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SESSION ON THE VIOLATION OF HUMAN RIGHTS WITH IMPUNITY OF MIGRANTS AND REFUGEE PEOPLES (2017-2019)

HEARING ON:

HOSTILE ENVIRONMENT ON TRIAL: THE LIVING AND WORKING CONDITIONS OF MIGRANTS AND REFUGEES

London, 3 – 4 November 2018

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Statement of the PPT General Secretariat

The public hearings of the Permanent Peoples' Tribunal on "The Hostile environment" held in London on 3rd and 4th November 2018 form part of a process of investigation which has lasted more than two years and has produced texts and judgments for the opening session in Barcelona (7th- 8th July 2017) and from Palermo (18th- 20th December 2017), Paris (4th – 5th January 2018) and Barcelona (29 June- 1 July 2018).

The earlier proceedings and the resulting judgments have provided an indispensable background and framework for the panel of judges at the London session, along with detailed factual and juridical support and integration of the evidence submitted to it. The main overall findings, presented orally at the conclusion of the hearings, are set out in the points which follow. The full text of the judgment, with detailed factual evidence and formal attribution of responsibility, will be made available shortly.

1. The direct testimonies of the witnesses, together with the written and oral presentations of the experts, provide robust and comprehensive documentation of the dramatic and systematic violations of the fundamental rights to life and dignity of migrants and refugees, both as individuals and as a group, indicated in the Indictment as the target and victims of a spectrum of repressive legislation and policies enacted by the UK government over the last several years.

2. The evidence and documentation clearly establish that the violations of fundamental individual and collective rights presented to the PPT are the deliberate, planned and systematic expression of repressive policies which, translated into legal provisions and norms, affect the full spectrum of the concrete rights which must be recognised in all human beings: rights to life, to dignity, to health, to work, to education.

3. In all the critical domains of their existence, migrants and refugees appear to be the victims of an ever deeper and more pervasive political, juridical and cultural transformation of a society which accepts and promotes the reversal of the values of democracy, of binding obligations for Governments and of basic principles of international law as affirmed and enforced in the corresponding international instruments. Economic and security-driven legal measures are given priority and prevail over the inviolable legitimacy of the individual and collective rights belonging to human beings, which are denied.

4. The contemporary migration and asylum regime demonstrates a deliberate historical amnesia, ignoring the destructive consequences of British colonialism and the ways in which this continues to underpin the massive inequalities of contemporary global political economy. These inequalities are a key factor in impelling human mobility.

5. A policy which has defined itself as promoting a "hostile environment" corresponds to the non-recognition of migrants and refugees as people and members of society despite the disparate nature of their origins and of the causes of their migrations, displacements and expulsions. The transformation of persons exercising their fundamental right to migrate into 'others', aliens, potential or real enemies, invaders and aggressors, both in attitudes and in concrete behaviours such as labour contracts, reproduces categories of colonialism and slavery.

6. A further reason for concern, and a confirmation of the direct responsibility of UK institutions, emerges from the documentation of the administrative and bureaucratic rigidity in the application of unjustifiable and opaque rules designed for the repressive control of people, the direct product of

global models of development which pretend to bear no responsibility for the violations to the dignity of life, specifically of the most fragile individuals and groups.

7. The London session has focused on the situation of migrants and refugees in the real life of a democratic society that can be considered as a model. The testimonies presented – factually so well documented, with a lucidity which could not exclude a deep emotional participation - are highly consistent in terms of severity and for their characteristics of systematicity and continuity with the findings of the previous sessions devoted to other aspects and steps of the migration process in the EU. The responsibility of the several institutions referred to in the testimonies and illustrated in the expert reports, have appeared to the panel of judges well proven, having regard to official norms and political documents. As mentioned above, the juridical (criminal and civil) definition of responsibility for the violations, with a careful assessment of the causal determinants and actors, will be the subject of the full report. But it is clear that the basic crime of denial of the rights to life, to dignity, and to the rule of law, can be considered ascertained beyond any reasonable doubt. Further, it is clear from the evidence heard in previous sessions, in different scenarios and modalities, and confirmed in some ad hoc reports in this session, that the UK situation is not unique, but rather is an expression of the broader processes and institutional responsibilities vested not only in the countries and the central institutions of the EU but also in the diffuse geographical and political scenarios where economic and environmental poverty, armed conflict and wars oblige human beings to become peoples without rights facing legal and racist violence, and the further violence of systematic impunity.

8. This summary account of the public hearings and experience of the London session of the PPT would not be complete without underlining other even more impressive evidence in opposition to violations and impunity. The evidence the PPT has heard demonstrates the creativity and resistance of individuals and communities who, in a hostile environment, affirm and document that solidarity is not a crime but a resource, constantly renewed and shared as a perspective of “another future” – striving for new transnational strategies of action and solidarity among migrants and refugees themselves and with citizens. Beyond any repressive process of “identification”, migrants and refugees affirm their identity as human subjects and, through their common experience and their solidarity, their identity as a people. The PPT can be only one of the processes in support of their peaceful struggles for life and dignity.

Rome, 22 November 2018

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