

BETWIXT AND BETWEEN: RESPONSES FROM AUTHORITIES

**ADDITIONAL INFORMATION FROM A NOVEMBER 2012 INTERVIEW
WITH RED CROSS, QUESTURA AND PREFETTURA REPRESENTATIVES
IN RELATION TO THE SEPTEMBER 2012 *BETWIXT AND BETWEEN*
REPORT ON TURIN'S IMMIGRATION DETENTION CENTRE**



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BETWIXT AND BETWEEN: TURIN'S CIE

A RESPONSE FROM AUTHORITIES

DECEMBER 2012 SUPPLEMENT

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University of Turin and the Eastern Piedmont University in Alessandria*

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EXECUTIVE SUMMARY

This paper is a supplement to the International University College of Turin's September 2012 report *Betwixt and Between: Turin's CIE. A human rights investigation into Turin's immigration detention centre*¹, which considered the findings of an interview-based study of Turin's immigration detention centre in terms of international, European and Italian human rights and migration law. The *Betwixt and Between* report examined Turin's *Centro di Identificazione ed Espulsione* (Turin's CIE) by considering both individual and systemic problems faced by detainees, their families and people who have direct contact with Turin's CIE in a professional or voluntary capacity. On 12 November 2012 the researchers met with the Director of Turin's CIE (Italian Red Cross – Military Section) and senior representatives from the *Questura di Torino – Ufficio Immigrazione* (Immigration Office) and *Prefettura di Torino* in order to conduct a lengthy interview about issues raised in the *Betwixt and Between* research study. This paper analyses the information received during this interview with the authorities in response to the allegations made by interviewees of the September 2012 *Betwixt and Between* report in relation to conditions of detention inside Turin's CIE and related judicial and legal processes.

The September 2012 *Betwixt and Between* report identified seventeen key problems that related to: family life and the effect that detaining parents has on children; insufficient health care; unsatisfactory protection for asylum seekers and humanitarian entrants; a lack of training and institutional support for people from culturally and linguistically diverse communities; the stressful and degrading nature of living in the CIE; controversies in the Italian administrative law system for deciding on and validating immigration detention; and the discrepancy between the level of rights protection that is afforded in immigration matters where liberty is at stake when compared with the criminal justice system.

In the research stages that lead to the *Betwixt and Between* report, the researchers attempted to contact a wide cross-section of individuals and institutions who have contact with Turin's immigration detention centre. Requests for interviews were made to the Red Cross managing entity, *Questura* and *Prefettura* representatives, immigration lawyers, former and current detainees, NGO workers, a journalist and CIE volunteers. However, the researchers did not receive the necessary approval to interview CIE staff and management within the designated research time frame. Consequently, the very important "staff and authorities perspective" could not be included in the September 2012 report. In November 2012, the researchers received authorisation to interview the CIE Red Cross Director, two *Questura* Immigration Office representatives and one representative from *Prefettura*.

Firstly, the paper considers the measures that have been put in place by the Red Cross, *Questura* and *Prefettura* regarding the right to family life, the best interests of detainees' children and communication with the outside world. The paper then analyses the effect of linguistic barriers inside CIE by presenting the protections that the authorities have been implementing for vulnerable people. Furthermore, the *Betwixt and Between* report received a number of disturbing complaints about health and medical assistance inside CIE and as such, several questions were asked of authorities in relation to healthcare services, self-harm and hunger strikes, psychotropic medication and hygiene. The paper then turns to the question of

¹ Stege et al, *Betwixt and Between: Turin's CIE. A Human Rights Investigation into Turin's Immigration Detention Centre*, International University College of Turin, 2012, <<http://www.iuctorino.it/content/betwixt-and-between-turin%E2%80%99s-cie>>.

respect for detainees' religious rights, noting the measures that have been taken by authorities to assist detainees to practice their religion, despite the difficulties faced by detainees who do not have an official designated space for prayer. Daily issues have a huge effect on the conditions of detention, and we thank the authorities for their detailed explanation about the activities run inside CIE, the food, the space and the maintenance procedures.

In many ways, relationships inside detention form the fabric of every-day life in CIE and relationships among detainees and between detainees and staff are complex and perhaps difficult for outsiders to truly comprehend. The CIE staff have a hard and emotional job and detainees are living without liberty under extremely uncertain and stressful conditions in a culture and legal system that might be very different from that to which they are accustomed. This paper also considers more controversial aspects of the relationship between detainees and security staff including the methods of security control that can be used in CIE, namely tear gas and allegedly water cannons.

The final part of this paper reflects upon the judicial and legal processes surrounding Turin's CIE so far as they concern the Red Cross, *Questura* or *Prefettura*. The *Questura* representatives provided a detailed explanation of the hurdles to obtain a speedy identification from foreign embassies and consulates and the measures that are taken by Italian authorities to try to negotiate with foreign embassies to complete identification more quickly, so as to decrease waiting periods that their nationals can face inside Turin's CIE. The *Betwixt and Between* report also found that a significant portion of the interviewed detainees had a limited understanding of their legal situation due to linguistic barriers, illiteracy, lack of accessible information, the nature of proceedings in front of the *Giudice di Pace* and problems with lawyers. Access to lawyers and hearings is also central to access to justice and as such the authorities explained the proactive steps that are taken by CIE staff to inform detainees about their rights.

The September 2012 *Betwixt and Between* report was researched and written as part of the International University College of Turin's Human Rights and Migration Law Clinic, a clinical legal training program for undergraduate law students and LLM masters students. The Human Rights and Migration Law Clinic is run by the International University College of Turin in cooperation with the Faculties of Law of the University of Turin and the Eastern Piedmont University in Alessandria and in partnership with the *Associazione per gli Studi Giuridici sull'Immigrazione*. This paper was produced in a joint effort by a research group comprised of two supervising lawyers and four former students of the 2011/2012 Human Rights and Migration Law Clinic.

I. INTRODUCTION

Independent human rights monitoring and analysis is crucial for any detention facility because State power is being exerted to limit an individual's freedom and consequently the application and effects of such power should be subject to observation by a range of civil society actors. Under EU Directive 2008/115/EC, State Parties should only use immigration detention as a "last resort"². The choice to detain a fellow human is a serious decision for which each member of a democratic community takes some responsibility, and as such, we must all have access to information that can contribute to informed and open civil society debate. Similarly, State and quasi-State authorities should incorporate human rights analysis at every step of the decision making process from the writing of formal legislation to the day-to-day implementation of policies or organisational regulations.

This paper analyses information provided by a *Prefettura di Torino* representative and two *Questura di Torino – Ufficio Immigrazione* (Immigration Office) representatives who work in Turin's Centre for Identification and Expulsion (CIE)³, as well as by the CIE Red Cross Director. The article discusses their responses to controversial aspects regarding the conditions of detention, policy implementation and the economic limitations within which they work. It provides an important supplement to the more detailed September 2012 report *Betwixt and Between: Turin's CIE. A human rights investigation into Turin's immigration detention centre*⁴, which analysed the results of an interview-based legal study on Turin's CIE in terms of international, European and Italian human rights and migration law. This article will focus on the areas of controversy raised by the *Betwixt and Between* report, namely the right to family life, legal protections of the best interests of the child, communication with the outside world, healthcare, relationships between stakeholders, daily life and activities inside detention and judicial and legal processes.

The authorities and staff who manage Turin's "Brunelleschi" Centre for Identification and Expulsion have an extremely difficult job, working day-in day-out with detainees from diverse cultures who are living in extremely vulnerable, uncertain and emotional conditions. The expectations placed on CIE staff and the organisational policies pertaining to the administration of a CIE must be legally, economically and politically contextualised since staff are inevitably limited by overarching resource and infrastructure decisions that are often beyond their individual or organisational control. Independently monitoring human rights conditions inside immigration detention is crucial because it sheds insight into how economic, educational, legal or structural limitations can pose a substantial risk to, or even infringe upon, the full practical realisation of human rights. In Italy, access to information about immigration detention has slowly improved since the December 2011 revocation of *Circolare Prot. n. 1305*, which had previously prevented journalists from entering CIEs for eight months in 2011⁵. Nevertheless, a number of researchers and journalists still face

² Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, L348/98 *Official Journal of the European Union*, 24.12.2008.

³ In Italy, an immigration detention centre is called "*Centro di Identificazione ed Espulsione*" or "CIE".

⁴ Stege et al, *Betwixt and Between: Turin's CIE. A Human Rights Investigation into Turin's Immigration Detention Centre*, International University College of Turin, 2012, <<http://www.iuctorino.it/content/betwixt-and-between-turin%E2%80%99s-cie>>.

⁵ *Ministero dell'Interno, Circolare Prot. n. 1305 del 1 aprile 2011 (11050/110(4))* was revoked by the current Minister of the Interior, Anna Maria Cancellieri, in December 2011. However, on a practical level the previous ministerial policy has still deeply affected the chance to get information from inside of CIE. For further

extreme difficulty in obtaining pictures and information evidencing the conditions of detention inside CIE. In reality it can be hard for journalists and researchers to attain authorisation to conduct detailed interviews in private with detainees and staff. The extent to which information on Italian CIEs can be accessed differs, largely depending on the dynamics of the body who manages the CIE in question.

We are very thankful to the Italian Red Cross – Military Section, *Questura di Torino - Ufficio Immigrazione* and *Prefettura di Torino* in charge of Turin’s “Brunelleschi” CIE, who in November 2012 consented to a detailed interview with the authors of this article and provided an abundance of information about the daily administration of immigration detention in Turin. We note that this article is limited to the authorities’ responses to the human rights issues raised in the *Betwixt and Between* report and as such it does not deal with the larger and vitally important question of whether immigration detention centres themselves are justified.

1. THE SEPTEMBER 2012 *BETWIXT AND BETWEEN* REPORT

The September 2012 *Betwixt and Between* report is a detailed human rights study into Turin’s immigration detention centre that incorporated qualitative interview-based research with more general legal and academic analysis. The researchers contemplated the Italian, European and international legal framework governing immigration detention centres before considering all of the most recent and relevant reports and articles dedicated to the administrative detention of migrants in Italy⁶. The main investigative phase of the research took place between March 2012 and July 2012, when the researchers conducted twenty-nine semi-structured interviews of approximately forty to ninety minutes with a range of individuals who were involved in Turin’s immigration detention centre. The scope of the research was limited to experiences of detention that occurred between January 2011 and June 2012 inclusive inside Turin’s CIE. Furthermore, the research was carried out with the particular aim of giving voice to former and current detainees, given the fact that much of the prior research on migration in Italy contains relatively little evidence taken directly from the affected migrants themselves. Migrants are a key stakeholder in political, legal and administrative decisions about migration and therefore the emphasis of the September 2012 *Betwixt and Between* report was to include the “lived experience” of those within detention. The methodology of the September 2012 *Betwixt and Between* study is detailed in the original report⁷.

With the aim of completing a balanced study, the researchers of the September 2012 *Betwixt and Between* report made an effort to communicate with as many stakeholders as possible who had contact with Turin’s CIE. Requests for interviews were publicised and sent to detainees and their families, *Prefettura*, *Questura*, the Red Cross, CIE volunteers, NGO workers, journalists and immigration workers. Semi-structured recorded interviews were successfully conducted with current and former detainees, NGO workers, volunteers, a journalist and immigration lawyers. The request to enter Turin’s CIE and interview the Red

information, see the Italian *LasciateCIEntrare* campaign for journalists, researchers and civil society to have greater access to Italian CIEs, see: <<http://www.lasciatecientrare.it/>> and <<http://www.openaccessnow.eu/it/>>.

⁶ Previous investigations that had been conducted inside Italian CIEs represented crucial benchmarks for this study both in terms of content and methodology. See the *Betwixt and Between* report for a complete bibliography.

⁷ Stege et al, *Betwixt and Between: Turin’s CIE. A Human Rights Investigation into Turin’s Immigration Detention Centre*, International University College of Turin, 2012, 9-14.

Cross managing entity, *Questura* representatives and the CIE staff was made in May 2012. However, unfortunately by the time of publication in late September 2012, the researchers still had not received official authorisation to enter CIE or interview its staff. On 15 October 2012 the researchers were granted authorisation to enter Turin's CIE and on 7 November 2012 they received a final confirmation, which permitted them to enter the structure on 12 November 2012.

We would like to thank the four representatives from Red Cross, *Prefettura* and *Questura* who generously provided over three hours of their time to give detailed answers to the six researchers during their CIE visit.

2. DISCLAIMER

The following article contains a summary of the responses provided in a verbal interview with a representative from *Prefettura*, two representatives from *Questura* and the CIE Red Cross Director on 12 November 2012. This analysis is based principally on the abovementioned authorities' responses and it should be understood as a supplement to be read in conjunction with the original and more comprehensive September 2012 *Betwixt and Between* report. The original report should be consulted for further information about the often contrasting manner in which current and former detainees, lawyers, NGO workers and volunteers considered the issues that are presented in this article.

II. CONDITIONS OF DETENTION

1. PERSONNEL PRESENT IN TURIN'S CIE

The authorities⁸ confirmed that there are several police branches, the Red Cross staff, cultural mediators, doctors, nurses, psychologists, social workers and “advice-only lawyers” working inside Turin’s CIE. The authorities stated that the Red Cross and the *Questura* Immigration Office staff do receive special preparation when they are employed inside CIE. However, the military and security personnel do not undertake a specific training course. The authorities justified this on the basis that the military staff inside CIE are only in charge of security and public order and they generally do not enter the detainee areas. However, in reality military personnel are constantly in a very close contact with detainees as they patrol the corridors surrounding the areas, they speak with detainees and they accompany detainees in all of their movements outside of their detention areas. The military and security personnel do change more often than the other CIE staff, however this does not negate the need for them to receive more detailed and specific training. After all, a large number of criticisms concerning the detainee-staff relationship that emerged from the *Betwixt and Between* report were in relation to alleged interactions with the military personnel.

2. FAMILY LIFE, CHILDREN AND CIE

There are thirteen CIEs that are positioned throughout Italy. The *Betwixt and Between* report exposed concerning evidence that insufficient attention is being paid to the best interests of the child when authorities determine the geographical location of the CIE in which a parent is to be detained. There were reports of parents who were allocated to CIEs that are far away from the region in which their children resided. For example, we interviewed a single mother in Turin’s CIE with a nine-year-old Italian-born daughter in Rome and we heard of a former detainee who had been detained in Turin’s CIE for months despite the fact that her four dependent children were at the other end of the country in Reggio Calabria.

The CIE authorities responded that people are generally allocated to the CIEs that are closest and this decision is dependent on the number of places that are available in each Italian CIE on any given day. The authorities explained that there is a centralised system where every morning each Italian CIE communicates the number of free beds that are available for male and female detainees in the structure and where possible authorities attempt to locate people based on the geographical region they were living in. Despite this explanation, it does seem somewhat strange that a situation could exist where there are no CIEs with available places for women between Reggio Calabria in the far south and Turin in the far north.

The authorities further explained that detainees can be transferred between CIEs in circumstances where it would be easier for the embassy or consulate in question to undertake identification of all of their alleged nationals if those nationals were detained in the same CIE. The authorities claimed that detainees are usually informed about transfers between CIEs, although sometimes the authorities prefer not to inform certain detainees in advance in cases where the authorities fear that advising a detainee could jeopardise security or threaten public order within CIE. The same criterion is applied at the moment of transfer for

⁸ Throughout this article the word “authorities” will be used to describe the perspective of the four representatives from *Prefettura*, *Questura* and Red Cross who were interviewed for this article.

repatriation. Generally, when detainees are moved from one CIE to another they are not transferred back to the original CIE even in cases where the purpose of their transfer, namely a planned meeting with the consulate representatives, identification or repatriation, does not take place.

3. COMMUNICATION WITH THE OUTSIDE WORLD

The *Betwixt and Between* report revealed that barriers to communication with the outside world are concerning and should be analysed recalling the right to family and private life under article 8 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms* (ECHR)⁹.

A. VISITS

The authorities confirmed that Turin's CIE has visiting hours between 2pm and 6pm from Monday to Saturday. Detainees must fill in a form to indicate who they would like to receive a visit from and the visitor must be registered for any further visits. The authorities confirmed that visitors can be made to wait outside for long periods of time before being allowed to meet the detainee who they wish to visit. The authorities further explained that they currently do not have the "capacity" to organise visits more efficiently, as there is only one visiting room and there are insufficient CIE personnel to transfer more detainees in the same moment from their areas to the visiting room. The authorities stressed that the latter is actually the crucial issue, since a significant number of military personnel are needed to accompany each detainee. On the contrary, some empty and unused rooms do exist inside the CIE structure that could be useful for visits. However, the authorities said that the maximum number of simultaneous visits that they are able to facilitate is for two detainees to meet their visitors in two separate rooms. In the September 2012 *Betwixt and Between* report, a number of detainees, lawyers and volunteers alleged that there is usually only one open visiting room and two simultaneous detainee visits will only occur under exceptional circumstances which are always dependent on the staff availability in any one precise moment. Despite contrary evidence provided by detainees, volunteers and lawyers in the September 2012 *Betwixt and Between* report, the authorities did claim that CIE visits are organised in the best possible manner. As an example, they stated that they take care to give precedence to pregnant women, where possible. Notwithstanding the efforts made by CIE authorities and personnel, it is undeniable that in a centre that can host up to 131 (and potentially 210) detainees, it is not enough to devote only one room to detainee visits because there are no separate channels for different kinds of visitors, namely lawyers, consular representatives, family and friends.

B. POSTAL COMMUNICATION

According to the Red Cross, detainees can use their 3.50 euro daily credit also to buy stamps and where a detainee does not have a stamp then the Red Cross will usually provide one. The Red Cross has an agreement with *Poste Italiane* so that they can assist detainees by collecting their mail and money orders from INPS or previous employment (e.g. employment during jail detention), provided that the detainee consents and provides identification documents. Letters and boxes that enter and exit CIE are registered, however they are only opened by authorities in the presence of the recipient or sender for the purpose of security controls.

⁹ *European Convention for the Protection of Human Rights and Fundamental Freedoms*, opened for signature 4 November 1950, ETS 5 (entered into force 3 September 1953 and ratified by Italy 26 October 1955).

C. TELEPHONE COMMUNICATION

The authorities confirmed that it is not possible to use telephones with videos or cameras in CIE due to privacy and security concerns. According to authorities, detainees with camera phones can either break their own telephone cameras or alternatively they can ask to borrow a mobile telephone from the Red Cross who have approximately twenty extra mobile phones without cameras which are available to be lent to detainees for the duration of their detention. Authorities also reported there is a telephone cabin that accepts phone cards located inside each of the detainee areas.

Our interviewees and the authorities provided different accounts about detainees' access to telephone credit inside CIE. The CIE authorities did confirm the evidence from detainee testimonies about receiving only 3 x 5 euro international telephone cards in their first weeks of detention and no telephone cards after this date. The authorities stated that detainees are given a CIE debit card that automatically recharges with 3.50 euros for each day of detention and this is consistent with detainees who explained that they received approximately 21 euros per week. However, the authorities further claimed that this 3.50 daily allowance could be used to buy telephone credit in addition to food, drinks and cigarettes. According to authorities, detainees can save up their daily allowance in order to buy 5 euro international phone cards. Moreover, if detainees have their own money they can also ask the Red Cross to buy telephone credit to charge their personal mobile phones on at least a weekly basis.

None of the seventeen detainees who were interviewed in the *Betwixt and Between* study said that they could use their 3.50 euro daily allowance to buy international telephone cards or to charge their mobile telephone credit. Moreover, most of the interviewed detainees, volunteers and NGO workers considered a lack of money for telephone credit and the consequent difficulty in calling family and friends to be one of the hardest aspects of life inside Turin's CIE. This discrepancy between the statements made by authorities and detainees is perplexing. An explanation of why the surveyed detainees did not understand the policy on telephone credit could be that they do not appear to be adequately informed of their rights. The evidence in the *Betwixt and Between* report suggests that detainees generally have a low level of understanding about their rights inside CIE and that illiteracy and language barriers are key obstacles to comprehension of the *Prefettura di Torino* information booklet that is given to detainees when they enter Turin's CIE. It suffices to glance at a copy of the English version of the booklet:

“Supply of phone cards and cheap ticket: a phone card from the value of 15€ (or three of 5€ each) and a block of tickets equal to 21€ for economic renewal every 7 days, are provided at the time of the alien in the centre. The tickets are expendable at the Centre for postal stamps, phone cards, snack foods, cigarettes soft drinks etc.” (page 3)

The low quality English translation of the detainee information booklet by Ministry of the Interior, *Prefettura di Torino* renders several sections of this vital document incomprehensible. Here, it might seem that detainees are to receive 15 euros of telephone credit per week and when read in conjunction with other outdated information speckled throughout the brochure, it is no wonder that there is so much confusion amongst the detainee population. We must recall that a seemingly small thing such as being able to make a telephone call has an immense impact on the life of a person who is bored and inside a cell for weeks on end. This information booklet is also available in Italian, Arabic, French,

Russian, English, Chinese and Spanish and given the confusion in the English translation, the translations in other languages should also be reviewed in order to ensure that detainees can actually understand their rights and responsibilities. Many of those detainees who are literate would nevertheless be attempting to read this information booklet in a language that is their second, third or even fourth language. Consequently, comprehensibility and simplicity of language is key to improving rights awareness; a cornerstone of access to justice.

4. LINGUISTIC BARRIERS

Language barriers and the lack of access to appropriately qualified and neutral professional interpreters was a key issue that arose from the *Betwixt and Between* report. The authorities confirmed that at the moment of their arrival most detainees do not understand what CIE is or the reason why they are being detained. As soon as detainees enter the centre, they meet with the Red Cross Director who provides them with a first explanation. The CIE Director noted that he tries to make detainees feel comfortable and welcome by starting the conversation by offering them food, rather than asking them where they come from. However, the abovementioned *Prefettura di Torino* information booklet for CIE detainees is also crucial to improving detainees' understanding because even if the Red Cross staff greet detainees, the latter still face language barriers and the *Betwixt and Between* report revealed substantial evidence about detainees' confusion about their rights.

The authorities responded to the allegations in *Betwixt and Between* about insufficient and inadequate interpreting services by claiming that cultural mediators are always present when a person does not speak Italian and whenever it is not possible for authorities to communicate with a person directly using another language, such as French or English. The authorities stated that in Turin's CIE there are cultural mediators working sixty hours per week. These cultural mediators are allegedly Arabic, Russian and Albanese speaking and they usually have degrees and are qualified to interpret in Courts. However, given the large proportion of detainees facing language barriers and the variety of languages used by detainees, sixty hours per week of cultural mediation may not be enough given that there are generally over one hundred detainees inside Turin's CIE. One should consider that sixty hours per week is the total amount of cultural mediation/interpretation provided by the centre, meaning that not all mediators are always present inside the CIE at any one given time. If the Red Cross mediators are five in number, as reported by the CIE Director, this means that each of them allegedly works inside the centre for approximately twelve hours per week. As a matter of fact, in the *Betwixt and Between* report a number of detainees (and all of the interviewed lawyers) noted that although there are interpreters, it can be difficult to access an interpreter who speaks one's own language at a time of need.

Some of the most vulnerable detainees still seem to be falling through the cracks and it is unclear whether this is because there are not enough interpreters or whether it could be due to a failure to proactively look for the most vulnerable detainees who, without language or Italian cultural experience, might also be the most scared to proactively approach authorities and ask for help. We must remember that many asylum seekers and migrants have lived in conflict zones or under oppressive regimes, in an environment where they could have seen terrible atrocities committed by people in official uniforms that visually resemble the clothes worn by the military and police corps inside CIE.

The authorities responded quite adamantly that they do not think that there could be detainees who do not know how to get in touch with a lawyer after a month of detention, particularly

because there are now two lawyers employed by the Red Cross to give legal advice to Turin's detainees. Those lawyers, together with the cultural mediators, are also there to help detainees who are illiterate and unable to read the *Prefettura di Torino* information booklet. However, the *Betwixt and Between* report revealed the story of a young asylum seeker who arrived in Italy as an undocumented minor and could not speak Italian. This young man had been detained shortly after his eighteenth birthday and he had been inside Turin's CIE for almost a month at the time of his interview. He was completely confused and scared about why he was in CIE detention and he did not know if the authorities were informed that he wanted to apply for asylum. He also appeared to be unaware of how to contact a lawyer of his choice and he was in desperate need of legal help via the assistance of a qualified Arabic interpreter.

5. VULNERABLE PEOPLE

A. WOMEN

The authorities work with TAMPEP, a local organisation that assists women who have been victims of trafficking. The authorities affirmed that TAMPEP members are always allowed to enter CIE when they would like to and there have been occasions where cases of trafficking were discovered. In such cases, the detainee victims accepted to cooperate with authorities to denounce traffickers and victims were provided with a special permit to stay for social protection (*permesso di soggiorno per motivi di protezione sociale* as per Legislative Decree 286/1998, art. 18)¹⁰. In these circumstances, the victims of trafficking are usually transferred from the CIE to a protected house as soon as possible. The authorities noted that sometimes the CIE psychologists, the CIE lawyers and more generally the Red Cross staff do report potential victims of trafficking to the police. According to the authorities, the problem is the detainees' willingness to denounce the traffickers, an understandable barrier given the vulnerability of trafficked women and their families in the face of powerful international crime networks, as well as strong social and cultural conditioning factors.

B. ASYLUM SEEKERS

According to authorities the two lawyers on duty inside CIE are also supposed to advise people about their right to seek asylum. The authorities claimed that the asylum application procedure is working smoothly inside Turin's CIE and that it is currently undergoing further improvements. As a matter of fact, the VESTA computer program has been recently introduced in the *Questura* Immigration Office located inside the centre, with the aim of creating a better centralised information system for asylum and humanitarian protection applications. According to the authorities, the whole procedure is quite fast, since decisions on asylum applications are usually made within fifteen days from the moment the applications are officially submitted. Moreover, according to the *Questura* representatives, it is very rare to have a time lag of some days/one week between asking for asylum and having one's request registered, because according to their experience "*it takes only one hour to complete an asylum request*". Nevertheless, the *Betwixt and Between* report contains strong evidence to suggest that asylum procedures are not up to scratch: the research reported cases

¹⁰ Legislative Decree 25 July 1998, n. 286 "Unified text on provisions concerning immigration and norms on the condition of foreign citizens" (GU n. 191 of 18-8-1998 – Ordinary Supplement n. 139) ("Unified Text on Immigration"), article 18. *Decreto Legislativo 25 luglio 1998, n. 286 "Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero" (GU n. 191 del 18-8-1998 - Supplemento Ordinario n. 139) ("Testo Unico Immigrazione")*, articolo 18.

where there were unreasonable waiting times between an asylum seeker communicating their willingness to apply for asylum to the CIE authorities or the Red Cross staff and that asylum claim being registered in order to protect the asylum seeker from being deported before their asylum claim could be determined by the *Commissione Territoriale*.

6. HEALTH AND MEDICAL ASSISTANCE

A. HEALTHCARE SERVICES INSIDE CIE

The *Betwixt and Between* report revealed concerning allegations about excessive waits for healthcare inside CIE. The authorities confirmed that there is always one doctor inside CIE and that sometimes detainees must wait for medical assistance where their case is not an emergency. In relation to dental health, the Red Cross reported that every Friday three CIE detainees get preference for dental work in the *Ospedale Martini*, a hospital located close to Turin's CIE. The Red Cross representative proudly informed us also about the existence of a number of agreements with different public hospitals in Turin, which are aimed at accelerating certain medical examinations, check-ups and visits for CIE detainees. The authorities confirmed that in the case of an emergency, detainees can be taken to *Ospedale Martini*. In addition, all of the Red Cross staff have completed a first aid course and they always carry a radio with them. The authorities denied the allegations from several interviewees in the *Betwixt and Between* study who claimed that there had been a failure to provide medical attention in an emergency situation.

B. SELF-HARM AND HUNGER STRIKES

The authorities confirmed that in 2011 there were 156 cases of self-harm inside Turin's CIE. They further clarified that these 156 cases refer to individual incidents of self-harm and that sometimes the same person can have multiple incidents of self-harm. In contrast, the authorities do not count hunger strikes within their figures on self-harm. The CIE Director confirmed that the main reason for self-harm is a desperate yearning for liberty, whilst in other cases self-harm may be seen as the only possible solution out of an unbearable situation for detainees who "*want to die*".

The authorities explained that in cases of self-harm, "*when it is necessary*", the detainees are taken to *Ospedale Martini* for assistance. The authorities reported that when detainees harm themselves by ingesting objects, they are taken to the hospital within two hours. Here they get X-rayed but they usually refuse a gastroscopy. So, they are brought back to the centre, to be taken to the hospital again in the following days in order to monitor constantly the path of the ingested object.

As concerns detainees on hunger strike, the authorities claimed that medical staff do daily monitoring of the general health conditions of such detainees in order to evaluate health risks. The authorities further stated that hunger strikes are generally less frequent than that which was experienced by the sample detainee population who were interviewed for the *Betwixt and Between* report (four out of fifteen current detainees were on hunger strike at the time of their interview). The authorities admitted that in a couple of cases the detainee's health conditions were so serious that the person was released from CIE. However, it was also clarified that in such circumstances the person is not "*left on a street*" by CIE authorities: on the contrary, that person is usually accompanied to the hospital. Allegations were also raised about "fake"

hunger strikes, where detainees refuse the food regularly provided by the Red Cross but as an alternative buy the snacks and soft drinks which are sold by the mobile shop inside CIE. Such allegations are based on the fact that, according to the authorities, when detainees on hunger strike are weighed by the medical staff, sometimes they put on weight instead of losing it.

C. MEDICATION

According to the Red Cross, all of the detainees who are on medication have their medication personally monitored and administered up to three times per day where necessary. The medical staff follow a chart that lists the names of detainees on medication, their medicines and their respective dosages.

The use of psychotropic medication was an extremely controversial element that emerged from the *Betwixt and Between* study. On the day of our interview with the authorities there were allegedly fifteen detainees on psychotropic medication (out of a total of 105 detainees). This is a substantially lower percentage than that which was indicated by the diverse detainee and non-detainee sample population interviewed in the *Betwixt and Between* study. Authorities did confirm that a lot of detainees who are transferred to CIE after prison are already used to taking psychotropic medication and the authorities noted that such detainees nearly always ask for psychotropic medication themselves. The *Betwixt and Between* report contains many allegations raised by both detainee and non-detainee interviewees concerning the lack of a specialist who can expertly visit or interview CIE detainees with psychological problems and decide the proper medication on a case-by-case basis. Contrary to such allegations, the Red Cross explained that in cases of need detainees may be visited by a psychiatrist who works at the *Ospedale Martini*.

According to the Red Cross, the most difficult thing for CIE doctors is that detainees frequently desire more medication than that which the doctor is willing to prescribe and consequently doctors routinely try to explain to detainees that they will not prescribe excessive medication because it would not be good for the patient's health. The authorities noted that often a doctor needs to ask a detainee to wait in order to see if the medicine works, in circumstances where the detainee can be upset because they would like the medicine to be immediately effective. Therefore, it seems that a frequent problem CIE doctors face is that of convincing detainees that the prescribed medicine is the best option for treating their disease.

With regards to drug dependency and withdrawal issues, there is an agreement with *Ospedale Martini* who examine toxins in the urine of detainees, so that SERT can be involved to assist detainees who use drugs¹¹. As noted in the *Betwixt and Between* report, the involvement of SERT doctors is not to be taken for granted inside Italian CIEs and this element was positively highlighted during our interview with the authorities. As a matter of fact, the latter reported about the cases of some detainees from Algeria who entered Turin's CIE with drug addictions and who came off drugs during their CIE detention, thanks to the methadone treatment administered by the SERT doctors.

¹¹ SERT (*Servizi per le tossicodipendenze* or Service for drug dependent people) is the public service offered by the national health system in order to heal and rehabilitate drug and alcohol addicted people. SERT also provides services aimed at the prevention of drug and alcohol addiction.

D. HYGIENE

The hygiene of shavers inside CIE was called into question by a significant portion of interviewed male detainees, some of which expressed their fear of catching a serious disease or infection due to the manner in which electric shavers were allegedly being shared between detainees. The Red Cross responded that when there were electric shavers there was disinfectant to use between detainees. However, the authorities noted that they have recently introduced a new and improved method of organising the detainee shaving. At present, each detainee (male and female) has their own personal disposable shaving blade that is kept by the authorities. After detainees shave themselves in front of a Red Cross worker for safety purposes, they must return their personal blade to the Red Cross, who will sanitise it and change it where necessary.

7. RELIGION

The Red Cross reported that although the most regular religious visitors are Christian, representatives of all religions are entitled to enter CIE upon authorisation. As a matter of fact, authorities said that there have been other religious visitors besides priests and nuns in the past, such as a Jehovah Witness. The authorities claimed that, to their knowledge, no Islamic imam had ever entered CIE and they assured us that from their point of view there would be no obstacle to an imam visiting CIE to assist Islamic detainees. Given the large number of Islamic detainees, it could be very helpful indeed, if Islamic detainees could have access to an imam from their own faith. The *Betwixt and Between* study revealed that there is no dedicated religious space in Turin's CIE, although Islamic detainees have made a Mosque in the refectory inside some of their areas. The authorities also explained that they have studied Islamic religion and they try to be as sensitive as possible to religious matters. For example, during Ramadan special food and serving hours are organised for detainees on Ramadan, so that they can eat in the evenings and respect their religious rules. In addition, the CIE Director said that the centre also provided Islamic detainees with Halal meat and sweets to celebrate the end of Ramadan. The urgent need to improve human rights analysis at all levels of administrative decision making was demonstrated by the manner in which the recent renovations to Turin's CIE were planned and undertaken¹². Freedom of religion and the right to family and private life are cornerstones of Italian, European and international human rights law. Yet, despite the fact that Turin's CIE has undergone two tranches of costly and extensive renovations over the past five years, there is still no religious space.

8. RELATIONSHIPS BETWEEN DETAINEES

The *Betwixt and Between* report considered the terrible psychological consequences of detention and the difficulty of sharing a cramped room with up to six strangers whilst living in absolute uncertainty in a foreign country. Relationships between detainees are complex and must be understood within their context. When asked about relationships between detainees, the authorities responded that they try to take note of the different national and cultural sensitivities in each CIE area however it is not always possible to avoid conflict. The authorities reported that problems among detainees are not so common and when there are tensions inside one area the detainees tend to solve the issue among themselves and the

¹² Since 2007 Turin's CIE has undergone a major maintenance program including infrastructure changes, in order to increase its capacity to its present size. The maintenance program cost approximately 14 million euros, which suggests that each place inside CIE cost approximately 78,000 euros to upgrade.

intervention of CIE personnel is usually not necessary.

9. RELATIONSHIPS BETWEEN DETAINEES AND STAFF

Staff-detainee relationships were a controversial aspect of the *Betwixt and Between* report and the CIE staff, particularly the military and security personnel, faced significant criticism from former and current detainees, lawyers and volunteers. Working inside a CIE is no doubt an extremely emotionally demanding task and the researchers did not have the opportunity to interview Red Cross junior staff. Consequently, the researchers' comments should not be interpreted to be reflective of a homogenous staff perspective. For example, in spring of 2012 we were struck by the emotional testimony of a junior staff member at Modena's CIE during a conference that we also happened to attend. This staff member was not at the conference as a staff representative, but rather as an individual member of our society who had personally suffered in absolute desperation due to his work inside Modena's CIE. This staff member came to publically express his frustration with the immigration detention system and the conditions of detention inside CIEs. Therefore, the following section is limited to how the senior *Questura* and *Prefettura* representatives and the Red Cross CIE Director described staff-detainee relationships during our November meeting inside CIE.

A. RELATIONSHIPS WITH RED CROSS STAFF

The Red Cross responded that there was no problem in the relationship between CIE staff and detainees and they feel that they are all good friends. The authorities commented that they struggled with the problem that inside CIE *"there is no respect for roles or people"*. The CIE Director explained his role by stating: *"as the Red Cross we are here to do the best possible, we use the structures that exist"*. In response to the question: *"What is the most difficult thing about working in CIE?"*, the Director responded: *"Helping the 'guests' to rationalise"*. Here we see the great irony and complexity of an immigration detention structure. On the one hand, CIE staff are individuals doing their job and placed in their position due to higher political decisions: *"People want liberty, but I cannot give it"*; *"I am here to help you while you are here"*. On the other hand, the Red Cross practice of insistently calling detainees "guests" within CIE is not exactly "rational". A number of interviewed detainees saw the word "guest" as an insult and responded that they were not treated as guests, but rather suffering in living conditions that are allegedly worse than prison.

B. RELATIONSHIPS WITH SECURITY STAFF AND POLICE

The military and police personnel do not usually enter in the detainee areas. When asked to describe their relationship with detainees, the *Questura* representatives responded: *"we look for dialogue"*, meaning that the Immigration Office staff also walk around the CIE structure talking with detainees and attempt to establish good relationships with them. The authorities reported that, in terms of detainee-security interactions, the situation was much calmer in 2012 in comparison with 2011, when revolts, fights and escape attempts were very frequent. Nevertheless, during 2012 there were some arrests after violence against the military staff and there were some escape attempts but no detainee successfully escaped. Searches are conducted of the detainee areas and rooms to ensure that there are no prohibited objects, however to date the authorities have not found any serious arms. The authorities reported that the "arms" that are usually found with detainees are not introduced from outside CIE but rather self-made implements such as bars, stones or other items that detainees obtain by vandalising parts of the CIE structure.

C. TEAR GAS AND WATER CANNONS

The authorities denied any knowledge of water cannons being used during 2012, a denial that stands in direct conflict with a detainee testimony alleging that in mid-2012 the military personnel shot water at detainees in the Blue Area of Turin's CIE¹³. The authorities also claimed that, generally speaking, they only use water cannons inside CIE where required in the case of a big fire (and not in the case of small fires) because it is very expensive to use water cannons, since they usually get damaged when they are used. In contrast, the authorities' comments on tear gas were consistent with the findings in the September 2012 *Betwixt and Between* report, where one former detainee reported about a revolt that was squashed by using tear gas¹⁴. The authorities stated, indeed, that tear gas was used only once in 2011 and it was never used in 2012. They agreed that "*tear gas is not good and it is only a method of stopping the worst from happening in an emergency situation. We are not happy when tear gas is used. We cry as much as detainees*".

10. OTHER DAY-TO-DAY ISSUES

A. ACTIVITIES

The Red Cross provided a list of activities that occur inside CIE, however it is unclear how often these activities are actually taking place and whether these activities have been recently introduced or if they were carried out also in the January 2011 – June 2012 *Betwixt and Between* investigation time frame. The interviewed detainees, NGO workers and volunteers all noted that detainees were extremely bored and they can wait hour after hour for days on end between activities. It is positive that activities are being run inside Turin's CIE, however the *Betwixt and Between* evidence suggests that there are still far less frequent activities inside the CIE when compared with a prison.

According to the CIE Director, the Red Cross is currently offering Italian classes, which are managed and taught by the CIE psychologists, who also distribute appropriate study materials and books. However, it is not clear whether Italian classes are held on a regular basis or if they only happen rarely and "on demand". There is a cement football field inside CIE that appears to be used more often now in comparison to the time when the *Betwixt and Between* study was conducted. When the football field was created, the Red Cross asked to have grass instead of concrete so as to avoid the risk of detainees being injured while playing sports. Nonetheless, it was decided that there should be concrete. An agreement has recently been signed with the *Centro Sportivo Italiano* in order to have sports coaches visit Turin's CIE to teach volleyball, basketball and other sports in future months (five sports activities for a period of forty-eight weeks). Supposedly, a new activity program has been planned to begin

¹³ "Yesterday evening, the guys in the area near our area started a revolt. It was the Blue Area. They caused a big racket. Guards came with batons and helmets. They were Carabinieri, Polizia, Guardia di Finanza and the Army, all of them. And, they shot us with water [water cannons]. I was sleeping. I heard the noise so all of us went out from our rooms. We saw all of these guards there. Some of them were shooting water and some of them were beating up the guys from the Blue Area. When they shot with water it was really something strong. The water has a pressure similar to seventy or eighty kilometers per hour. It's like as if they were shooting with guns" (Interview 22). Stege et al, *Betwixt and Between: Turin's CIE. A Human Rights Investigation into Turin's Immigration Detention Centre*, International University College of Turin, 2012, 54.

¹⁴ "In October the Carabinieri came because the guys were causing trouble, they were protesting, trying to escape and Carabinieri used a lot of tear gas against them. But it was horrible for the girls as well: we were feeling really bad, our eyes hurting and full of tears" (Interview 17). *Id.*

from the week of 19th November 2012, where an actor will enter CIE to do theatre lessons, first aid courses will be conducted by Red Cross workers and possibly a magician will be invited for a show.

B. FOOD

As noted in the *Betwixt and Between* report, the issue of food needs to be understood in the context of detainees who live separated from their loved ones, in absolute uncertainty and vulnerability and with relatively little autonomy over any aspect of their lives. The authorities provided the researchers with a copy of the CIE menu, which seems varied and nutritional. The Red Cross is clearly trying to provide detainees with good food within its budget. However, as noted by *Betwixt and Between*, a central difficulty for detainees is their absolute loss of autonomy. Some prison inmates have the facilities to cook for themselves in their cells, whilst for a CIE detainee there is no autonomy. Moreover, for any person in a foreign land transitioning to a different cultural diet can be difficult and it is understandable that as time passes many people miss the autonomy of being able to cook for themselves and eat a diet that they are used to.

C. THE “OSPEDALETTO” SECLUDED AREA

According to authorities, inside Turin’s CIE “*isolation does not exist*” in the sense that isolation is not used for punishment in the centre. Rather, the *Ospedaletto* secluded area is used if there is a detainee who is sick and where their sickness could be contagious and endanger other detainees. The authorities confirmed that there are also detainees who need to have their own room in order to be protected and that there are detainees who can ask to be housed in isolation because they prefer it.

D. SPACE AND MAINTENANCE OF THE CIE BUILDING

According to the Red Cross, every day there are people who undertake general maintenance repairs inside CIE. However, the authorities noted that where something is intentionally and hugely vandalised by detainees, then they might wait some time before repairing it because such issues are dependent on budgetary considerations that are under the competence of the *Prefettura di Torino* and the Ministry of the Interior. For example, they are currently working to restructure the White Area which had remained closed for almost one year.

III. JUDICIAL AND LEGAL PROCESSES

1. THE IDENTIFICATION AND EXPULSION PROCEDURE

The full capacity of Turin's CIE is 210 detainees although at present it is limited to a maximum of 131 detainees, due to the fact that the White Area is closed. On the date of our interview with the authorities, there were 105 detainees coming from a range of countries, including but not limited to: Morocco (28 detainees – the majority), Nigeria (19 detainees – 8 of them being women), Tunisia (18), Senegal (11), Brazil (2), Serbia (2), Kosovo (2), Ecuador (1), Gabon (1) and China (several detainees). There were only 14 women inside CIE on the date of our interview. According to the authorities, there has never been anyone inside Turin's CIE for eighteen months and the practical limit to detention is approximately 240 days. In 2011, there was only one exception that the authorities could recall, where a Bolivian was detained in Turin's CIE for 298 days. However, in 2011 the average term of detention was approximately forty days¹⁵.

The authorities also highlighted the complex nature of relationships with consulates because each foreign embassy operates in a different manner. The *Questura* and *Prefettura* representatives responded that they put a lot of effort into trying to obtain identification and they acknowledge that there are a number of detainees who merely wish to return to their countries of origin but are unable to, because they struggle to get assistance or documents from their own consulates. Unfortunately, not many consulates are located in Turin, which means that despite *Questura*'s efforts it is more difficult to get consular representatives to come to CIE to visit their compatriots. According to *Questura*, they face a dilemma because not all of the consulates collaborate and there are no instruments that can be used in practice to oblige a foreign consulate to better collaborate so as to complete the identification process within a shorter time frame.

The *Betwixt and Between* report documented how many detainees are frustrated by the lack of assistance from their own consular representatives, who can fail to even visit or communicate with them after months of detention in a foreign country. Some consular authorities do not come to all of the CIEs but rather they request hearings in certain CIEs and ask for their nationals to be transferred to the CIEs that they attend. For example, Rome's CIE has hearings with members of the Nigerian Consulate and often Nigerian detainees from Turin are transferred to Rome for a consular meeting and afterwards they usually remain in Rome's CIE awaiting repatriation. In contrast, the Moroccan Consulate is considered one of the "best" consulates for detainees in Turin because it visits the CIE more regularly, which in context only means arriving once every two or three months to meet their suffering nationals. However, the Moroccan Consulate (like many others) then requires the identification documents and related information to be sent back to Morocco for verification and this process extends the length of identification procedures.

The authorities confirmed that in 2011 30% of Turin's CIE detainees came to CIE directly from prison¹⁶. This figure is lower than what is generally estimated for Italian CIEs and perhaps influenced by the influx of migration from North Africa in 2011 following the Arab Spring. The *Questura* Immigration Office representatives claim that they are working with

¹⁵ Statistics provided in a written statement by the *Prefettura di Torino* to the International University College of Turin on 15 October 2012.

¹⁶ *Ibid.*

criminal justice authorities (for instance the prison in Ivrea) in order to push for identification processes to occur while immigrant prisoners are inside prison, in cases where those prisoners are likely to be subject to immigration proceedings upon release from prison. Where criminal justice authorities do start the identification procedure in prison, they usually only send a formal letter to the consulate of the alleged detainee's country of origin and generally no extra steps are taken to push the identification procedure further during prison detention.

During our meeting, the authorities acknowledged that there is still work to be done coordinating the criminal justice system with the immigration system. Detainees suffer terribly inside CIE and at a certain point a number of detainees just wish to be sent to their countries of origin and yet they are forced to remain inside CIE until their country of origin identifies them. Therefore, there appears to be some agreement between the interviewed members of *Questura*, *Prefettura*, Red Cross, lawyers, volunteers and detainees about the fact that there is an urgent need to improve the inefficient identification procedures for CIE detainees.

2. LAWYERS AND HEARINGS

The *Questura* representatives estimated that in validation hearings in Turin's CIE between 10% and 15% of people would have an *avvocato di fiducia*, meaning that 85% - 90% of detainees are only being represented by an *avvocato d'ufficio*¹⁷. They also reported that the percentage of detainees represented by an *avvocato di fiducia* increases during one's period of detention. The authorities stated that when they enter CIE detainees do receive information about their right to nominate a lawyer of their choice. The authorities also affirmed that they keep providing detainees with constant assistance for what concerns the choice of a lawyer and the appointment of the selected lawyer.

As regards extension hearings, the authorities confirmed that in Turin's CIE, as in other CIEs throughout Italy, detainees are not taking part to these hearings. Detainees are only informed verbally by CIE authorities about the date when their extension hearing is planned and no written notification is issued. As concerns the outcome of that hearing, it is usually up to the detainees' lawyers to communicate it to their clients, while the authorities have no legal obligation to notify the outcome of extension hearings to detainees. This lack of a formal notification may contribute to the relatively low levels of understanding about validation and extension hearings documented by the *Betwixt and Between* report, with some detainees being confused about what the processes were, who the involved actors are and what their rights are.

¹⁷ An *avvocato di fiducia* is a lawyer who a person has individually chosen to represent them for a case. In contrast, an *avvocato d'ufficio* is the lawyer who is appointed by the judge in cases where legal assistance is required by law but a person did not nominate their own lawyer.

IV. CONCLUSION

*“The governance of human rights is complex and diffuse”*¹⁸

Realising, applying and solidifying human rights law is not a job to be left only to a minority of specialists. Rather, open and informed human rights analysis should be incorporated into all aspects of government and administrative decision making. A key to responsible government is community participation, which inherently requires access to information and informed debate from a wide variety of stakeholders. We are thankful to the Red Cross, *Prefettura* and *Questura* staff for their acknowledgement of the September 2012 *Betwixt and Between* report and for agreeing to be interviewed for this article. Immigration detention centres are a subject that cause heated and divided social debate. Since the *Betwixt and Between* project began, we have come across a range of opinions about the administrative detention of migrants and there are dramatic differences in how interviewees interpret the “CIE system” or perceive of the way forward. However, there are also some crucial similarities that should not be overlooked. From the CIE authorities and the CIE staff to lawyers and NGO workers, all of our interviewees who are in close contact with CIE detainees have acknowledged the suffering inside immigration detention. Yet, CIE remains a space that much of society forgets despite the fact that immigration detention is a State construction and as such immigration detention centres should be at the core of informed civil society debate. When the CIE Director was asked what a CIE is, he responded: *“The Pope eliminated limbo but we are in limbo”*. The Question is: how do we get out of it?

¹⁸ United Nations Office of the High Commissioner of Human Rights, *National Human Rights Institutions. History Principles, Roles and Responsibilities*, United Nations Professional Training Series No. 4 (Rev. 1), 2010, 2.