

23 July 2004

## **UNHCR CRITICIZES HANDLING OF CAP ANAMUR ASYLUM CLAIMS**

GENEVA – The UN refugee agency today wrote to the Italian authorities criticizing the process that led up to the expulsion from Italy of a group of asylum-seekers at the centre of an international furore. UNHCR expressed its strong concern over apparent disregard for accepted international and European standards and for fundamental elements of due process.

A group of 25 (out of a total of 37 people who were picked up in the southern Mediterranean by the German NGO Cap Anamur in late June) was flown out of Rome's Fiumicino airport around 5:30 a.m. on Thursday and landed in Ghana around 12:15 p.m. Five others had earlier been deported to Nigeria. One person appears to have received a temporary residence permit in Italy without going through the asylum process.

“Irrespective of whether or not these people were indeed all from Ghana and Nigeria, and whether or not they were refugees or people trying to enter Europe for other reasons, we are very concerned at the manner in which their cases have been dealt with,” said Raymond Hall, UNHCR’s Director for Europe.

While UNHCR applauded the decision of the Italian Government to permit disembarkation of the 37 on humanitarian grounds, it regretted serious flaws in the subsequent handling of the asylum claims.

Shortly after being allowed to disembark, and despite the fact that the group had given clear indications that they wished to claim asylum, it appears that diplomats from several possible countries of origin, including Sudan, were brought to see them. Exposing possible refugees to a representative of the government that may be responsible for their flight is contrary to basic refugee protection principles.

The Central Commission which carries out refugee status determination in Italy also appears to have been under strong pressure to deny the asylum claims, with the authorities already informing the media that no one from the group was a refugee before the Commission had even begun interviewing them.

The five-member Commission, which also includes UNHCR in an advisory role, had to interview all 36 people in under two days, without adequate preparation: there was virtually no information available about the possible countries of origin, and very inadequate interpretation facilities. The asylum-seekers themselves were not given proper access to legal counsel.

### **Media Relations Public Information Service**

hqp00@unhcr.ch

HQPI00

P.O. Box 2500  
1211 Geneva 2

Tel.:  
(41 22) 739 85 02

Fax:  
(41 22) 739 73 15

[www.unhcr.ch](http://www.unhcr.ch)

Despite the pressure, the Commission recommended that 22 of the 37 be allowed to stay for humanitarian reasons. Another 14 were rejected. Most, if not all, of the group of 22 were nevertheless deported yesterday, even though the procedure undertaken by the Commission to revise its original decisions was not yet formalized.

UNHCR had limited access to the entire group while they were still being held in Sicily. On Monday, UNHCR was given access to the group of 14 who had had their applications rejected and were by then in Rome. All 14 had notified lawyers of their desire to appeal the decision. On Tuesday, UNHCR could not get access to the other group of 22 recommended for humanitarian status by the Commission, who were also appealing the decision not to grant them full refugee status under the 1951 UN Refugee Convention.

Since Monday, UNHCR was not able to obtain access to the group and its requests for information were left unanswered.

“Acceptable standards for the treatment of asylum claims must be upheld in all instances,” said Hall. “In this particular case, several aspects of the process fall short of international and European norms, including absolute minimum standards laid down in the recently agreed EU directive on asylum procedures. The politicization of these cases on all sides was also very unfortunate. We hope to be able to collaborate with the Italian authorities to ensure that, in future, asylum procedures include appropriate safeguards.”

“We also feel that there are still question marks surrounding the conduct of Cap Anamur,” Hall said. “At the end of the day, the 37 people on that boat, whoever they are, became victims of various competing interests. That is not the right way to approach the extremely serious – indeed often life-saving – issue of asylum.”

UNHCR said that the whole unfortunate episode -- which at various points threatened to embroil three states (Italy, Germany and Malta) in complex legal disputes -- underlined the clear need for the European Union to adopt measures to ensure better burden-sharing among states. This is particularly the case where there may be different interpretations of state responsibility, or where a particular problem involving asylum-seekers or refugees falls disproportionately on the shoulders of one particular EU country. For the most part these are likely to be the Mediterranean states, such as Italy, and the EU border states in Central Europe. UNHCR recently made a set of far-reaching proposals to the EU which attempt to grapple with some of these difficulties.

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Public Information  
Service**

hqpi00@unhcr.ch

HQPI00  
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1211 Geneva 2

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Fax:  
(41 22) 739 73 15

[www.unhcr.ch](http://www.unhcr.ch)