

100 windows onto 5,000 shattered lives

***Pueblos Unidos Report on the Aluche Immigration Detention
Centre (Aluche CIE, Centro de Internamiento de Extranjeros)
in Madrid, 2010***



(Text in Image: Stop persecution of immigrants, they are human beings, not commodities)



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Pueblos Unidos 2010 Report on the CIE in Aluche, Madrid

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INTRODUCTION

Pueblos Unidos is a Catholic organisation and one of the centres run by the *San Juan del Castillo Foundation*, a member of the Jesuit Migrant Service (JMS) in Spain. We are based in Madrid and work towards protecting and assisting immigrant groups through various educational, training, employment and legal advice programmes (www.pueblosunidos.org).

Throughout 2010, *Pueblos Unidos* has succeeded in putting together and maintaining a dedicated team of volunteers which visit detainees at the CIE in Aluche, Madrid. Between six and eight volunteers have been visiting detainees at the CIE on a weekly basis, which has made our presence almost daily throughout the year. From January to November, the team of volunteers has visited over 100 of the 5,000 detainees in total who were at the CIE during the same period. They have done this without any assistance or official recognition¹. Based on this particular experience, we present our report.

Our work ethic is the same as that of the Jesuit Refugee Service in Europe (JRS Europe), which has been working in detention centres in various European countries for years, with the knowledge and approval of the authorities of those countries. (<http://www.jrseurope.org>). Our aim is to visit detainees throughout their stay at the CIE, supporting them in any course of action not dealt with by the CIE's other services and to promote the effective protection of their rights. *Pueblos Unidos* calls for an end to these disguised prisons, these – to quote Miguel Hernández, the Spanish poet and playwright - veritable “factories of laments.” However, in the meantime, we want to help improve the conditions of deprivation of liberty and the effective protection of the rights of detainees.



¹ The amended text of *Organic Law 4/2000* on the rights and freedoms of foreigners in Spain and their social integration [*Ley Orgánica 4/2000 sobre Derechos y Libertades de los Extranjeros en España y su Integración Social*], in article 62 bis 1.j) establishes that detained immigrants have the right to “contact with non-governmental organizations protecting immigrants”. Furthermore, the recent article, 62 bis 3), states that “legally established organizations in Spain protecting immigrants.....may visit the detention centres; the conditions of the same will be drawn up according to regulations”. As we wait for this Regulation to be drawn up, we still lack the legal framework for organisations’ visitation rights.

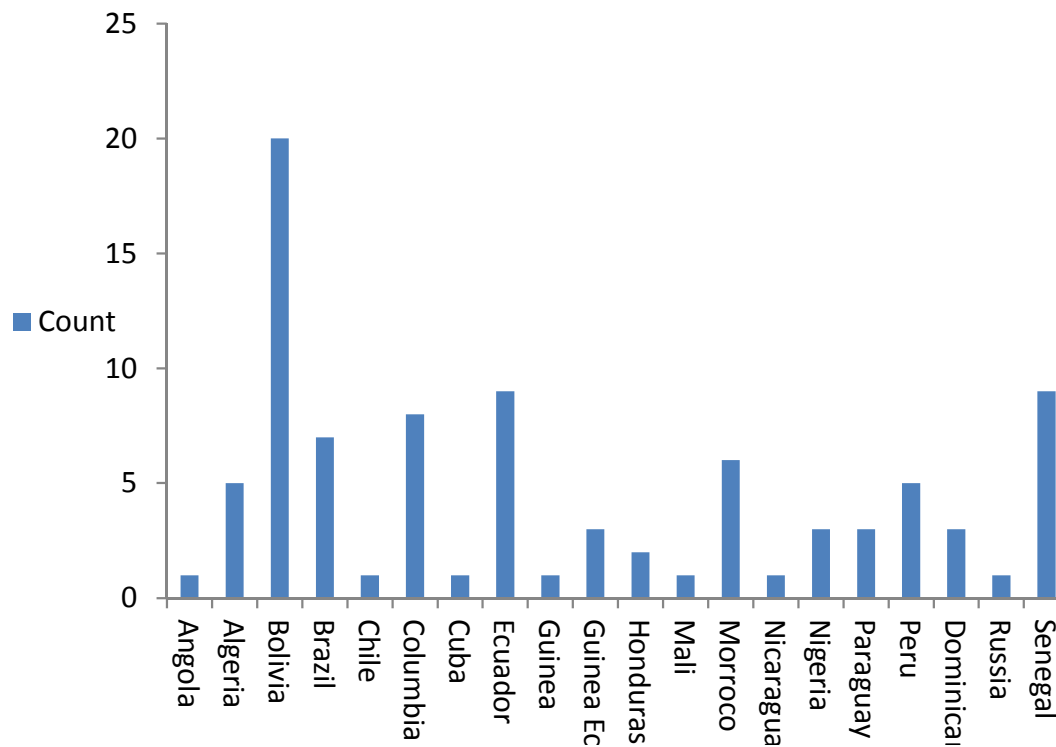
1. DETAINEES VISITED

The majority of people we visit are those who come to us via other detainees and relatives which we meet in the queue. We also visit individuals that we meet either directly or via relatives through other *Pueblos Unidos* programmes. Lastly, we conduct detainee visitation at the request of other organizations.

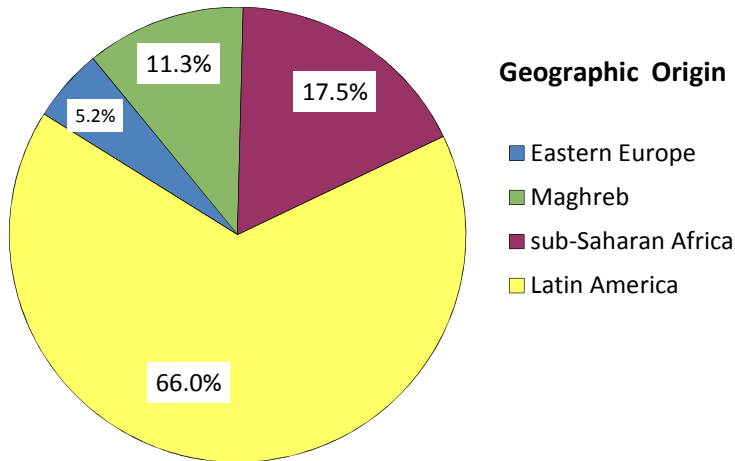
From January to November, we visited 109 detainees and accompanied their relatives. The frequency of visits for each detainee varies according to their period of detention and the availability of the Visitor Group.

The following tables outline the profiles of detainees visited according to nationality, gender, geographic origin and what brought detention to an end.

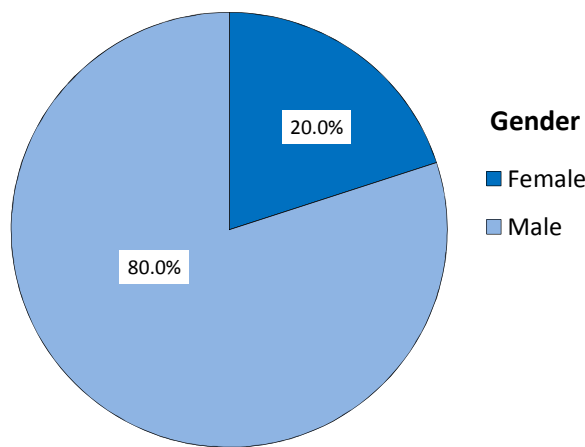
1.1. Detainees visited by nationality



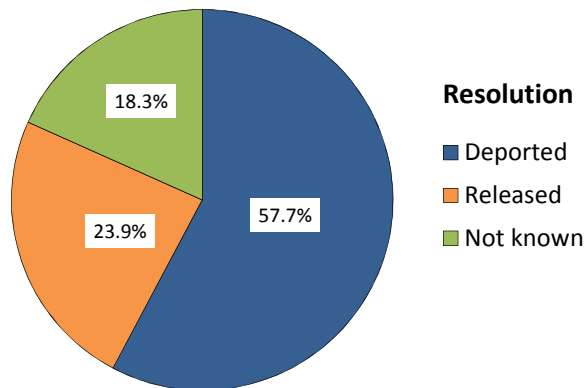
1.2. Detainees visited by geographic origin. Two thirds of detainees visited were from Latin America, followed by 17.5% from sub-Saharan Africa and 11% from the Maghreb.



1.3 Detainees visited by gender. 80% were male and 20% were female



1.4 Detainees released / deported / outcome unknown. Almost 60% were deported, 24% released (either because their detention period has come to an end before they have been successfully deported, or because they have been previously released for other reasons) and for the remaining 18% of cases, we don't know what the outcome was. The highest rates of deportation, according to region, are amongst the Latin American population, followed by the Maghreb. Furthermore, the rate of deportations, according to gender, is higher in women than in men.



We have tried to compare our information to Spain's complete, official data on detainees during this period, their nationality, gender and the deportations that were actually carried out. However, this has not been possible to achieve; this information is not currently accessible to the public in Spain, which contributes to the lack of transparency of CIEs and the deportation procedures in the country.

Our estimates are based on our daily observations and the extrapolation of data. At the time of writing this report, the highest number of detainees we have encountered is 4,406, which would suggest an estimated number of 4,800 by the end of 2010, including new detainees. Based on the duration of detentions, it is conceivable that around 200 individuals detained in 2009 have remained in the CIE this year, which gives us an estimated total of 5,000 detainees. These figures can be compared to the 5,882 detainees (minimum) in 2008 and the 4,753 (minimum) in 2009. But, again, these are not official data and there is no way of knowing how these figures have been affected by the fact that the maximum duration of detention has been extended from 40 to 60 days following the reform of Spain's Law on Foreign Persons [*Ley de Extranjería*].

2. DESCRIPTION OF OUR WORK

During this first year of visits, the Visitor Group, rather than going into the CIE with a preconceived idea of what we planned to do, has adapted its work according to the requests received from detainees and their families. This section describes what we have been doing and how we believe that we can contribute and collaborate with the CIE. We have divided it into accompaniment, information, legal aid, clothing, hygiene items and telephone cards, pastoral care and family visits.

1.2. Accompaniment

Accompaniment is based on our daily presence at the CIE and relationships of trust with detainees, who we meet during a difficult period of their lives. We believe that the mere act of accompaniment is of value in itself and that it helps detainees to feel less helpless and alone. We also help detainees to come to terms with deportation and accept the probability of it.

We give priority to the most vulnerable cases on our visits. When we identify them, we advise detainees and their families to inform either the CIE or the CIE's examining court, and to look for someone who can deal with these cases. The cases which we have most frequently encountered are the following:

- Detainees who are not from Madrid
- Detainees without a social or family network (or that do have relatives but the fact that they also have an irregular migratory status means they cannot visit detainees at the CIE).
- Detainees with no legal defence
- Detainees with children
- Detainees with an illness
- Victims of human trafficking
- Asylum seekers...and so on.

In general, the CIE's examining judges have been more responsive and have shown a greater interest than the governmental agencies, in those cases of vulnerability which we have made them aware of. Out of the 109 detainees visited, 37 were vulnerable for different reasons.



Vulnerable detainees

Physical health condition	5
Mental health condition	3
High risk pregnancy	1
With dependent children	3
Over 60 years of age	1
Rejected asylum application	4
Potential applicants for asylum	4
Women who are possible victims of human trafficking	4
Victims of gender violence	2
Problems concerning Nationality	1
Victims of police violence at the time of deportation	9
TOTAL number of vulnerable detainees	37

The Visitor Group is trained to identify cases of vulnerability and to know how to interact with detainees who show a greater need of being under a close watch following stressful and depressing proceedings. We refer asylum cases to the Spanish Commission for Refugees and Exiles [CEAR], and human trafficking cases to *Proyecto Esperanza*, an organisation that promotes and defends women's human rights and with whom we have a close collaborative relationship.

2.2. Information

Detainees are significantly uninformed, which causes them increased anxiety and feelings of abandonment. Much of our work is dedicated to making detainees' legal situation clear to them and informing them about the available services and resources. For example, the Legal Advice Service for Immigrants provided by the Bar Association in Madrid [*Servicio de Orientación Jurídica a Extranjeros, SOJE*], the Spanish Red Cross and writing letters to the manager. Receiving clear and honest information means that detainees can have realistic expectations. Should deportation take place, it also helps them to understand its inevitability and to prepare for return to their countries of origin.

We believe that providing detainees with clear and comprehensible information about their legal situation is very important. It helps detainees and their families to think carefully about getting into debt with lawyers who turn up at the CIE promising to get them out soon, giving no further explanation and not having any documents or facts which indicate that this will be possible.

According to the particular situation of each detainee, we have sometimes provided information on social organisations which detainees can go to in their countries of origin.



2.3 Legal Aid

The Visitor Group gets basic training on Foreign Affairs and when this does not suffice, they also get support from *Pueblos Unidos*' Legal Service. We solve many legal queries of visited detainees or the families that we meet when queuing with this service, either on the phone, or through visits from detainees' relatives at our Centre. These consultations have been very frequent.

Many queries are about issues with lawyers, in particular, legal aid lawyers: not knowing their name or telephone number, problems contacting the lawyer, complaints about not being able to convey their particular circumstances to the lawyer, the involvement of numerous lawyers in a sanctions procedure, the detainees' false expectations about the lawyer's power to act, and so on. We help identify the court-appointed lawyer that should be dealing with the issue, in collaboration with the Bar Association. When this is not possible, we help the individual to request another one through the Legal Advice Service for Immigrants [SOJE]. In all cases, we endeavour to have contact with court-appointed lawyers and with the Bar Association in Madrid [*Ilustre Colegio de Abogados Madrid, ICAM*] and to facilitate their work, where possible.

We have taken cases over in exceptional circumstances where the detainee's legal defence was lacking or ineffective. For example, detainees that have had application procedures initiated for indefinite leave to remain, detainees with dependent children, pregnant detainees, African detainees that have acquired a nationality other than their own, detainees who were working and whose employers stopped paying their wages upon their detention at the CIE pending deportation, abuse at Barajas airport in Madrid, etc.

2.4. Clothing, hygiene items and telephone cards

Detainees' frequent requirements include underwear and warm clothing, blankets, cigarettes, the lack of telephone cards with which to contact relatives and lawyers, and personal hygiene products such as soap, shampoo etc. When entering the CIE, detainees are given basic, personal toiletries but not a sufficient amount to last the possible duration of their stay and when this period extends, there are difficulties in replacing them.

Although we respond to these basic needs (without covering them all), we believe that it is governmental agencies or the Red Cross who should provide detainees with a sufficient quantity of these products.

Other efforts have been undertaken such as going to the homes of detainees who do not have relatives or those that do have relatives but who also have an irregular migratory status, to collect their belongings, documents or suitcases.



2.5. Pastoral care

The freedom of religious activity, which is in fact a right, is very limited at the CIE. There has been some effort made in terms of food, which has been adapted for Muslims, but there is no suitable area for prayer.

There is a small area in the CIE known as the inter-denominational chapel, but it is out of use. The Management of the CIE allowed *Pueblos Unidos* to decorate and equip this area in October 2009 and in December of the same year, we organised a religious celebration for Christmas. We valued this as a great event which took place without incident and more than half the detainees from different religious orientations attended voluntarily. We subsequently requested authorisation to regularly hold similar celebrations but it was denied due to space and logistical reasons. At Easter in 2010, the Diocese of Madrid held a similar religious celebration, but there has been no regular pastoral care since then. The current possibilities of using this area for prayer are very limited and we have even received information about it occasionally being used for detainees to sleep in.

Some Catholic detainees have requested religious accompaniment. This spiritual support offered by some religious members of the Visitor Group, has helped detainees to face detention and forced deportation more calmly. We have responded to requests that we have received (praying together, confession, Bibles) in the best way possible despite the existing limitations.

2.6. Waiting time for relatives

In the long queues and during the wait to visit the detainees, we spend a lot of time with detainees' relatives. We provide them with information on the operation of the CIE and visiting rules (where to sign up, what they can bring in for detainees, etc.). Similarly, we clarify legal uncertainties and inform them of detainees' rights. We also endeavour to appease while waiting – a situation which is new to the majority of families that go there. Furthermore, we collect valuable information on the operation of the CIE, as well as on deportations and the conditions under which they are carried out.

3.DETAINEES' EXPERIENCE OF LIFE IN THE CIE

Detainees seem distressed, worried, neglected and scared, and these emotions intensify as their detention period extends.

Many people find the situation very difficult; in many cases, detainees have a family and job in Spain and have been completely integrated for years. Then when they least expect it, they are arrested in the street, the metro, the bus station and so on... and then taken to the CIE as a result of their irregular migratory status² (often they will have already received a deportation order). This abrupt detachment from their previous life and the imminent threat of deportation, are the cause of great suffering and loneliness. Detainees often have families that are forced to adjust overnight to the idea of one of their relatives being deported. Furthermore, when young children are involved, worrying about them and the possibility of them being abandoned causes detainees intense anxiety.³



In addition, detainees' dependants in their country of origin are another cause for concern. Many of them are funding the education and healthcare of relatives back home through their income in Spain. Therefore, detention for the ultimate purpose of deportation not only threatens to disrupt the lives of detainees, but also threatens their dependent families' well-being and prospects of a better future.

Furthermore, many detainees have money in current accounts which they cannot withdraw, or are owed money from their previous jobs which is difficult to retrieve, since leaving the CIE is impossible. The fear of returning to their country without their savings or the money they are owed is another frequent source of worry for detainees.

² Other detainees have criminal records.

³ In fact, we have encountered cases of child custody that had to be rapidly organised, with no time to assess the situation or to seek advice.



The following factors combined create a situation that is inconceivable to people outside of the CIE;

- The police management model at the CIE
- The overarching atmosphere of tension in the CIE
- The disrespectful attitude of many police officers
- The lack of information about deportation date, but with the knowledge that it could, however, be at any time and without warning
- The co-habitation of individuals with criminal records and many other detainees who are simply detained for their irregular migratory status
- The desolation of being separated from loved ones
- The limitations of healthcare....

Yet on our daily visits, we have witnessed the severity of the situation and the negative impact of these factors on detainees' physical and psychological condition.

4.COMPLAINTS AND CONCERNS

There have been various improvements at the CIE throughout the year:

- The presence of social care services provided by the Spanish Red Cross and the Legal Advice Service for Immigrants [SOJE].
- A telephone line has been set up with which detainees can receive calls, although the phone tends to be engaged and it is very difficult to speak to detainees in this way.
- Benches have been put in the visiting rooms' corridor.
- The medical team has changed throughout the year and thus the healthcare provided has changed with it. We have noticed a generally good provision for taking detainees with serious health problems to hospital, and have seen an improvement in detainees' healthcare, even if it is still limited and unpredictable.
- The option of using complaints forms has been offered, though detainees are still unaware of this option and they do not tend to be used yet.

The works to extend the size of the visiting rooms were finished in December and new visitation rules have been introduced, which we cannot evaluate yet as they are so recent. However, we present our first impressions of it in section 4.F4 of this report.

The general atmosphere of the CIE in Madrid is one of tension, fear and great suffering. The main complaints and concerns of detainees visited are outlined below. Rather than an exhaustive list, it only includes those which are most frequent. They have been compiled based on the testimonies⁴ of detainees visited, their relatives, or members of the Visitor Group themselves and have been classified into thirteen sections.

The most frequent complaints of detainees visited in the CIE in Madrid

- Indiscriminate detention of individuals
- Lack of information and interpreters
- No effective complaints procedure
- Co-habitation of detainees who have a criminal record or have been detained following a criminal conviction, and those who do not have any previous convictions.
- Widespread punishments
- Visitation
- Insufficient police identification
- Inadequate healthcare
- Prohibited mobile phone use and great difficulty to contact the 'outside world', despite new public telephones
- No photocopier
- Mistreatment during transfers to the airport
- Destination country of deportation
- The release of individuals who are not from Madrid

⁴ The testimonies are taken from the 'Visitor Group Diary' and are shown in italics.

A. Indiscriminate detention of individuals at the CIE in Madrid

Article 63 bis of Spain's Law on Foreign Persons (*Ley Orgánica de Extranjería, LOEX*), considers the ordinary procedure as the general procedure in order to draw up proceedings for irregular stays; the processing of cases will only have a preferential nature in those circumstances outlined in article 63.1. On the other hand, according to the principle of proportionality, the sanction for irregular stay is a fine or deportation, by means of a resolution stating grounds (article 57.1). In other words, the Law on Foreign Persons provides for deportation as a secondary measure.

The Ministry of the Interior in Spain has on many occasions stated that detention should only be resorted to in the most serious cases; for individuals with criminal records or when there are no alternative measures. Yet we have seen that the preferential proceedings used to deport and request detention are systematically carried out in Madrid, without assessing the particular circumstances of each individual case. This means that many detainees in the CIE are there merely as a result of their irregular migratory status, despite having the necessary documentation (i.e. a passport), having no criminal record whatsoever, a family and a fixed address, and being perfectly capable of paying a possible fine.

For example, we have seen many cases of individuals who are at an advanced stage of applying for indefinite leave to remain, but these circumstances are not taken into consideration at the time of requesting their detention into the CIE. Once detained, they are even less taken into consideration for proceeding with their release from detention.

"F. Has a job offer, has been in Spain for over 3 years, has no criminal record, neither in Spain nor in their country of origin and has applied for the revocation of a 2007 deportation order for being undocumented, as advised by the trade union. As a result of being detained in the CIE, it hasn't been possible for him/her to attend the appointment for application of indefinite leave to remain and has s/he has therefore been deported."

We have verified that detention is used indiscriminately in Madrid, without first exploring the other available precautionary measures provided by law. These individuals have often been given a deportation order already, but in some cases, individuals are even detained at the CIE after been held in police custody and the initiation of sanctioning proceedings. In other words, without a deportation order existing yet.



B. Lack of information and interpreters

Article 62.bis of Spain's Law on Foreign Persons acknowledges the right of detainees to be informed about their situation. Yet at the CIE in Madrid, detainees remain significantly uninformed on the following:

- the deportation procedure
- the operation of the CIE
- the available options for making internal complaints
- the existence and operation of an examining court
- the work of the Spanish Red Cross [*Cruz Roja Española*] and the Legal Advice Service for Immigrants provided by the Bar Association in Madrid [*Servicio de Orientación Jurídica a Extranjeros, SOJE*]

Although the incorporation of the legal advice service for immigrants [*SOJE*] improves the services offered to detainees, the same level of assistance is not given to everyone and there is therefore, still room for improvement

Loneliness and a lack of information is most marked among two groups of detainees. The first group includes those individuals who are not from Madrid and for whom it is much more difficult to receive visits from a relative or their lawyer. The other group includes immigrants who do not speak Spanish and thus find it very difficult to communicate with the police as there are no interpreters at the CIE, despite this being one of the rights of detainees, according to article 62 bis.h of Spain's Law on Foreign Persons.

*"He was at the police station in Ventas in Madrid. His court-appointed lawyer went to see him there, asked him to sign some documents, and told him she would see him in the Plaza de Castilla court in Madrid. But he said that his lawyer didn't show up, that he was there on his own and that he hasn't seen her again since and doesn't have her name or number. He asked the Spanish Red Cross to please tell him who his court-appointed lawyer was and they told him they would find out for him but he said that it's been three days and he hasn't heard anything. He then spoke to the Legal Advice Service for Immigrants [*SOJE*], who are going to find out for him".*

"I don't have the detention document because either the lawyer or the police have kept it. I've asked the police for it several times but they haven't given it to me. They say that I must request it in writing but I don't know how or to whom...., basically, they string me along but I still don't have anything in writing about my detention into this place".

"At the CIE, they asked me to fill out a form with my details and sign it. I asked what it was for and they didn't give me an explanation for it. I asked them again to explain what it was for and because they didn't, I didn't sign it".

"On day 60, s/he was told to leave the CIE. I asked him/her if they had given him/her a document to prove his/her two month-stay at the CIE and s/he told me that they hadn't given him/her any such document."

C. No effective complaints procedure

Although at *Pueblos Unidos* we receive many complaints, the fact remains that the CIE barely receives any internal complaints. There is no simple procedure in place which detainees are familiar with and which they can trust will not result in action against them. They simply aren't aware that they have a right to complain and do not trust the consequences of doing so. Even though the detainees' right to lodge complaints is provided by (article 62 quarter) of Spain's Law on Foreign Persons), the lack of a specific regulation for this right, makes it ineffective. In practice, this contributes to a lack of legal protection of the rights of detainees and the legislative gap in the controlling of these centres.

"I don't dare write to the manager requesting to be taken to the registry office to register my child. I've already written him/her a letter and as s/he didn't respond, I posted another one. Yesterday, the police officer told me in a patronizing tone to calm down and to not write to the manager again or "I'll get what's coming to me.""

"We told the police that we wanted to lodge a complaint about the lack of information on people's whereabouts. They told us to go to the ground floor where we were turned away and told to go to the first floor. The police officer told me that he thought it was downstairs, found out where it was and it was actually in another building. He took us up to the building and there wasn't a soul around, just one guy that gave me a paper on which I made the complaint.... I wasn't given an information leaflet about being able to make complaints, how to do it or where.....Days later, they responded to the complaint in writing saying "Complaint received," that's it."

"I am going to make a complaint about the same issue as always; not knowing where the detainee is and not being informed in good time. It's so hard to do; two weeks ago it was done in one place, now it's suddenly done somewhere else. It takes me about 20 minutes to find the right place. They responded to my complaint 8 days later just saying that the police officer that had informed me was complying to rules and doing his job."

D. Co-habitation of detainees who have a criminal record or have been detained following a criminal conviction, and those who do not have any previous convictions

At *Pueblos Unidos* we receive complaints from detainees with no criminal records about being mixed with other detainees that have got criminal records, some of which have been in prison. Some detainees even show fear:

"There's good people and there's bad people here, y' know? My nephew is terrified. He doesn't want to get caught up in trouble but some of them in there do cause a lot of problems. We don't want him to be mixed with these people."

"N. told me that there are very different kinds of people at the CIE; very good people as well as people that steal and take drugs who he doesn't want to be associated with.."

"We were informed about a riot breaking out at the CIE. When we arrived, the CIE manager was not there and the Head of Security was stressed. There had been a fight in the canteen in the morning; one of the detainees hit a police officer at breakfast and s/he had to have a



couple of stiches on his/her chin. Also, other detainees backed the detainee that hit the police guard and broke down a door."

E. Widespread punishments

Detainees complain that when a detainee or a few cause problems, the police's response is to take very restrictive action against the majority of detainees or those in the area where the conflict started, without the minority that caused the disruptions being set apart from the rest.

"There was a fight among detainees in the CIE yesterday during which a young Moroccan man tore another detainee's ear. The police didn't do anything to prevent the fight, they just stood there. They ended up punishing everyone that's on the young man's floor.."

Another example of widespread punishments is the grave situation that resulted from police action to deal with the disturbances in the CIE caused by a few detainees in the protest that took place last November 28th; all detainees were left without dinner or visits, and were not given any explanation for it. Widespread searches were also carried out and personal possessions were confiscated.⁵

F. Family visitation

Individuals with irregular migratory status cannot visit their relatives at the CIE because they are asked for documentation to get in and as they do not have a Residence Card, they are at risk of the police initiating proceedings against them. This is a significant constraint which means many detainees and their families are not able to visit each other or say good bye when detention or deportation from Spain takes place.

Overall, the indignant waiting conditions faced by all visitors should be emphasised; we have to wait under a canvas awning, sometimes for hours, exposed to the cold in winter and the heat in the summer, without any lighting, official information which is negligible, etc. Aside from this day-to-day reality which is so habitual, it seems to be considered normal when it isn't, there are many complaints made about the regulation of visits. They are summarized below in four sections.

⁵ *Pueblos Unidos* has lodged a complaint about these occurrences with the Ombudsman and the CIE's examining court.



F.1. Disrespect from the queue until entering for the visit.⁶

“The police officer had just arrived and then shouted at a Chinese individual in an inappropriate way because he spoke Spanish very badly and it was difficult to understand him.”

“One of the police officers made fun of one of the detainees’ name and the saddened relative remained silent. Her boyfriend was called Harry and the police officer laughed at him and called him Harry Potter.”

“A woman arrived who was about to go up to the building. She was first on the list and it looked like she had moved away for a bit to eat something. The police officer didn’t want to include her in the visits that were going in so I told him that it wasn’t fair because the poor woman was on the list and there was no harm in including her in the group. The police officer got very angry saying he was doing his job and nobody had the right to judge him. We all went up at last and entered into the waiting area where we were scolded at again because there were 6 of us instead of 5. So I had to leave and wait to go up with the next group.”

“We wrote the number of two detainees on the list that day as it was likely that one of them would have already been deported. The police officer refused to accept the list and repeated that it was just one detainee per visitor and that he didn’t have time for that. We were quite insistent until he accepted the list.”

“The police officer was shouting and got annoyed at waiting relatives because it was 6.40pm and they wouldn’t be finished by 5.00pm (even though visiting times are 3.00pm to 7.00pm). They finally agreed that relatives would go in for a few minutes to at least give the detainees the things the visitors had brought for them.”

⁶ Some police officers are friendly and treat people appropriately, but there are others that have numerous complaints made about their offensive treatment and disrespect towards visitors.



F.2. No information on the whereabouts of detainees that have left the CIE

There are many complaints about the lack of information provided to detainees' families when the detainee taken out of the CIE, whether it is for their deportation, release or to carry out another course of action. The police say that once a detainee has left the CIE, it is no longer their concern and they do not provide families with information on the whereabouts of their relative. Nor do they provide information on where or whom to ask, despite the unnecessary distress this causes relatives.

"A young Spanish national went to visit his girlfriend who was from the Dominican Republic and the police officer that organizes the queue informed him that his girlfriend was in hospital. The young man then asked where and the police guard responded that he cannot give him that information. The young man said that his girlfriend was two months pregnant".

"J.A was in the queue, distressed and shouting at the police officer because they wouldn't tell him where his wife was. In the morning, the manager told him that she was taken to the National High Court in Spain [Audiencia Nacional] but he had already been there and was told that she wasn't there and hadn't been either. Then the police officers told him that she had been released but he insisted that if she had been released, she would have called him. He finally found out that she had been taken to Soto del Real, a town 43 kilometres away from Madrid."

"After 3 hours of waiting in the queue, I went in and up to corridor where the visiting rooms are to visit W. and then they told me that W. was no longer there. When I asked where s/he was, they didn't tell me."

"I arrived early yesterday and I didn't have to wait long to go in. There were also very few people waiting upstairs and they told me that the detainee I was visiting was no longer there. I asked where I could find out where they had taken him and after going to two different offices and waiting for more than an hour and a half, they didn't tell me anything. In the end, I went to another police officer and asked them the same question and s/he told me, "I haven't been here very often so I don't know.""

"There were relatives in the corridor that had come to visit detainees from Morocco and they were told that they were no longer at the CIE. Apparently a large number of them had been deported that morning, but relatives were not informed about it."

"After two hours of waiting in considerable heat, I wasn't able to see the detainee I was there to visit. They girl had been released the previous morning and I told the police officer I thought it was awful to not be informed. He was very friendly and told me that he had only just been given this information."

The following testimony proves that is possible to handle things differently. Although it is not routine behaviour, it is an example of how the attention people receive could be improved:

"They were very helpful and friendly yesterday; they told all the visitors in the queue where the detainees were, if they had been released or deported, when it took place and whether it was with or without an escort....never seen before!"



F.3. Confusion regarding detainees

Though it may seem hard to believe, confusion is commonplace.

“A lady came to visit a man from Panama who was detained on Tuesday (today is Friday) and she was told that he wasn’t there. She was shocked and the police officer said, “It happens, there are sometimes mistakes on the list.””

Dialogue between a police officer and a member of *Pueblos Unidos* (PU) in the visiting room:

Police officer: “who’s here to visit O.?”

PU: “me”

Police officer: “Well they’re not here”

PU: “What do you mean they’re not here?”

Police officer: “When were they detained?”

PU: “On Christmas Eve”

Police officer: “Christmas Eve? What number are they?”

PU: “XXXX. But I’ve already said downstairs”

Police officer: “Let’s see” (the police officer looks though his list) “yes, there is a man with that name and number”.... And finally I was able to see O.

“While I was in the queue, I got a phone call from K., who was inside waiting for my visit and five minutes later, the police officer told me that K. was no longer there. I said that that that was impossible as s/he had just called me and to please check again. S/he returned five minutes later saying that s/he’d made a mistake and that they were there”.

“A Bolivian lady came today and she was told that her husband wasn’t there. One police officer said, “He’s already left,” but another shook his head saying he was still there. It turned out that he had been taken to the airport but had refused. On the way back, they put him in another unit and that’s why they couldn’t ‘find him’ – what a mess, and how difficult for the family”.

F.4. Restrictions during visits

There is lack of clarity on visiting rules, which takes place largely depending on the mood and temper of the police officer on duty.

“The police officer didn’t allow a nine year old boy to go in with his mother, which is very strange as accompanied minors don’t usually have problems going in. So the boy started crying but had to stay with us and wait for his mother to come out.”

“A lady arrived today with a baby in a pushchair and a boy holding her hand. They wouldn’t let the boy go in as his mother was already taking the baby. We intervened to insist that they let him go in with his mother as he can’t be left outside on his own. They let him go in in the end but with the much reluctance and they weren’t very pleasant.”

“The police officer scolded at the detainee because I shook his/her hand as I greeted him/her. I told the police officer that it was my fault but s/he continued to shout at him/her.”

“As we went in, the police officers repeated 3 times that physical contact and pecks (custom when greeting in Spain) are forbidden and that inside there are mothers, fathers, sons, daughters, husbands and wives.”

“The detainee asked me for some lip balm and I told him/her that I didn’t have any then and s/he said that s/he didn’t mind if I had a used one of my own. I called the police officer and asked if I could give it to him/her and s/he said no as it was colourless and didn’t know what was in it - that’s what the rules say. What rules?”

“The visiting rooms were refurbished in December and we now enter in groups of ten. We speak through a glass barrier, on the phone. When we arrived today, the glass barrier wasn’t there and they let us greet each other with the supervision of a police officer (at that point there was one police officer per detainee). Once we had greeted each other, they put the glass barrier back, and we spoke on the phone. There weren’t as many police officers then, but they would move from one detainee to the next. There wasn’t a police officer on our side but we were ‘locked up’; they closed a door on us that could only be opened from the other side. We also had to go in strictly according to list order as the police officer called out our names and we were even made to sit in order in the room with the waiting benches.”

The works to extend the size of the visiting rooms were finished in December and new visiting rules have been put in place, which are difficult to evaluate as they are still so recent. On the one hand, an increased number of visitors has been achieved; there is now the capacity for ten visitors and the duration of those visits has been increased up to an average of 20 minutes. Furthermore, physical contact is permitted (a hug and peck) at the start of the visit before the glass barrier is placed. On the other hand, the new procedure also forces an indirect conversation on the telephone, with the detainee and their relative separated by a glass partition. On the whole and in principle, we consider this to be one step back towards the criminalization of the situation and we have taken it very seriously. The CIE could be considered a maximum-security prison. However, we stress that these are very recent changes. It is yet to be seen how this will affect detainees and their families and we have not had time to evaluate it. But it is one of the most significant changes of 2010.

G. Insufficient police identification

The lack of police identification in the CIE has been a long-standing cause for complaints. Although recently they do wear an identification number, it is not easy to see at first glance due to its small size. As a result, it is still difficult for detainees to be able to identify police officers and lodge a complaint. However, the person who usually deals with visitors in the queue and takes them up to the visiting rooms, still does not have identification.

H. Inadequate healthcare

One of the most frequent complaints of detainees is the inadequate healthcare at the CIE. We are concerned to see medicines that are taken to detainees whom are ill, frequently confiscated by the police who furthermore, do not adhere to the intake schedules prescribed by doctors.

There is no specialized health care at the CIE and in the cases of pregnant women, their pregnancy is not monitored throughout their detention.

“C.’s pregnancy is a high-risk pregnancy because she had to be taken to hospital three times since she was detained as she suffers from haemorrhages and yet she’s been deported despite this.”

“The 32 year-old young man was scared, extremely confused and shivering a lot. He said he used to take drugs but that he’s left that behind him and now takes diazepam, a drug prescribed for stress but he hasn’t been able to continue his treatment in the CIE.”

“S/he still had a cold. They gave him/her ibuprofen to begin with but now s/he’s taking antibiotics because the cold is affecting his/her chest and s/he has had a fever. As it’s been cold the past few days, I asked him/her if s/he goes down to the patio when s/he is ill and s/he told me that s/he does and that s/he isn’t allowed to stay in the room or offered any other way of being in a sheltered place” (the CIE doesn’t have an infirmary).

“S/he has a very bad flu. The CIE doctor has told him/her that s/he needs medication but that it isn’t available at the CIE and that s/he should ask his/her family to bring it to him/her.”

“At the police station in Ventas, the compression garment s/he had on was removed (s/he had undergone surgery on a stomach hernia) and it hasn’t been given back to him/her since. The doctor at the CIE told him/her that it was not his concern and that s/he should contact the Red Cross. S/he was going to contact them that day to see if they could get one for him/her, but I returned a few days later and s/he had not been given the compression garment s/he had requested. S/he showed me how protruded his/her stomach hernia was and it was shocking.”

I. Prohibited mobile phone use and great difficulty to contact the ‘outside world,’ despite new telephone box installations

“There was a girl crying before entering the visiting room and I noticed her crying even more as she came out. She told me that when she was saying goodbye, she tried to give her partner a mobile. The police officer saw this and said: “This is the last time you visit here.” Why are detainees not allowed to have mobiles to contact the outside world?”

“His boss owes him money; 825 euros. S/he wrote him a cheque for 500 euros but he was detained before he was able to cash it. When a relative of his went to the bank to cash it, s/he was told that although there were funds, the boss needed to be contacted before it could be



ashed. After calling, they said no and didn't pay him. He is very anxious and wants to speak to his boss and colleagues as soon as possible to resolve the situation but his mobile was taken from him and that's where all his contacts were stored."

J. No photocopier

There are no photocopiers at the CIE for public use. The deprivation of liberty or threat of deportation makes it very necessary to have one as there are many issues detainees may need or wish to resolve for which they may need to supply documentation to their families so that they can resolve such issues on their behalf.

"There's a photocopier in the CIE but if you go down to use it you can't go back in to give the photocopied documentation back to the detainee. A young man needed to give us his documentation and we had to go back to the CIE the next day to give it back to him."

K. Mistreatment during transfers to the airport

There are frequent stories and complaints about abuse during the transfer of detainees to Barajas airport in Madrid, as well as when detainees refuse to leave on arrival to the airport. The CIE does not report these incidences to the judicial authorities.

"A Columbian woman told us that they tried to deport her husband, and as he refused, they hit him so hard that he's bruised and struggling to walk. His side hurts and they worry that one of his ribs could be broken."

"As it was impossible to carry out the deportation, the police transferred him back to the CIE the same night, where they took him to the cell he shares with other detainees. My cousin was in the cell this morning, suffering various pains, bruises and was barely able to move. He explained what happened at Barajas airport to his cell-mates and the police. The CIE doctor couldn't recognise him. Seeing the bad state my cousin was in, by the 3 o'clock in the afternoon, detainees complained and pressured the staff, taking mattresses into the walkway and shouting out for medical help. An ambulance took him to the 12 de Octubre Hospital in Madrid, only by 6 o'clock in the afternoon. It hasn't been easy to visit him. When I went to visit him today, they told me he didn't want any visitors as he was tired. I didn't believe it and as I insisted, I was told what was going on; he was in a bad way and couldn't walk and the visit wasn't possible as I couldn't go into the rooms. I carried on insisting and they finally brought him out with the help of a police officer as he couldn't walk by himself. I wasn't able to speak to him in the visiting room but instead had to visit him in the office with the Security Manager present, who informed another police officer during the visit."

"The doctor at Barajas airport in Madrid cleaned up his blood and sent him to hospital. The police were seen to before him at the 'Ramón & Cajal' Hospital in Madrid, (one of them complained about a pain in their knee). The doctor asked the detainee how he had been injured and he said that he'd been hit. The doctor said no, those things don't happen in Spain. The duty police officer then told her that the detainee was a criminal, had been in prison and that people like that shouldn't be in Spain. They x-rayed him and his nose was broken in three different places so they gave him ice and ibuprofen at the hospital. They didn't give the detainee the medical report, but the police gave it to the CIE doctor instead. The CIE doctor



gave him pain killers and an injection for the pain. None of the police officers at the CIE have asked him what happened or taken a statement.”

L. Destination country of deportation

We have only encountered one case of a person being deported to a country other than their country of origin but it merits attention due to its illegality.

“A..left the CIE and was transported to Barajas airport in Madrid where he was then taken to air stairs of the plane on which he would travel. When A. saw the plane that he was about to board, he noticed that it was it was a ‘Royal Air Maroc’ flight so told the police officers that he is from the Congo and his passport and as all his documentation and files in Spain prove it. The police officers told A. that the plane was flying to Morocco but would continue to the Congo from there. A. asked to see the ticket to the Congo but they wouldn’t show it to him. They just insisted that he had to get on that plane and that the Moroccan police would give him directions on arrival. Up until then, A. had been willing to return to his country and had not tried to resist deportation in any way, but at that point got scared because he had heard cases of sub-Saharan friends that that have been left stranded in Morocco instead of being transferred to their country of origin. He insisted that he was from the Congo and that they couldn’t send him to Morocco, a country that he had never been to before (he had reached Spain as an asylum seeker via France).

With the suspicion that he’d be repatriated to Morocco, A. insisted that he would not get on the plane unless they showed him the ticket to the Congo or could prove that the journey would continue there and he wouldn’t be left stranded in Morocco. There and then, the police took him down from the air stairs and released him at that same airport.”

M. The release of individuals who are not from Madrid

The CIE proceeds with the release of detainees if the 60-day detention period is reached. They are released at the CIE’s doors and are not taken back to the city in which they were detained nor are those individuals that aren’t from Madrid given travelling money to get back.

“A young man from Zaragoza was released at the CIE’s doors. He was furious and asking to be taken back to Zaragoza where he was caught as he had no money and didn’t know Madrid or anybody there. But he was ignored so I gave him money for the bus back to Zaragoza.”



5.RELATIONS WITH GOVERNMENTAL AGENCIES

We have maintained 3 types of contact during this time, and all with limited results:

5.1 Pastoral care

In December 2009, we were given authorisation to hold a religious celebration for Christmas, which proved to be a very positive experience with the voluntary and enthusiastic participation of around 150 detainees. Consequently, we requested authorisation from the Office for Foreign Affairs in Spain [*Comisaría General de Extranjería y Fronteras*] to hold religious celebrations weekly at the CIE. The response was that, “*consent to weekly religious celebrations is not viable,*” but also stated that, “*they may take place ad hoc such as the celebrations that took place last Christmas*”.

In March, we also requested authorisation from the Office for Foreign Affairs in Spain [*Comisaría General de Extranjería y Fronteras*] to hold a religious celebration in the Aluche CIE at Easter. We were told that for this activity to be carried out, we should coordinate it with the Archbishop of Madrid. The Diocese held a mass on Sunday 4th April and there have been no other celebrations since, nor has religious practice been effectively facilitated to detainees.

5.2. Morning visits

Our visits with detainees are carried out in the afternoons during general family visiting times in afternoons, which cause the following difficulties:

- a) Access during visiting times means waiting in long queues, which is hugely time consuming for our Visitor Group since we attend every week, Monday to Saturday, and our work is carried out by volunteers.
- b) For each detainee visit, we take the place of a potential visit from a relative. This is to everyone’s disadvantage, particularly when we have not been able to notify the family that we are going, or when we have not been notified by them.
- c) When a detainee is not present at the CIE and we are not informed, we cannot rearrange the visit or give the number of another detainee. This means that we have used up “one day” of visiting without having been able to see anybody.
- d) The visits last approximately 10 minutes, however they have recently been extended to 20 minutes since the visiting rooms were renovated. They now take place on the phone and through a glass barrier. All of this reduces the quality of accompaniment that we can offer detainees, even though we tend to visit the same person several times.

Based on these limitations, we wrote to the General Commissioner of Foreign Affairs requesting authorisation to visit detainees in the morning at the Aluche CIE, outside family visiting times which are scheduled in the afternoon. We were told that, “*detainees receive visits from lawyers, health services, embassy representatives, consulates, etc. in the*

morning slot,” and thus “it is not possible to grant your request and visitation will continue to take place in the afternoon.” In our acknowledgement of receipt, we expressed again, “our willingness to conduct visits during morning visiting times at the weekends (when there are usually no other visits from consulates or lawyers). Our persistence on this matter is based on the serious disadvantages it inflicts on the service that we try to provide to detainees.”

The amended text of Organic Law 4/2000 on the rights and freedoms of foreigners in Spain and their social integration [*Ley Orgánica 4/2000 sobre Derechos y Libertades de los Extranjeros en España y su Integración Social*], in article 62 bis 1.j) establishes that detained immigrants have the right to “contact with non-governmental organizations protecting immigrants”. Furthermore, the recent article, 62 bis 3), states that “legally established organizations in Spain protecting immigrants.....may visit the detention centres; the conditions of the same will be drawn up according to regulations”. Furthermore, the third, additional provision of Organic Law 2/9000 establishes that, “within the space of six months, the Government will approve a Regulation outlining the detention of immigrants.” According to recent updates, the Regulation is expected to be approved by the first quarter of 2011. We trust that it will facilitate the access of NGOs to the CIE, for which we will bring our experience of the work we have carried out over the past months.



5.3. Information to the governmental authorities and interview applications.

In June 2010, we compiled a report, similar to this one, which systematized the work the Visitor Group has carried out during the first six months of the year. We sent the report to the Secretary of State for Security, the General Commissioner for Foreign Affairs and to the CIE manager, requesting an interview with each of them to be able to share and contrast the content of the report. We have not received any response.

6.RECOMMENDATIONS

The following recommendations aim to improve the conditions of deprivation of liberty for as long as detention lasts. Some are very easy to implement and all of them will make daily life significantly easier and reduce tension in the CIE in Madrid.

6.1. Alternatives to detention. Detention has an adverse impact on detainees and their families. As established by Spain's Law on Foreign Persons (*LOEX*), alternative precautionary measures should be explored and detention should only be used as a last resort. Furthermore, 'non-removable' persons or individuals that are particularly vulnerable (those that are ill, pregnant, the elderly, etc.), should not, under any circumstances, be detained.

6.2. Regulation on CIEs. The following Regulation on CIEs should establish a clear difference between security and social services aspects, according to the proposal adopted under the Human Rights Action Plan, approved by Spanish government on 12th December 2008. The Regulation should make provisions on the minimum services and essential details of the internal rules and operation of CIEs. Furthermore, it should incorporate the recommendations outlined in the *Ombudsman's* recent reports.

6.3. Legal Information. Detainees should be informed of their legal situation and know who their lawyer is. The Aluche CIE has information leaflets available in various languages but detainees do not receive them. Furthermore, the Bar Association has a Legal Guide that was produced in collaboration with *Pueblos Unidos* in 2009 that may also be useful. Whatever the means or the material used, it must be reviewed according to the latest amendment of Spain's Law on Foreign Persons [*LOEX*] and incorporate the Regulation on CIEs when approved. This information should very clearly state what the role of lawyers is and what can / cannot be expected from them. The Legal Advice Service for Immigrants [*SOJE*] of the CIE can also contribute very positively by clarifying any doubts or queries that detainees may have.

6.4. Legal regulation for the monitoring of CIEs and the effective protection of detainee's rights. A significant development of Organic Law 2/2009 was the introduction of an examining court for the CIEs (article 62.6) which has been operating very positively in Madrid for a year. However it lacks the necessary channels of access for detainees and we are aware of the difficulties that the examining judges of CIEs face due to the lack of legal regulation of this body. Nevertheless, this does not undermine the utmost importance and necessity of the role assigned to them: ensuring that the rights of detained immigrants are respected.

6.5 Trained Police at the CIE and greater stability in their roles. The police at the CIE should receive basic training on the legal framework of immigration policy. The police at the CIE are currently unfamiliar with the rudiments on immigration policy and many consider detainees to be 'criminals'. Likewise, the excessive rotation of police staff does not help create of a body that is trained and sensitized to the migration phenomenon and the legal framework that regulates it in Spain. It would also be advantageous for all police officers who are sent to the CIE, to take part in training, specifically on intercultural communication, and to be more aware of the stressful situation suffered by detainees. Lastly, it should be compulsory for police officers to be in uniform at all times and to have some form of identification that is clearly visible to detainees.

6.6. Assessing the methods of classification and separation of detainees (offenders, age, etc.) For example, just as the penitentiary system in Spain makes provisions for prisoners in remand to be separated from convicted prisoners, there should be a guarantee that no individual that has not committed a crime, will be forced to share their time and space with other individuals with criminal convictions.

6.7. Complaints procedure. There should be a clear and simple procedure for making complaints, which all detainees and their families are aware of. Accordingly, it would be helpful to have complaint forms in various languages available to all detainees and visitors. It is also essential that the procedure be practical, agile, facilitated by the CIE and that it guarantees the safety of detainees.

6.8. Visitation. Some suggestions for improving the rules of family visitation are detailed below:

- Relatives that are visiting for the first time should be provided with written information on the procedural rules of visitation: schedules, waiting area, how to get a place, objects which can / cannot be brought in for detainees etc.
- The current system of “automated lists” of families should be substituted with a number system like the ones used by public services.
- The family should be notified of the whereabouts of the detainee when they are no longer at the CIE, (deported, released, in hospital, transferred to other judicial or administrative authorities, etc.) rather than merely telling them that they are not at the CIE.
- A screen should be placed in the waiting area with the detainee number of those detainees that have been deported.
- The toilets in the corridor of the waiting area should be made available for detainee visitors to use.
- It should be made possible for relatives that also have an irregular migratory status to visit detainees.

6.9. An area for prayer, religious celebration and reflection. An area for prayer and religious celebration should be provided for the various religions at the CIE.

6.10. Conditions of deportation or release.

- Assaults at Barajas airport, which are frequently reported by detainees, should be investigated.
- Detainees should be provided with a document which confirms their stay at the CIE in writing, as well as their departure and whether it is for the purpose of deportation or their release. If it is for the purpose of deportation, the document should state the means of transport used, as well as the date of the flight, name and number of the company travelled with, the destination and the time.
- Detainees who are not from Madrid should be returned to the cities in which they were detained, or failing this, provide them with money so that they can get back.

6.11. Transparency of CIEs. Information on the annual figures of individuals detained in the CIEs should be provided to the public detailing their socio-demographic profile, deportations carried out, the average period of detention as well as the financial cost involved in the entire process of detention and deportation.

6.12. Legal regulation of pro-migrant organisations' presence in CIEs, according to article 62.bis.3 and 62.bis.1.j of the Law on Foreign Persons. In the meantime, and for the purpose of facilitating our visits, which we can only currently conduct during the general visiting times in the afternoon with the limitations described in this report, the following would be extremely helpful:

- NGOs that visit detainees should be able to visit more than one detainee a day. We currently have to carry out visits individually during family visiting times, rather than as an organisation and it is therefore, only possible to visit one detainee a day.
- In the case of a detainee who we intend to visit not being at the CIE, it should be possible for us to visit another one. It is currently only possible to request to see one detainee, and if they're not there, it is not possible to request to see another detainee.
- NGOs that have access to the CIE should be designated an area and allocated time to speak undisturbed with detainees. If it is difficult to attend in the morning as a result of the lack of time or space (due to visits from consulates or lawyers), it is possible to visit detainees at weekends in the mornings, when Consulate personnel, for example, are not conducting visits.

December 2010, Madrid





accompany them

care for them

defend them

Pueblos Unidos is a Catholic organisation and one of the centres run by *San Juan del Castillo Foundation*, a member of the Jesuit Migrant Service (JMS) in Spain.

Throughout 2010, *Pueblos Unidos* has maintained a dedicated team of volunteers which visit detainees at the CIE in Aluche, Madrid. Their presence has been almost daily throughout the year. From January to November, the team of volunteers has visited over 100 of the 5,000 detainees in total who were at the CIE during the same period. They have done this without any assistance or official recognition. Based on this particular experience, we present our report.

Our work ethic is the same as that of the Jesuit Refugee Service in Europe (JRS Europe), which has been working in detention centres in various European countries for years, with the knowledge and approval of the authorities of those countries.

Pueblos Unidos calls for an end to these disguised prisons, these – to quote Miguel Hernández, the Spanish poet and playwright - veritable “factories of laments.” However, in the meantime, we want to help improve the conditions of deprivation of liberty and the effective protection of the rights of detainees.

Thus our third objective is to accompany detainees during their stay at the CIE, to support them in any course of action and respond to those needs not dealt with by the CIE’s other services and to promote the effective protection of the rights of detainees.