi and readmitted to Greece, despite having declared his age and his intention to seek asylum in Italy. The minor, upon returning to Greece, managed to contact the associations of the Adriatic Ports Network and report the incident. In addition, following readmission, the minor was detained for a long period of time in a detention centre in improper conditions with adults in clear violation of the rights enshrined in international conventions. In 2021, other reports were received from minors tracked down at the port of Brindisi and the port of Bari, and only with the direct intervention of the associations belonging to the Adriatic Ports Network was it possible to ensure access to the territory and to the protection measures provided by law.

More generally, readmissions to Greece continued during the new year. In particular, we report the testimony collected by the organisations operating in Greece of the readmission that took place on 22 January 2022 from the port of Bari and that involved a 15 year-old minor of Afghan nationality⁹. The

⁸ See: <https://aic.camera.it/aic/scheda.html?numero=3-02317&ramo=C&leg=18> and <https://www.camera.it/leg18/410?idSeduta=0521&tipo=stenografico#sed0521.stenografico.tit00060.sub00030>, p. 24-25.

⁹ See testimony: <https://www.borderviolence.eu/violence-reports/january-22-2022-1030-bari-italy/>.

witness reports many details on the modalities of the readmission and of the conduct acted by the border police against the minor.

3.4. The 1999 Readmission Agreement between Italy and Greece: scope of application and critical aspects

The Italian government considers as a valid legal basis of readmissions to Greece, the bilateral readmission agreement signed in 1999 and entered into force in 2001, which was never ratified by the Parliament under Article 80 of the Italian Constitution.

The text of this agreement, which has not been placed on file by the defendant governments, was published in the Official Gazette of the Hellenic Republic on 7 November 2000; it has not been officially published in Italy. The Italian Government retains that the practices implemented at the border crossing points comply with the legislation, arguing that they are lawful in the light of the the Contracting Parties shall readmit to its territory, upon request of the other Contracting Party and provisions of the bilateral agreement. In particular, Article 5 of the agreement provides that each of without any formalities, a third-country national who has entered the territory of the second Contracting Party without having, during the twelve months preceding the request, transited or stayed on the territory of the first Contracting Party. The application for readmission must be submitted within three months after the alien's presence in the requesting State has been established.

The bilateral agreement, however, is subject to specific limits arising both from the agreement itself and from *jus cogens* human rights norms, primarily the principle of *non-refoulement*. According to this point, Article 6 excludes from the scope of this readmission obligation, inter alia, refugees recognised as such by the requesting State in application of the 1951 Geneva Convention and stateless persons, as defined by the 1954 New York Convention and [Recommendation No R \(84\) 1](#) of the Committee of Ministers of the Council of Europe concerning the protection of persons who fulfil the criteria of the Geneva Conventions but are not formally recognised as refugees. Article 23 also contains a safeguard clause specifying that the agreement may not hinder the application of the 1951 Geneva Convention or other agreements and conventions binding the parties in the field of human rights protection, which clearly includes the European Convention on Human Rights (ECHR). With reference to the principle of *non-refoulement*, this should be interpreted not only in the light of the Geneva Convention, but of the *jus cogens* in the field of human rights and how it has evolved in international human rights law, in which no derogations to the principle are foreseen. Additional alleged violations of the international normative framework are detectable in the 1999 bilateral Agreement, which expressly foresees the possibility of readmission to Greece, which under the case law of the ECHR is considered a country without sufficient effective guarantees against non refoulement and indirectly because Greek 'safe countries' list poses a threat to human rights a country without sufficient effective guarantees against non refoulement and indirectly because Greek 'safe countries' list poses a threat to human rights. This aspect is particularly problematic with regard to both the verification of a possible manifestation of the will to seek international protection and the monitoring of other unlawful practices, such as collective expulsions of third-country nationals and, therefore, the lack of a case-by-case assessment, as required by the legislation.

With regard to pushbacks in particular, the Court of Rome, before which an urgent appeal was lodged by a Pakistani citizen who reported having been subjected to indirect refoulement from Italy to

Bosnia, held a decision stating that the informal readmission procedures implemented at the eastern Italian border to Slovenia were unlawful. The Court observed¹⁰ that these procedures were implemented in clear breach of international, European and internal rules governing access to the right to asylum and of Regulation (EU) No 604/2013, known as Dublin III. In addition, the Court of First Instance found that the rights to a Due Process had been infringed in the absence of written measures to provide an effective remedy against the proceedings. More in general, the Court stated that readmission procedures and praxis should never be implemented in violation of the principle of non-refoulement, including indirect refoulement, and of Article 3 of the European Convention on Human Rights, which, in prohibiting torture or inhuman or degrading treatment, is also applied extraterritorially, thus preventing exposing the persons concerned by out-of-state transfers to the risk of suffering such treatment in the country (or countries) of destination.

On 3 May 2021, the Civil Court of Rome¹¹, deciding on the appeal submitted by the Government, overturned the previous decision, but, contrary to what alleged by the Government, not by questioning the illegality of the readmissions, nor contesting the readmission procedure for asylum seekers - which, it is important to underline, was unveiled by the Government itself with the written note of 24 July 2020¹² - but by challenging the solidity of the proof of the applicant's arrival in Italy.

4. Conclusions and recommendations

The conclusions set out in the [communication](#) of 21 January 2020 should therefore be reiterated. The ongoing non-implementation of this case involves the violation of the rights of foreign citizens arriving on Italian territory.

Given the systemic nature of the problem, it is essential that the Committee of Ministers continue its supervision of the implementation of the Sharifi case under the enhanced procedure, scheduling the case for debate in December 2022.

Furthermore, in view of the above, the undersigned NGOs ask the Committee of Ministers to call upon the national authorities to:

1. Guarantee effective assistance and reception services, by defining more clearly the competences and role of these services, in order to ensure access to the right to information and legal assistance. Access to information and assistance must be sufficient to ensure that the foreigner present at the border has effective access to the exercise of fundamental rights, and to prevent extensive violations of the principle of non-refoulement;

¹⁰ Ordinance of the Court of Rome N. R.G. 56420/2020, see: https://www.asgi.it/wp-content/uploads/2021/01/Tribunale-Roma_RG-564202020.pdf.

¹¹ Ordinance of the Court of Rome N. R.G. 7045/2021, see: https://www.asgi.it/wp-content/uploads/2021/05/2021_Tribunale_Roma_rotta_balcanica_10630266s-2.pdf.

¹² On 24 July 2020, the Ministry of the Interior, responding with a written note to the urgent question presented by the Member of Parliament Riccardo Magi, on the situation of the "informal readmissions" of foreign citizens at the Italian-Slovenian land border, confirmed that readmissions against foreign citizens are applied "(..) even if the intention to request international protection is expressed "and that" (..) if the conditions for the readmission request are met (..), the request is not sent to the responsible Questura for the formalization of the asylum request (...)". Urgent request 2/00861 presented by Riccardo Magi on 14 July 2020, <https://bit.ly/3hilQxY>; and the written answer by the MoI, available at: <https://bit.ly/3tzWzBO>.

2. Guarantee the necessary assistance to foreign citizens who have been refused entry or who intend to enter Italian territory for stays of more than three months, as provided for by the regulations.
3. Ensure that the body in charge of the services can act in the areas of naval docking, with due autonomy with respect to the work of the public security forces;
4. Cease the practices of illegal push-backs of Unaccompanied and Separated Children (UASC) and the practices of informal push-backs of both adults and children in the absence of a written and motivated act, which result in difficulties of access to judicial protection;
5. Ensure the correct application, and a contextual review, of the readmission agreement between Italy and Greece, in accordance with the rules of international and European law on asylum and protection against the risk of refoulement;
6. Ensure access to services at border crossing points by international and national bodies and associations wishing to carry out independent monitoring of the provision of services at these crossing points.

Attachments:

-Doc. 1-Report woman requesting international protection and her minor child at the Rome Fiumicino airport border - July 2021;

-Doc. 2-Ministry of the Interior-Air and sea port of Venice-March and October 2021;

-Doc. 3 - Report of persons of Turkish and Kurdish citizens Port of Bari-May 2021;

-Doc. 4-Report on the presence of an applicant for international protection at the Bari port border - April 2021;

-Doc. 5-Report on the presence of unaccompanied foreign minors at the port border of Brindisi - August 2020.

ASGI

Associazione per gli Studi Giuridici sull'Immigrazione

DGI

07 FEV. 2022

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Bari, li 17 luglio 2021

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**Oggetto: Segnalazione presenza donna richiedente protezione internazionale e
figlio minore presso frontiera aeroportuale di Roma Fiumicino**

A.S.G.I. - Associazione per gli studi giuridici sull'immigrazione
Sede legale: Torino, via Gerdil 7 - 10152 - tel/fax +39.011.4369158 - segreteria@asgi.it
Sede organizzativa: Udine, via S. Francesco 39 - 33100 - tel/fax +39.0432.507115 - 3470091756 - info@asgi.it
www.asgi.it

In data odierna, l'associazione scrivente ha ricevuto una segnalazione per una richiedente asilo, [redacted], arrivata questa mattina (presumibilmente alle ore 9,35) all'aeroporto di Roma Fiumicino insieme a suo figlio di 6 anni, [redacted] proveniente dall'aeroporto di Atene-Eleftherios Venizelos.

Dall'arrivo a Roma i familiari ne hanno perso le tracce. Da quanto riferito dai familiari la richiedente è giunta con un volo della compagnia *Aegean airlines* proveniente dall'indicato aeroporto Atene.

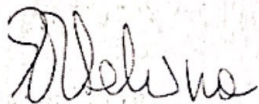
La richiedente è un'avvocata di nazionalità turca, fuggita dal paese di origine per motivi di persecuzione politica.

Segnaliamo quanto sopra, per come la vicenda ci è stata credibilmente riportata dai familiari della richiedente protezione internazionale e del figlio, chiedendo che vengano attivate con ogni possibile urgenza tutte le opportune tutele e che sia garantito l'accesso alla procedura di richiesta della protezione internazionale, come per legge.

In attesa di cortese riscontro, inviamo distinti saluti.

Per A.S.G.I.,

Dott.ssa Erminia S. Rizzi



Avv. Dario Belluccio



BELLUCCIO DARIO
17.07.2021
14:41:54
GMT+01:00



Ministero dell'Interno

DIPARTIMENTO DELLA PUBBLICA SICUREZZA
DIREZIONE CENTRALE DELL'IMMIGRAZIONE E DELLA POLIZIA DELLE FRONTIERE

N. Nr.400.A/12.378
Rif. 0018313 del 02.03.2021
Allegati: nr.2 (due);

Roma, data del protocollo

OGGETTO: Istanza di accesso civico ex art. 5, D lgs. 14 marzo 2013, n. 33 e s.m.i. inerente i "dati riguardanti i respingimenti ex art 10 del D.lgs. N.286/98 eseguiti presso le frontiere aerea e marittima di Venezia dalla Polizia di frontiera nei confronti dei cittadini stranieri, nel periodo 01.03.2020 e fino al 28.2.2021, con indicazioni riguardanti le motivazioni del respingimento, il numero di persone di ogni nazionalità cui è stato rifiutato l'ingresso; riguardo al numero di manifestazioni di volontà di richiedere la protezione internazionale presentate dai cittadini stranieri in ingresso nel periodo indicato e all'età e alla nazionalità dei cittadini stranieri che hanno manifestato tale volontà presso i valichi di frontiera in oggetto; e riguardo ai porti di destinazione a seguito di respingimento".

– Avv. Luca MANDRO.

ALL'AVV. LUCA MANDRO
luca.mandro@venezia.pecavvocati.it

VENEZIA

E, per conoscenza

AL MINISTERO DELL'INTERNO
GABINETTO DEL MINISTRO
gabinetto.ministro@pec.interno.it

ROMA

ALLA SEGRETERIA DEL DIPARTIMENTO DELLA
PUBBLICA SICUREZZA
dipps.555doc@pecps.interno.it

ROMA

AL DIPARTIMENTO DELLE LIBERTA' CIVILI
E DELL'IMMIGRAZIONE
gabinetto.dlci@pecdlci.interno.it

ROMA

ALL'AUTORITA' RESPONSABILE DELLA PREVENZIONE
DELLA CORRUZIONE E DELLA TRASPARENZA
responsabiletrasparenzaecorruzione@pec.interno.it

ROMA



Ministero dell'Interno

DIPARTIMENTO DELLA PUBBLICA SICUREZZA
DIREZIONE CENTRALE DELL'IMMIGRAZIONE E DELLA POLIZIA DELLE FRONTIERE

ALLA PREFETTURA
protocollo.prefve@pec.interno.it

VENEZIA

ALL'UFFICIO POLIZIA DI FRONTIERA MARITTIMA
ED AEREA
polfrontiera.ve@poliziadistato.it

VENEZIA

Con riferimento all'istanza di accesso civico di cui oggetto, si trasmettono, in allegato alla presente, i prospetti relativi ai respingimenti eseguiti, ex art. 10 del D. Lgs 286/98 e ss.mm., nel periodo dal 1° marzo 2020 al 28 febbraio 2021 presso la frontiera aerea e marittima di Venezia, unitamente alla relativa legenda.

Si allega, altresì, la scheda concernente le richieste di protezione internazionale per il medesimo periodo.

Dalle suddette rendicontazioni numeriche sono stati omessi i numeri relativi alle singole motivazioni provvedimenti relativi alle singole nazionalità, in quanto tali dati potrebbero costituire la base di un'analisi strategica di efficacia locale dei controlli in materia di contrasto all'immigrazione clandestina, contrastante con l'interesse pubblico nazionale relativo all'ordine ed alla sicurezza pubblica; ciò ai sensi del combinato disposto dell'art. 5-bis, comma 1, lett. d) e comma 3 del D.Lgs. 14 marzo 2013, n. 33 così come modificato dall'art. 6, comma 2 del D. Lgs. n. 97/2016, dell'art. 24, comma 1 della legge 7 agosto 1990, n. 241, degli artt. 2, comma 1, lett. a), b) e 3, comma 1, lett. a) e d) del D.M. 10 marzo 1994 n. 415, che enucleano, per questa Amministrazione, le categorie di documenti sottratti al diritto di accesso in attuazione dell'art. 24 della legge n. 241/1990.

Inoltre, si comunica che ai sensi dell'art. 5, comma 7 del D.Lgs. 33/2013, nei casi di diniego totale o parziale dell'accesso, è possibile presentare istanza di riesame al Responsabile della prevenzione della corruzione e della trasparenza. Il termine per decidere sulla richiesta di riesame è fissato dalla norma in 20 giorni, salvo che il diniego o differimento sia connesso alla protezione dei dati personali, nel qual caso il responsabile per la prevenzione della corruzione e della trasparenza provvede sentito il Garante per la protezione dei dati personali, per cui il termine è innalzato di ulteriori 10 giorni.

IL DIRETTORE CENTRALE

Bontempi

PO/AM\immigrazione.interno.gov\dati\agg\contenzioso\accessi civici\1^ trimestre 2021\avv. luca mandro - f - respingimenti venezia\risposta avv mandro.docx

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Ufficio di Polizia Frontiera e Marittima di Venezia	
periodo dal 01.03.2020 al 28.02.2021	
Nazionalità	Respinti alla Frontiera
Albania	67
Argentina	1
Bangladesh	1
Brasile	31
Canada	2
Corea Sud	2
Georgia	1
India	2
Iraq	1
Kosovo	7
Macedonia	1
Marocco	6
Moldavia	2
Serbia	1
Siria	1
Sri Lanka	1
Tunisia	3
Turchia	10
Ucraina	6
Venezuela	2
Totale	148

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**Ufficio di Polizia
Frontiera Aerea e Marittima di Venezia
dal 01.03.2020 al 28.02.2021**

	MARITTIMA
Nazionalità	Richieste Prot. Internazionale
Afghanistan	3
Iran	1
Iraq	2
Grand Totale	6



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DIPARTIMENTO DELLA PUBBLICA SICUREZZA
DIREZIONE CENTRALE DELL'IMMIGRAZIONE E DELLA POLIZIA DELLE FRONTIERE

N.400.A/12.378
Rif. 0072755 del 11.10.2021
Allegati: due (2);

Roma, data del protocollo

OGGETTO: Richiesta di accesso civico generalizzato ai sensi dell'art. 5, c.2 D. Lgs. 33/2013 inerente i "Dati riguardanti i respingimenti ex art.10 del D.lgs. n.286/98 eseguiti presso le frontiere aerea e marittima di Venezia dalla Polizia di frontiera nei confronti dei cittadini stranieri, nel periodo 01.03.2021 e fino al 30.09.2021, con indicazioni riguardanti le motivazioni del respingimento, il numero di persone di ogni nazionalità cui è stato rifiutato l'ingresso; riguardo al numero di manifestazioni di volontà di richiedere protezione internazionale presentate dai cittadini stranieri in ingresso nel periodo indicato e all'età e alla nazionalità dei cittadini stranieri che hanno manifestato tale volontà presso i valichi di frontiera in oggetto; riguardo i porti di destinazione a seguito di respingimento; e riguardo i paesi di destinazione a seguito di respingimento marittimo e aereo". – Avv. Luca Mandro.

ALL'AVVOCATO LUCA MANDRO
luca.mandro@venezia.pecavvocati.it

VENEZIA

e, per conoscenza
ALLA SEGRETERIA DEL DIPARTIMENTO
(Rif. Nr.555/PERS/15353/9.V-6 del 12.10.2021)
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ROMA

ALL'AUTORITA' RESPONSABILE DELLA PREVENZIONE
DELLA CORRUZIONE E DELLA TRASPARENZA
responsabiletrasparenzaecorruzione@pec.interno.it

ROMA

Con riferimento all'istanza di accesso civico generalizzato in oggetto si trasmettono, in allegato, i dati relativi agli stranieri respinti alla frontiera ex. art.10 del D.lgs. n.286/98 (*allegato 1*) e a quelli che hanno manifestato la volontà di chiedere protezione internazionale (*allegato 2*), per il periodo richiesto.



Ministero dell'Interno

DIPARTIMENTO DELLA PUBBLICA SICUREZZA
DIREZIONE CENTRALE DELL'IMMIGRAZIONE E DELLA POLIZIA DELLE FRONTIERE

Si comunica, inoltre, che ai sensi dell'art. 5, comma 7 del D.Lgs. 33/2013, nei casi di diniego totale o parziale dell'accesso, è possibile presentare istanza di riesame al Responsabile della prevenzione della corruzione e della trasparenza. Il termine per decidere sulla richiesta di riesame è fissato dalla norma in 20 giorni, salvo che il diniego o differimento sia connesso alla protezione dei dati personali, nel qual caso il responsabile per la prevenzione della corruzione e della trasparenza provvede sentito il Garante per la protezione dei dati personali, per cui il termine è innalzato di ulteriori 10 giorni.

IL DIRETTORE CENTRALE REGGENTE
De Matteis

RESPINGIMENTI ALLA FRONTIERA EX ART. 10 D.LGS 286/98 PERIODO DAL 01/03/2021 AL 30/09/2021
Ufficio Polizia di Frontiera presso scalo aereo e marittimo di Venezia

Nazionalità	BCP Imbarco	Nazione Imbarco	Motivazione	BCP AEREO	BCP	
					MARITTIMO	
Afghanistan	STN - London Stansted Airport	Regno Unito	I	2		
Albania	TIA - Tirana International Airport	Albania	B	1		
			HI	1		
			C	4		
Armenia	SVO - Moscow Sherem Airport	Federazione Russa	E	1		
			F	1		
			C	1		
			I	7		
Bangladesh	IST - Ataturk International Airport (Yesilköy International)	Turchia	F	1		
Bosnia-Erzegovina	STN - London Stansted Airport	Regno Unito	C	1		
Brasile	Porto di Fiume Rijeka	Croazia	I	-		1
			E	1		
			HI	1		
Canada	IST - Ataturk International Airport (Yesilköy International)	Regno Unito	HI	1		
			C	1		
			F	1		
Federazione Russa	Porto di Parenzo	Croazia	I	-		2
			E	1		
India	DXB - Dubai International Airport	Emirati Arabi Uniti	E	1		
			I	-		3
Kosovo	Porto di Fiume Rijeka	Croazia	I	1		
			C	1		
Macedonia	TIA - Tirana International Airport	Albania	C	1		
			C	1		
Marocco	CMN - Casablanca Mohammed V International Airport	Marocco	C	1		
			C	1		
Pakistan	IST - Ataturk International Airport (Yesilköy International)	Turchia	C	1		
			E	1		
Sri Lanka	TIA - Tirana International Airport	Albania	I	1		
			I	6		
Stati Uniti d'America	IST - Ataturk International Airport (Yesilköy International)	Turchia	I	1		
			I	1		
Turchia	LHR - London Heathrow Airport	Regno Unito	I	1		
			I	1		
Tunisia	Porto di Fiume Rijeka	Croazia	I	-		1
			C	1		
Turchia	TTUN - Tunis-Carthage International Airport	Tunisia	HI	1		
			C	1		
Turchia	IST - Ataturk International Airport (Yesilköy International)	Turchia	E	4		
			F	16		
Grand Totale				81	8	8

Allegato n° 1

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Ucraina	Porto di Odessa	Ucraina	I	3	-
Venezuela	IST - Atatürk International Airport (Yusufkoy International)	Turchia	HI	-	1
			C	1	-

LEGENDA MOTIVI DI RESPINGIMENTO:

- A) Sprovvisto/a di documento/i di viaggio valido/i
- B) In possesso di documento di viaggio falso/contraffatto/alterato
- C) Sprovvisto/a di visto valido o di permesso di soggiorno valido
- D) In possesso di visto o permesso di soggiorno falso/contraffatto/alterato
- E) Sprovvisto/a di idonea documentazione attestante scopo e condizione di soggiorno Non sono stati esibiti i seguenti documenti:.....
- F) Ha già soggiornato per 3 mesi durante un periodo di 6 mesi nel territorio degli Stati membri dell'Unione europea
- G) Sprovvisto/a di sufficienti mezzi di sussistenza in relazione al periodo ed alle modalità del soggiorno, nonché di mezzi sufficienti per il rientro nel paese di origine o di transito
- H 1) E' segnalato/ ai fini della non ammissione nel SIS
- H 2) E' segnalato/a ai fini della non ammissione nel registro nazionale
- I) E' considerato/a pericoloso/a per l'ordine pubblico , la sicurezza interna, la salute pubblica o le relazioni internazionali di uno degli Stati membri dell'Unione europea

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Stranieri che hanno manifestato la volontà di richiedere la Protezione Internazionale nel periodo dal 01/03/2021 al 30/09/2021				
Ufficio Polizia di Frontiera presso scalo aereo e marittimo di Venezia				
Nazionalità	Est	BCP MARITTIMO	BCP AEREO	
Afghanistan	24		1	1
	25		1	-
	27		2	-
Albania	26		-	1
Brasile	40		-	1
Cuba	28		-	2
	35		1	-
Guinea	24		-	1
	32		-	1
Marocco	20		1	-
	25		1	-
Nigeria	35		-	1
Pakistan	24		-	1
TOTALE			7	9

Allegato n. 2

URGENTE SEGNALAZIONE PORTO DI BARI

Erminia Sabrina Rizzi <erminiarizzi@gmail.com>

23 maggio 2021 17:46

A: Andrea Pecoraro <pecoraro@unhcr.org>, bianco@unhcr.org, cooperativapanacea@libero.it

Gent.issimi,

in data odierna ho ricevuto segnalazione della presenza di sette persone di etnia curda, tra cui almeno una donna, rintracciate al porto di Bari all'interno di un traghetto proveniente dalla Grecia. Dalle informazioni ricevute, ci sarebbero persone che in Turchia hanno subito persecuzione per motivi politici, sono reduci da uno sciopero della fame in segno di protesta, sono in condizioni fisiche precarie e vorrebbero chiedere protezione in Italia. Non ho altri dettagli perchè la comunicazione con loro si è interrotta e risultano irrintracciabili anche per le loro famiglie. Parlano curdo e turco. Ho solo il nominativo di [redacted] nato in Turchia il [redacted] che però non risponde ai familiari con i quali era precedentemente in contatto.

Non sono a conoscenza se hanno avuto accesso alla procedura di richiesta della protezione internazionale o se gli sia stato notificato un provvedimento di riammissione.

Chiedo che i vostri uffici intervengano per verificare la situazione dei sette cittadini stranieri rintracciati al porto di Bari, perchè gli venga garantita informativa legale in una lingua a loro conosciuta e le tutele previste dalla legge.

Resto a disposizione per ogni necessità.

Cordialità.

Erminia S. Rizzi
per A.S.G.I.
+ 39 339 6037258

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Bari, 14 agosto 2020

Spett.le

Ufficio Polizia di frontiera marittima ed aerea di Brindisi

Pec: frontpolmare.br@pecps.poliziadistato.it

Oggetto: segnalazione su presenza di un minore straniero non accompagnato alla frontiera portuale di Brindisi

In relazione all'oggetto, la sottoscritta avv. Mariacesarea Angiuli, in qualità di referente regionale di ASGI (Associazione Studi Giuridici sull'Immigrazione aps), significa quanto segue.

L'associazione ha ricevuto una segnalazione dell'arrivo di un minore straniero non accompagnato, Muhammad, nato in Afghanistan il 05/09/2004, alla frontiera portuale di Brindisi.

Il ragazzo ha dichiarato di essere minore e proviene dall'Afghanistan; pertanto nei suoi confronti devono essere attivate idonee garanzie in ragione della minore età e in virtù del principio di non refoulement.

Si chiede che il minore sia collocato in una struttura di accoglienza per minori e di ricevere informazioni in merito alle procedure attivate a sua tutela.

Distinti saluti.

avv. Mariacesarea Angiuli

Associazione per gli Studi Giuridici sull'Immigrazione – ASGI APS

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www.asgi.it

C.F. 97086880156 – P.IVA 07430560016



Bari, lì 4 aprile 2021

A mezzo PEC e PEO



Spett.le
Ministero dell'Interno
**Ufficio Polizia di frontiera marittima e
aerea di Bari**
frontpolmare.ba@pecps.poliziadistato.it
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Spett.le
Prefettura Bari
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e p.c.

Spett.le
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behr@unhcr.org
bianco@unhcr.org
pecoraro@unhcr.org

Spett.le
**Panacea - Società Cooperativa Sociale
a r.l.**
cooperativapanacea@pec.it
cooperativapanacea@libero.it

Oggetto: segnalazione presenza richiedente protezione internazionale presso frontiera portuale di Bari.

Ieri, 3 aprile, l'associazione scrivente ha ricevuto segnalazione della presenza del Sig. [redacted], cittadino afgano, alla frontiera portuale di Venezia, imbarcato sulla Eurocargo Alexandria, della Grimaldi Lines. Il Sig. [redacted] ha dichiarato di voler chiedere protezione internazionale in Italia e di aver manifestato tale propria intenzione

appena giunto al porto di Venezia, ma di essere stato nuovamente imbarcato per essere riammesso in Grecia. In tale senso è stata inviata una segnalazione scritta da parte dell'associazione SOS Diritti di Venezia, ma la nave era già ripartita.

Attualmente la nave ed il signor [redacted] sono fermi al porto di Bari in attesa di ripartire per Patraso. Il signor [redacted] i ha diritto di accedere alla procedura per il riconoscimento della protezione internazionale in Italia, avendo manifestato volontà in tale senso; pertanto nei suoi confronti devono essere attivate le tutele previste dalla legge e l'accesso alla procedura di richiesta della protezione internazionale, come previsto dalla normativa vigente.

In attesa di riscontro, distinti saluti

Per A.S.G.I.

Dott.ssa Erminia Sabrina Rizzi

Avv. Dario Belluccio
BELLUCCIO DARIO
04.04.2021 10:32:43 UTC

Per contatti:

Dott.ssa Erminia Sabrina Rizzi – Mobile 3396037258