

1. Event - Palermo (I) - on April 4, 2016: "Scafisti" o soccorritori? L'immagine del "trafficante" dalla Cap Anamur ad oggi ("Smugglers" or rescuers? The image of the "trafficker/smuggler" from the Cap Anamur to our days")

Presentation and debate about discourses and representations on human smuggling in Italy and Greece. The panel in the "ARCI Porco Rosso" (ARCI is an Italianwide social promotion association for recreation and culture) was composed of Captain Stefan Schmidt (borderline-europe), Fulvio Vassallo Paleologo (ADIF), Leonardo Marino (Lawyer, Agrigento), Lucia Borghi (Borderline Sicilia) and Judith Gleitze (borderline-europe) and was moderated by Alberto Biondo (Borderline Sicilia). In this panel, different legal cases against suspected smugglers in Italy and the current practices of criminalization were analyzed (from the criminalization of humanitarian assistance to the current criminalization of migrants). The first two cases – that of the Cap Anamur (2004) and that of the Tunisian fishermen (2007) – served as an example of the penalization of humanitarian assistance.

The panel discussion focused on:

- The fact that "alleged smugglers" arrested are corresponding to standard calculations; for each landing and rescue event, there are very specific numbers of arrests. This strategy is mostly based in numbers and statistics, as main criteria to evaluate the effectiveness of the fight against smugglers. Nevertheless, this perspective does not go deeper into the phenomenon of smuggling, i.e. its origins; therefore, a real impact against human smuggling is not to be expected. This is an illusory fight, since it excludes the roots of human smuggling, for example, nonexistent legal ways that refugees could use to come to Europe.
- The concern that witnesses are put under pressure with the promise of a residence permit and a better future in Europe. Many of them are abandoned after giving testimony for legal asces without an effective opportunity to follow pathways to integration or to request protection. In addition, testimonies that are collected immediately after the rescue are often very different from those issued at a later time. In spite of this, they tend to constitute the grounding for assumptions which are central to the charges against and convictions of suspected smugglers.



Vassallo Paleologo, Marino, Biondo, Schmidt, Gleitze (from left to right). Foto: Frank Jugert

Borghi,

Judith Gleitze summarized the Greek situation in three phases that characterize the approach of the Greek government against smugglers in recent years, and that are linked to the economic and political transformations of Fortress Europe.

- 1) May to November 2015: criminalization of support practices. Indictment of the "transporters";
- 2) November 2015 - February 2016: step-by-step closure of the border with Macedonia, Hotspot Lesbos = "European agenda" and indictment of rescuers at sea;

3) Since February 2016: the total closure of the border with Macedonia, NATO mission in front of Turkey to defeat "the smuggling networks" and the indictment of migrants.

2. Event - Palermo (I) - June 30, 2016: In fuga dalla Libia – chi sono veramente i "presunti scafisti"? ("Fleeing from Libya – who are the "alleged smugglers"?)

Since years Italy and the European Union are dealing with Libya. In 2009 Berlusconi and the former leader of the Libyan regime Gaddafi signed an agreement providing for the payment of billions of euros for compensation for Italian colonialism, but behind this the main topic in the agreement was the to stop the "migration flows."



In 2011, during the so-called "Arab Spring", however, the Libyan state falls apart and so the wall erected to stop migratory crumbled. Even today we cannot speak of a stable state by referring to Libya, despite what the EC seeks to establish with agreements to stop the migrants who are starting right from the African coast. After an introduction about EACEA –KideM project by Lucia Borghi Judith Gleitze gave an overview about the arrests of migrants as “alleges smugglers” in Sicily. The main questions to discuss with the freelance journalist Nancy Porsia in the Palazzo Branciforte Museum were about the actual situation in Libya:

Who governs between militias and government forces? What it means for migrants who have no choice? Who are the people who organize the journeys of hope and who are the "alleged smugglers"? As if she is travelling and working a lot in Libya Porsia could give a good overview about the distinction between “smugglers”, traffickers and migrants forced to drive (you will find this in the Excursus in the Country Report Italy). Andrea Norzi, deputy prosecutor in Trapani (Sicily) confirmed that the migrants arrested as alleged smugglers for the most part are even migrants who had to drive, but the political pressure to arrest



from left to right: Porsia, Norzi, Vassallo Paleologo, Gleitze, Borghi

with every arrival some migrant as alleged smuggler is very hard and even really difficult to deal for the Public Prosecutor Offices. For him as a responsible deputy prosecutor it is really difficult to condemn these migrants because they know very well that they have to deal with “simple migrants” and not with real traffickers who never would accompany the migrants to Europe

3. Event – Catania (I) – February 27, 2017: DALLA TRATTA AL CARCERE: GLI SCAFISTI “FORZATI (“From being trafficked to prison: the forced alleged smugglers”)

How to get to ask for international protection going beyond the borders of Fortress Europe when human rights and freedom come into conflict with security policies and European legislation? This was the initial point of the EACEA KideM project and in the 3rd event in Italy we discussed in the Platamone Palace, a municipal venue of the city of Catania with the journalist Giacomo Zandonini who worked on the migrants’ route in Niger and on a humanitarian rescue vessel in the Mediterranean Sea, a with B. who had been arrested as an “alleged smuggler” in Sicily and lives now in Milan, Dr. Coco who was working with migrants as psychologist in a prison and with Germana Graceffo, defense lawyer for migrants accused as “alleged smugglers” in Sicily.



From left to right: Zandonini, Biondo, Graceffo, B., De Luca, Coco

Giacomo Zandonini reported his experiences in Niger about migrants forced to confide themselves in smugglers to cross the Sahara and the Mediterranean Sea because of the impossibility to choose legal ways to go to Europe. B., a Senegalese migrant who was arrested after his arrival in Italy as an alleged smuggler continued this journey-telling of migrants travelling from Africa to Europe. He confirmed the stories we heard in the 2. event about the situation in Libya where he was forced to pay a trafficker and to take the GPS during the

journey. Only with the help of his good, engaged lawyer, Marcella De Luca, also present in the meeting, he was released. The arrival in Europe, the investigations and the procedure which ended with his acquittal, illustrated again the ineffectiveness and violence of criminalization policies implemented by Italy, who cannot distinguish the smugglers from the real organizers (traffickers) crossings and end up punishing those who should be protected.



Germana Graceffo, lawyer of the non-profit NGO Borderline Sicilia, analyzed the legal point of view and described the procedures of alleged smugglers who in reality are victims of trafficking. The importance of ensuring individual protection, to fight a certain institutional racism, doing a job of real analysis of individual cases has been reaffirmed in the light of recent practices implemented by several lawyers that interface with these situations with increasing frequency since the high number of arrests.

The state of abandonment and lack of protection in jail was also touched by psychologist Salvo Coco, which carries out its activities in prisons of Catania and Giarre.

Coco has described as the psychological and physical condition, as well as legal, of foreign prisoners in jail is first systematically undermined by the lack of a possibility of verbal communication, for the lack of interpreters and mediators. This leads to non-recognition of basic rights, and often also to the implementation of highly illegal practices, such as the detention of minors in adult prisons. Lack of communication is often replaced with the abuse of drugs and sedatives, which aim to keep silenced those seeking to claim rights only.

The debate has been enriched with questions and comments of the audience and with precious testimonies of lawyers, workers of organizations operating in the territory and in daily contact with migrants arrested and then "released" in a few days, often completely alone and unaware of the proceedings to which they are subjected.