

Torture, Structural Violence and Migration

Fabio Perocco

Università Ca' Foscari Venezia, Italia

Abstract This essay highlights that torture has become a structural element of the migratory experience in most of the world, especially as a result of the worsening of the conditions of migration and the torture crisis. Considering several contexts (Central America-US, Balkans, North Africa), this essay examines the factors underlying such processes and points out that mistreatment of migrants is related to the tightening of migration policies and the escalation of institutional racism, which – with securitisation policies, politics of fear, hyper-detention, theories on the criminal law of the enemy – favour contexts permeable to violence towards migrants.

Keywords Torture. Structural violence. Migration. Migrants. Racism.

Summary 1 Introduction. – 2 Torture. A Social Relationship of Submission, with Deep Social Roots. – 3 Against Torture. – 4 The Roots of the Contemporary Torture Crisis. – 5 The War on Migration and the Globalisation of Torture against Migrants. – 6 Libya. An Outsourced Torture Industry. – 7 The System of Dehumanisation in the Balkans. – 7.1 Systemic Violence. – 7.2 Pushbacks and Confinement. – 7.3 Neocolonialism and Exploitation. – 8 Between Scylla and Charybdis. Migrants Torture in Central America-Mexico-USA. – 9 Disappearance and Mistreatment. The Logic of Institutional Violence during Transit and after Arrival. – 10 The Connection Between Racism and Torture. – 11 Conclusions.

1 Introduction

Despite mankind's accomplishments over time, torture - in this volume intended in a broad sense, not in the strict legal sense of the term¹ - is still a widespread phenomenon throughout the world and a very topical fact. Like racism, it is more alive than ever, it is not something old from the past. Like violence against women, it is a phenomenon that affects the four corners of the planet and not just some 'underdeveloped' country. The events that in the last two decades have caused the most stir and that were in the spotlight (Abu Ghraib, the G8 in Genoa, Guantánamo) are just the tip of the iceberg and above all, they are not exceptional cases: torture is a regular, systematic, everyday practice. It is not a matter of loose cannons, of rotten apples, accidental malfunctioning of State apparatuses or of the system. It is not an unusual event, something anomalous, isolated, carried out by monsters or insane criminals: torture is a social phenomenon, with deep social roots, and an integral part of the system.

This book examines torture and the inhuman treatment of migrants in different contexts of the world, according to a perspective of social production of torture (Gjergji 2019 and in this volume; Hajar 2013; Mackert 2015). Gjergji notes that in history and geography torture has not been applied indistinctively to everyone, to the whole population, but rather to a specific segment: the exploited, the dominated people and groups supporting the productive system, the subordinated working class (slaves, servants, labourers, proletarians). Conversely, the cases of torture against people from the upper classes were indeed individual episodes and not mass ones, which targeted individuals who were tortured as traitors of their own class, having defended the exploited and the working classes. In this sense, torture is also indirectly linked to the economy, to political economy, to the mode of production, and not only to the forms of political and institutional regimes; it is a social phenomenon pertaining to the economic-productive dynamics, so that the dehumanisation of the tortured aims at the devaluation of work, the material and political annihilation of the exploited groups. Specifically, in the modern age torture has become a part of the dynamics of the market, changing along the never-ending change of capitalism, which incessantly and incessantly transforms society and thus torture, too.

This book highlights that specific factors, above all the war on migration, have created everywhere preconditions and contexts permeable to migrants' torture, turning it into a global and structural phe-

¹ As is known, torture, inhuman and degrading treatment, intentional violence, are different concepts with distinct legal definitions. In this text I refers to torture in a broad sense, including moral torture.

nomenon. The torture of migrants has become a structural element of the migratory experience in several parts of the world: sometimes it is the cause for departure or something they experience when leaving; it is a frequent experience along the migratory path, the transit migration, the journey; it is a reality that migrants sometimes experience in receiving countries. They suffer torture, violence, and inhuman treatment in the sending countries, in the countries of transit, in receiving countries, during movements within receiving countries, so much so that torture is a pervasive element of migration in the contemporary world.

But the individual acts of personal violence against migrants are part of the structural violence that is ingrained in a system of unequal social relations (of production, race, gender). They are part of the structural violence arising from the historical system of inequalities; they are part of the structural violence that manifests itself in the inequalities between classes, races, genders, nations, existing in the various spheres of social life (work, housing, health, education, rights etc.); they are part of the structural violence that reflects social injustice and at the same time manages not to manifest itself, to conceal itself and its origins, to make itself considered a natural element (Galtung 1969).² Personal violence - which is closely linked to structural violence - is the epiphenomenon of social domination under the banner of exploitation and subordination; structural violence refers to the social structure and its inequalities - i.e., the class structure and class inequalities: "behind structural violence is inequality, above all in the distribution of power" (Galtung 1969, 175). Therefore, the individual act of violence against the individual migrant is equivalent to a collective action against a collective subject within the framework of historically determined relations. In this framework, the persistence of inequality over time (and consequently of structural violence) is the maintaining factor of the stability and continuity of personal violence, inhuman treatment, and torture - as equally stable, enduring, continuous phenomena.

2 This structural character enables violence to not present itself as such, or even to present itself as anti-violence ('humanitarian violence'). As Galtung observes, this is due to the fact that it is "built into structure" (1969, 171).

2 Torture. A Social Relationship of Submission, with Deep Social Roots

Torture is a social relationship of submission with systemic social roots (see § 3), which goes beyond the people directly affected. Society and circumstances produce it and normalise it: it does not exist in an isolated and random manner, rather it is present within specific contexts, in certain social relationships, in particular narratives, so that in each historical-political-social-cultural context there is a specific potential for torture that turns some individuals or groups into hostile, enemies, “torturable subjects” (Jubany et al. 2019, 119).

Compared to the past, torture practices have changed, but the meanings and the targets have remained roughly the same. As a deliberate destruction of the personality and dignity of the victim through the infliction of severe physical or mental suffering (Lalatta Costerbosa 2016, 9), torture annuls and dehumanises the person, destroys their dignity and identity, and reduces them to an object. An animal, a sub-human, a human animal (Sartre 1958). In his play *Dead Without Burial* of 1946, Sartre portrays torture victims like dead people without burial, who are unable to speak and are broken inside: people physically alive but dead inside, because with torture, as he will say in the introductory essay to the book *The Question* (or. ed. *La Question*) by Henri Alleg, you let the body live but you will kill its spirit (Sartre 1958).

A form of extreme intentional violence aimed at the full submission of the subject, torture is inscribed in unequal social relationships of production, class, race, and gender. It is the expression of unequal relationships of power, which leads to the humiliation of the subject, their physical and psychological demolition, to leave them dumbfounded and with no hope for the present and the future. Torture does not end with the end of the afflictions: it produces a very deep trauma on the mind, on the brain, on the body, constantly relived and reopened by the insistent and intrusive memory of the trauma itself (van der Kolk 2014).

Torture is not just about violence and trauma happened in the past, but also and above all, the continuous memory of the tortures suffered and the haunting return of the trauma, the incessant irruption of the traumatic past into the present, which compromises and paralyses the future. In annihilating the subject’s humanity, torture destroys plans and hopes for independence, freedom, and solidarity, both of the tortured person and of those around them, both individual subject as well as collective subject.

Whether it’s judicial torture (to punish, to extort information) or political torture (to annihilate the enemy, the political opponent, the rebel), torture has a wide social scope that goes beyond those who are directly hurt by it. It aims to restrict freedom of thought and ac-

tion of the tortured person and their entourage, to discipline the tortured victims and their social circle, to warn society as a whole and, in particular, the groups defying the social order, to warn those who go against the ruling class, those who break the rules of the established order (Scott 1959).

An extreme mode of affirmation and consolidation of the power of the ruling class through the production of terror, of fear (Lalatta Costerbosa 2016), torture is often part of the process of establishing and maintaining social domination, the material exploitation of one social class over another, of the imposition of a given worldview by a socially dominant group (one class, one caste) over another group qualified as an opponent, a criminal, a subversive, an enemy, an outlaw. Practised on individuals, to destroy their egos, identities, and personalities, torture instils terror in the tortured person's entourage and in society, to impose social silence, to weaken the social resistance of dominated populations and groups, of subordinate classes.

It is, as emphasised by Butler (2009), part of the 'civilising' mission pursued by the ruling classes and implemented by the institutions or subjects representing the established power. It is an integral element of domination and control over individuals, groups, and classes, defined and considered dangerous, deviant, criminals, and subversive. A normal and normalised practice directed against subjects considered harmful, frightening, and recalcitrant towards the dominant economic and political order, torture is a modality of debasement, submission, and inferiorisation, individually and collectively, through the affirmation of the superiority of the torturer over the tortured person. The torturer is not only the individual perpetrator who puts torture into practice, but also the collective subject (a social class, a dominant group) who creates the favourable conditions for torture and who directly or indirectly arms the perpetrator's hand.

In history and geography, there are many cases of torture as a result of a continuum of violent practices coming from State institutions, from centres of power, to subdue and dominate subjects considered and defined as threatening, riotous. Here, for conciseness, I will only mention the case of the Roma people in modern and contemporary Europe, a population against whom discriminatory and persecutory policies have five centuries of life. Such persistence, as observed by Di Noia:

was an integral part of the struggle against vagrancy that the rising capitalism unleashed in Europe from the end of the 15th century. But within this centuries-old process of proletarianisation of the labor force there is undoubtedly a specifically anti-Ziganism hue [...]. Forced into slavery, deported, branded with fire and mutilated, chained, massacred, executed, sterilised, deprived of their children, the Roma have survived European 'civilisation' merg-

ing with the rest of the grassroots classes or increasingly resorting to secondary economic activities, continuously eroded by the capitalist development [...]. So, as for the European peasants expelled from the countryside and reduced to vagrancy, the States of modern Europe have forced the Roma to choose between paid slavery, social marginalisation and extermination. In other words, capitalism, *by destroying their traditional basis of existence*, closed to them the road of the past and instead opened up the way to decline and ethnocide. (Di Noia 2016, 24-7; emphasis in the original)³

3 Against Torture

International law establishes a full prohibition against torture, that cannot be subject to exceptions, exemptions, or suspensions. Article 5 of the *Universal Declaration of Human Rights* of 1948 declares that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. The *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* of 1984, which entered into force in 1987, establishes an absolute prohibition of torture, without exception. Article 3 of the *Geneva Convention on The Treatment of Prisoners of War* prohibits torture and mistreatment of soldiers or civilians prisoners of wars. Article 7 of the *International Covenant on Civil and Political Rights* of 1966 declares that no one can be subjected to torture or degrading treatment, not even in the event of exceptional public danger threatening the existence of the nation (Art. 4).

Article 3 of the 1950 *European Convention for the Protection of Human Rights and Fundamental Freedoms* (ECHR) states that no one shall be subjected to torture or to inhuman or degrading treatment or punishment, even in the event of war or other public danger threatening the life of the nation (Art. 15). Article 5 of the *African Charter of Human and Peoples' Rights* of 1981 states that every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment or treatment shall be prohibited. Article 5 of the 1969 *American Convention on Human Rights* states that no one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment. All persons deprived of their liberty shall be treated with the respect due to the inherent dignity of the human person.

Considering torture in the context of migration, the Global Compact for Migration (GCM), approved on 19 December 2018, mentions

³ Unless otherwise indicated, all translations are by the Author.

torture in the chapter on returns and readmissions (United Nations 2018a). During the negotiations for the GCM, Europe stressed the responsibility of the countries of departure concerning returns and readmissions, as well as the legal obligation for States to take back their nationals, by including this point in Objective 21: “Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration”. However, as returns and readmissions may involve the risk of torture, Objective 21 provides that States

commit to facilitate and cooperate for safe and dignified return and to guarantee due process, individual assessment and effective remedy, by upholding the prohibition of collective expulsion and of returning migrants when there is a real and foreseeable risk of death, torture, and other cruel, inhuman, and degrading treatment or punishment, or other irreparable harm, in accordance with our obligations under international human rights law.

In the Global Compact on Refugees (GCR), approved on 17 December 2018, torture and inhumane treatment are addressed extensively, urging to consider victims of torture as specific beneficiaries of public policies for refugees (United Nations 2018b). States are required to increase their capacity to address the specific needs of torture survivors, and specific provisions for victim support are set out. In section “Reception” (part “Addressing Specific Needs”), the GCR provides that

the capacity to address specific needs is a particular challenge, requiring additional resources and targeted assistance. Persons with specific needs include: children, including those who are unaccompanied or separated; women at risk; survivors of torture, trauma, trafficking in persons, sexual and gender-based violence, sexual exploitation and abuse or harmful practices. (United Nations 2018b)

Moreover, it urges States to create mechanisms for identification, screening and referral of those with specific needs to appropriate and accessible processes and procedures. In chapter “Meeting Needs and Supporting Communities” (section “Health”), the GCR asks States to contribute

with resources and expertise to expand and enhance the quality of national health systems to facilitate access by refugees and host communities, including [...] survivors of trafficking in persons, torture, trauma or violence, sexual and gender-based violence. (United Nations 2018b)

In February 2018 the UN Committee against Torture (CAT) issued new guidelines on the rights of asylum seekers, that strengthen their protection from torture following returns and readmissions (United Nations 2018c).

Therefore, international law – transposed into the domestic law of many States of the world – considers torture a crime of absolute and specific gravity, establishing a full prohibition against it. The prohibition of torture is peremptory and mandatory because torture, in addition to damaging physical and psychological integrity, annihilates human dignity, which constitutes an absolute, intangible, inviolable good, the basis of humanity and human rights. It is never negotiable in the interest of the State, it is never admissible in the name of the State. Human dignity, being the foundation of all human rights, prevails over any requirement of justice or security (Gonnella 2013, 26, 93).

This conception of torture as an absolutely negative element – until a few centuries ago in Europe torture was part of the criminal code – is the result of multiple elements and social forces.

Among these we find the historical movement of the grassroots classes, which, remaining in the West, over the centuries have shaken off with great effort and many conflicts the status of ‘thing’, of an object without rights, imposed by the ruling classes and (imperial, feudal, religious etc.) absolute power. It was a long, complicated historical process, not at all linear, which over time has seen the gradual acquisition of civil, political, and social rights, the progressive (albeit incomplete) conquest of the right to have rights. A process in which the working class and the rising urban bourgeoisie have raised the topics of the universality of human dignity, of equality, of the social (not natural) roots of inequality. This acquisition took place through political struggles, social conflict, daily resistance; it was not a spontaneous and free contribution by the ruling classes and the State apparatus, on the contrary. Think, for example, of the massive phenomenon of the witch-hunt organised by European States and the ruling classes to sweep away popular beliefs, especially in the rural world, and impose a new worldview, functional to the rising capitalism and bourgeois society (Levack 2015). Or, another example, is the harsh repression in the modern era of *jacqueries* and social protest movements, with a more or less religious background, countering the waged slavery imposed by the rising capitalist economy.

Then there was anti-colonialism, with the liberation movements of oppressed peoples, which denounced and fought slavery, racism, and torture as structural elements of the colonial system. The slave system of exploitation of the Africans and natives entailed death by exhaustion, it was based on organised violence and daily terror, with torture as a founding element of this system – both in the slave trade phase (slave economy) and in the agricultural production phase in

plantations (plantation economy). Torture was a structural factor of the slave system and racism that supported it; the slave trade, the slavery of the natives and Africans in the colonies – who were considered human beasts or sub-humans – was equivalent to a long collective daily agony (Ferro 2003; Stannard 1992), to a mass hell:

The life of a slave was one long torture. It started with his capture by the raiding parties; it ended with his death on a West Indian plantation. Once the slaves had been landed and sold for labour in the islands their persecutions increased in number and extent. Before, the treatment they received, terrible as it was, stopped short of mutilation and flogging in its more fiendish forms, for the good and sufficient reason that a slave who was a cripple or whose back was scarred with unhealable weals would not fetch as good a price as would one sound in appearance. But when a planter had purchased a slave he was in many cases moved by no such motives of clemency. The probability was that he would keep the slave until worn out with labour or until death came, and in the meantime his object was to secure from his purchase the last ounce of effort that torture or punishment could extract. (Scott 1959, 120-1)

Another element was the anti-torture school of thought that developed over the past centuries, especially in Europe, which prepared the ground for torture's (albeit formal) abolition. Born in the sixteenth century with the reflections and stances of Juan Luís Vives, Michel de Montaigne, Erasmus of Rotterdam, and Thomas More, such movement judged torture to be a practice against humanity and a useless practice from a judicial-investigative point of view (Lalatta Costerbosa 2016). It strengthened in the seventeenth century, thanks mainly to the work of Friedrich Spee von Langenfeld, and consolidated in the eighteenth century with the works of Christian Thomasius, Montesquieu, Cesare Beccaria, Wilhelm von Humboldt, Pietro Verri, Joseph von Sonnenfels, Gaetano Filangieri. They, in laying the legal and philosophical foundations of abolitionism, highlight the dual judicial significance of torture (punishment, sentence; ways of extorting information and confessions) and the dual political significance of torture (subjection and destruction of the enemy; ways of government through fear).

Finally, there are the horrors of the Second World War, the atrocities of Nazi-Fascism, concentration camps, the extermination of Jews, Roma, political opponents and *Asozialen* in general, in other words, the set of events of the early twentieth century that will represent a fundamental turning point in the prohibition of torture.

Yet, torture remains a permanent phenomenon, more alive than ever. Why is that?

4 The Roots of the Contemporary Torture Crisis

Despite international law setting out an absolute prohibition of torture, despite the rich legal and philosophical tradition, despite the abyss of the Second World War, in today's world torture is a widespread phenomenon, a regular and organised practice: fifteen years ago, 132 States were proven to practice it more or less systematically (Cassese 2011, 143); in 2015 there were 122 countries where torture was practised (Noury 2016, 113); in 2019 the number rose to 144, so much so that international observers speak of a fully-fledged 'torture crisis', given its undaunted spread and worsening. Basically, a global phenomenon that affects the whole planet, involving most of the States that have signed the various conventions on the subject, and which has led to talk of a global crisis of torture.

In the world, there are more than one hundred companies producing torture instruments: a very flourishing industry, which - together with the equally flourishing security industry - produces a multitude of electrical devices, chemicals, sprays, foams, for the torture system. A system that operates in an accurate, precise, scrupulous manner (even in self-concealment), which counts on several 'experts' including medical staff. Often, doctors are a permanent and central element of the torture system, as Bhatia and Burnett demonstrate for the English context (2019), or the massacre of Bolzaneto during G8-2001 (Calandri 2008) and the Cucchi case (Bonini 2021) demonstrate for the Italian context. Torture is

conducted in a serious and rigorous way by 'professionals' in the sector [...] there are international schools for torturers, there are doctors who witness torture with specific tasks: identify the weak points on which the abuse can be focused, keep the victim under control so that he or she does not die during torture, awake the passed out victim, treat the victim so that he or she can undergo new sessions [...]. 60% of the people who have been treated at the Centre for the Rehabilitation of Victims of Torture in Copenhagen have been tortured in the presence of doctors. (Scaglione 1999, 4-5)

Therefore, torture is a structured and structuring phenomenon.

Multiple factors, closely intertwined, have helped to keep torture alive. I refer, first of all, to the unstoppable rise of securitarian ideology, security policies, within the globalisation of the neoliberal ideology and policies (Bigo 1998; 2005; 2014; Wacquant 1999). A rise which has constituted a profound and multiform process, which has reached the stage of 'obsession for security' (Klinenberg 2001), and which is an integral part of the governance of contemporary society, and a pervasive element of daily life.

Using the formula “it is the people who ask for this because they feel insecure”, whereas they are made insecure by the structural precarisation of social life, this regime of truth is embodied by a complex of security policies, practices of social control, phenomena of militarisation of daily life, which somehow favour the practices of torture. The security paradigm, based on the institutional production of social insecurity and on the social construction of the public security problem, has facilitated acquiescence towards torture and inhuman and degrading treatment.

I also refer to fear policies, discourse and culture (Furedi 1997; 2018; Glassner 1999; Skoll 2010; Wodack 2015), the dissemination of which has been an equally profound process, which has supported the social production of insecurity and the securitisation of the society, with States and fear professionals as the main protagonists.

The globalisation of fear has supported the formation of contexts favourable to torture; it has fed exceptional, emergency situations (the terrorism of the emergency), in which torture thrives. The paradigm of fear has played an important role in

restoring a public space for the practice of torture [...]. In this dialectical relationship between fear, security and freedom, a new legitimisation of torture as an investigative and punitive practice has found its place. (Gonnella 2013, 101-2)

I refer, then, to the eclipse of the welfare state and the parallel rise of the penal state (Wacquant 2009a). With the strengthening of the mechanisms of discrimination, exclusion, the State has had a leading role in the creation of inequalities, of State inequalities; in particular, it was one of the main protagonists of the double process of social production of exclusion and criminalisation of socially produced exclusion.

Wacquant (2009b) stressed the close relationship between State violence and the rise of the penal state in the context of the growing criminalisation of the poor, so that those living on the margins of society experience a persistent danger of being subjected to torture, which is part of the apparatus of control over their daily reality. This transformation of the State from welfare to warfare *via* workfare, together with the authoritarian drifts affecting the State and society in various countries, has facilitated the presence of environments open to torture.

Another factor is the set of political and legal theories which, in the name of a ‘state of necessity’, emergency, national security, justify torture by derogating from fundamental rights and the rule of law. These theories, which have been established in particular in the United States since 9/11, and which are in line with anti-terrorist legislation, affirm the admissibility of torture in the interests of the State in exceptional cases.

According to Dershowitz (2002; 2004), who generally condemns torture, it can be used in special, circumscribed, exceptional situations by means of 'light torture', which uses a certain 'physical pressure' - even though, according to the author, statements/confessions made under torture must be supported by concrete evidence otherwise they alone have little value. The author states that, since torture is widespread throughout the world despite prohibitions and conventions, its use should be codified and regulated, turning it into a practice that takes place in the open, to protect both the tortured person in order to prevent him from being subject to arbitrariness (i.e., to 'inhuman', 'unregulated' torture) and the people in charge for torture.

These reflections, made by some States to justify torture practices, open up enormous problems, including the questions of the admissibility of the state of necessity as the legal basis for the lawfulness of torture and the identification of a 'light', 'human' torture that causes little suffering and causes very little damage. With regard to the first point, the use of the concept of 'state of necessity' turns a prohibition that is (or should be) absolute into something relative and ensures that the definition of the situation on which you decide (whether or not to resort to torture) is based on subjective elements. In this regard, Cassese notes that the state of necessity "is a small door through which any arbitrariness can pass" and "operates as a circumstance that eliminates the torturer's responsibility" (2011, 145-7).

As for the second point, the debate on the just suffering to be inflicted on the tortured person is simply ridiculous, because on the one hand the concept of 'humane torture' is inconceivable (being torture inhuman by definition and completely banned) and on the other hand (should it be decided to make the ban relative) it is practically impossible (as well as unthinkable) to objectively establish a threshold of suffering: what would a 'just suffering' be? Who and how do you decide this? According to which criteria and elements? Just as ridiculous and grotesque, are the various ploys and linguistic camouflages that have been adopted around the world to humanise, normalise, with technical-bureaucratic language, torture: "coercive interrogations", "interrogations for salvation", "coercive and forced interrogation", "violently imposed cooperation for the salvation of human lives" (Lalatta Costerbosa 2016).

According to Jacobs, a distinction should be made, within a single, common system of criminal law, between a "criminal law of the citizen" (*Bürgerstrafrecht*) and a "criminal law of the enemy" (*Feindstrafrecht*), in which the enemy is the one conspiring against the established order and which for this reason should enjoy a limited, conditional recognition of fundamental human rights. Because of his attitude and behaviour, the enemy should be ousted "from the Law, thus not providing the minimum cognitive guarantee necessary for his treatment as a person" (Jacobs 2007a, 17) "as rights are taken

away from him, he is not treated as a person in law" (2007b, 118). This compression of the substantive and procedural guarantees of the rule of law should take the form of a special criminal law that also punishes potentially dangerous or long-standing behaviour ("the treatment of the enemy, who is immediately blocked at the previous stage and who is fought as dangerous" [Jacobs 2007a, 19]), which provides for different sentences than those for citizens and which allows 'legal torture' if several human lives are in danger. Torture is intended as a tool to be used against persons "in respect of whom the presumption of a behaviour faithful to the law is no longer in force" (Jacobs 2007b, 125). This denial of the universalism of fundamental rights, however – Jacobs warns – should rarely and temporarily be applied, for exceptional cases, in a broader spectrum of police law.

Now, these theories, which were part of the ideological armour of the 'endless war', of the export of democracy by cannon fire, of the war on terror, are a philosophical-legal component of the ideological background of the relaunch of neocolonial aggression against the countries of the South of the world for the new distribution of the world market. Reworked and disseminated by various cheap journalists and opinion leaders, these theories have facilitated the creation of environments favourable to torture. Several essays contained in this volume highlight how *exceptionalism* and *arbitrariness*, which are structurally characteristic elements of immigration, combine with the exceptionalism and arbitrariness of the enemy's special law.⁴

Then there is another factor. I am referring, finally, to the terrible living and detention conditions in prisons in most parts of the world. Despite some timid steps forward in recent decades, there has not been a real process of opening up societies towards prisons nor opening up prisons to society, just as there has not been a real breakthrough in the conditions of prisons. On the contrary, there has often been a new composition of the prison system around a prison-centric vision, around an ultra-secure and merely punitive perspective of detention, which has translated in several countries into a dual phenomenon of hyper-detention (Wacquant 1999; 2009a) and worsening of prison conditions (overcrowding, degradation of buildings and living environments, worsening of the quality of life).

In Brazil, for example, where hyper-detention is an instrument of social control in a country with one of the worst inequality indexes in the world, the system that structures mass imprisonment is the most fertile ground for torture practices and in this context immigrants are among the main victims of this process, while the combination

⁴ However, in the 1970s and 1980s in Argentina (Carpinetti 2019), in Brazil (Quintanilha, Villen 2019), in Italy (Gonnella 2013), the criminal law of the enemy was already a consolidated reality well before such theories.

imprisonment/expulsion is an additional factor of exposure to torture (Quintanilha, Villen 2019).

5 The War on Migration and the Globalisation of Torture against Migrants

The relationship torture-migration has affected and crossed the past centuries, but today it is still alive, albeit in different forms than in the past. This persistence is due to various reasons, including the conditions of migration and migration policies in the context of neoliberal capitalism.

In the last decades the ‘governance’ of migration under the banner of criminalisation and repression has favoured situations, conditions and environments permeable to migrant torture, however in the last years a new phase of ‘war on migrants’ has fed, multiplied and worsened such situations. This phase is the result of the consolidation of trends and elements already present in the last decade: the globalisation of restrictive, selective and repressive migration policies; the expansion and intensification of anti-immigrant propaganda; the generalisation of institutional racism and discrimination with States around the world that compete in worsening the conditions of migration.

Militarisation of migration policies, securitisation and externalisation of borders, new deterrent devices, rejections and readmissions, illegalisation of migration, privatisation of migration governance, criminalisation of migration and conception of migration as a crime, enlargement of the underground economy and of severe labour exploitation, ‘contracting’ of migratory movements to criminal organisations, imprisonment in detention centres as an ordinary practice of reception, representation of migrants as invaders, free-loaders and criminals, a pandemic of national security: all these are elements that have favoured a permeable ground for torture (by public officials and others) – as underlined also by the UN Special Rapporteur on Torture, according to whom repressive migration policies can cause torture and degrading treatments (Melzer 2018).

Thus, within the global crisis of torture, migrants are often victims of torture (Pérez-Sales 2018). Torture is not the prerogative of any area of the world, it concerns all countries – of the South and North of the world, the countries of departure, of transit, of arrival – contrary to the dominant idea that torture and degrading treatment are typical of non-Western States that do not respect fundamental rights because of their ‘culture’. Ouali, in this volume, points out that

these practices are said to result from behaviour stemming from certain cultural traditions whereby ‘The West’ sits at the top of

the scale in terms of respect for human rights [...] this culturalist approach produces not only a polarisation between cultures which persecute and those which protect, but also a 'normalisation' of the persecutions practised in European countries [...]. This social representation is often accompanied by an opposition between 'refugee-producing' countries, and those that welcome them.

Obviously, there is a lack of data on torture among them, as this is an illegal practice, concealed and secret by definition. Some studies indicate estimates: 75% of forced migrants may be torture victims (Sigvardsson et al. 2016); two-thirds of the victims supported by the UN Voluntary Fund for Victims of Torture are migrants and refugees (UNVFVT 2017); in Europe torture and inhuman treatment are a frequent reality in migration contexts, especially at border crossings, in detention, during deportation, pullbacks (FRA 2017; 2018; Melzer 2018).

Within the torture/migration relationship, we find the phenomenon of harassment, sexual violence, rape, suffered by migrant women along the migration route, in transit countries, in the countries of destination, in the four corners of the planet. For its number and for its extent, sexual violence appears to be a specific and systematic mode of degradation, dehumanisation, and domination of immigrant women.

War on migrants from Global South of the world is the war against the poor of the continents of colour, made poor by yesterday's colonialism and today's neocolonialism.

Considering migration from Africa and the Middle East to Europe, the war on migrants sees the participation in different ways of single European States, the European Union, large sectors of the mass media, several political parties, multilateral bodies. Through a number of regulations, agreements, laws, memoranda and treaties, the Schengen Agreement has been given a growling face, fixing the features and instruments of a repressive migration policy. The path began in 2006 with the Rabat Process and continued with the Khartoum Process (2014), the Malta Agreements (2015), the treaty with Turkey (2016), the various Pacts on Immigration and Asylum (*Agenda on Migration* 2015, Malta 2019, *New Pact on Migration and Asylum* 2020), the *Italy-Libya Memorandum* (2017) and several bilateral agreements.

Thus Europe has become a machine for rejections, expulsions, forced repatriations. In 2020, at the height of the COVID-19 pandemic, under the pretext of health security, the largest mass rejections in decades took place, mainly affecting Croatia, Greece, Italy, Malta, Spain (*The Guardian* 2021). The massacre in Melilla on 24 June 2022 is the poisonous fruit of the resumption of the 'cooperation' agreements between Morocco and Spain.

The strengthening of borders, their movement in the countries of departure or transit, the outsourcing of controls and borders in Af-

rica, detention camps for migrants in countries of origin or transit, individual and collective rejections at sea and by land: all this has led to a deterioration in the migratory path and conditions of migration, as well as the further illegalisation of migrants. These processes, frankly authoritarian, legitimised treatments typical of subjection relations, and certainly not citizenship relations; they have facilitated inhuman treatments so that torture has become a frequent experience along the migratory path, a constitutive element of the 'journey': from Syria (Ben Farhat et al. 2018); from sub-Saharan countries (Lorenz, Etzold 2022), through Tunisia, Morocco, (Gadem 2018; Migreurop 2007; Médecins Sans Frontières 2013; Ouenniche, Saaid 2019), Lybia (UNSMIL, OHCHR 2013; 2016; 2018; Veglio 2018), Israel (Biancolin in this volume; Guarnieri Jaradat 2017; Ravid 2022); to Turkey and Greece (Baird 2014).

The handing over of migration - made illegal and clandestine - into the hands of criminal organisations has increased the exposure to mistreatment by smugglers, gangs, traffickers, who have carried out countless abuse, thefts, kidnappings, physical, psychological, sexual violence, and blackmail. On the other hand, the militarisation of migration has multiplied mistreatment, illegal detentions, and the use and abuse of force by the police.

The media have made a huge contribution to the war on migrants. In an obsessive and hammering way, they represented them as invaders coming from sick retrograde worlds, voracious locusts of 'our' welfare state (Perocco 2022), lazybones endowed with the lowest animal instincts, importers of crime, fixing a completely negative image that has fed aversion and rejection against them. They have created an image of strong and profound extraneousness, encouraging punitive policies, preparing the ground for violence, aggression, and torture.

Several political parties also took part in such war. They reduced immigration to a military and national security issue to be entrusted to the navy and border police; they tickled the native populations with the conviction of occupying a privileged position and enjoying special treatment by the State, and they urged them to keep a 'right distance' and keep a close watch on the refugees. There was no lack of contributions from intellectuals, who contributed to the legitimisation of the public discourse on migrants as radically different, to be kept out of immaculate Europe or to be isolated at the margins.

Even the immigrant populations who had been living in Europe for a long time were involved in this attack. A deluge of laws, circulars, regulations, measures of national and local authorities, penalised them in the most varied areas of social life (stay, residence, work, health, access to services, school, housing, private autonomy), limiting their rights and making their working and social conditions more precarious in a context of general worsening conditions of the class-that-lives-from-labour - to put it in the words of Ricardo Antunes.

The public discourse has lost all restraint in depicting immigrant populations as a *global threat*, an unprecedented danger from which to defend oneself in every aspect: work, housing, schooling, welfare state, livability of neighbourhoods, public health, individual and national security, local communities, genetic heritage, culture, identity (national, religious), Western values. In this war of words, the media industry of contempt has coined multiple inferiorising stereotypes built ad hoc to stigmatise, legitimising any form of abuse.

This anti-immigrant fury aims to prevent or slow down the social rootedness of immigrant populations, because it makes the foreign workforce less docile, less flexible, less available, and less expensive. Stabilisation and social insertion increase the social value of immigrant populations, and increase the expectations and resistance of migrant workers, who want to see their dignity and their right to treatment as human beings in all respects, not as animated tools of work.

In this effort of utmost widening of circular and temporary migration (Perocco 2018a), limiting it - if possible - only to people with high professional qualifications, the false idea has spread that circular migration would be equally advantageous for the countries of destination, the countries of departure and the migrants. In this perspective some social forces are focusing on temporary and circular migration, that is, on the employment of temporary workers, without families, with few links with the receiving country, who self-compress their social needs, taking for granted the temporary nature of their presence. In the last twenty years, there has been a proliferation of public discourses, measures and bilateral agreements between States aimed at carrying out temporary migrations. With the help of the majority of European States, entrepreneurial associations, the European Union, an institutional and administrative process was started, and it created several bilateral agreements, projects, mobility partnerships, memorandum on temporary, circular, seasonal migrations.

On this, Gjergji (2016) pointed out two elements: the combination of circular migrations and bilateral agreements implies a 'migration model' in which - rigorously selected - migrant workers move according to the rhythms of production cycles and short-term fluctuations in the labour market; policies in support of temporary migration go beyond the traditional migration policies of European countries and the European Union but at the same time integrate the repressive policies of European States by institutionalising the precariousness of immigrant workers and making temporary migration the only channel for legal entry. Therefore, these migration policies prepare and entail a workforce offering the most sought-after element in the economic system: full availability for a limited time.

Now, this multiple process of precarisation, criminalisation and atomisation of migration intensifies the commodification of the for-

eign workforce, bringing it closer to the condition of an animated labour tool. Such extreme *commodification of migrant labour* is a further element that favours the formation of contexts and environments available for degrading practices.

6 Libya. An Outsourced Torture Industry

It is no mystery that the public policies of the European States and the European Union contribute to feeding – directly or indirectly – the torture of migrants. In general, as mentioned above, I refer to the complex of elements that generate, favour or support the formation of conditions permeable to torture: the militarisation of migration policies, the criminalisation of migration, the illegalisation of migrants (made ‘illegal’), the privatisation of migration governance, the delegation of migration movements to criminal organisations. In particular, I refer, for example, to the relocation of European borders in Africa, which has led to the creation of detention camps in the countries of departure and transit (especially in North African countries, but not only) and which took place within a process of extension (to Africa, Turkey, South-Eastern European countries) of the EU Hotspot Approach inaugurated in 2015. The spread of detention camps in several African countries (especially in, but not limited to, the coastal ones) has turned them into large open-air hotspots.

In Libya, the detention camps are run by Libyan police forces, the Libyan military, the Libyan Coast Guard, Libyan militias, but they were wanted and are organised by European countries.⁵ In the Libyan centres the torturers are local people (or sometimes they are migrants), but Europe has made a fundamental contribution to the formation of the context – the Libyan police forces, which sell the detainees to criminal organisations which in some cases have been reduced to slavery, are trained and supplied by European countries, first of all by Italy. Co-responsibilities of European countries are strong and direct; in this sense, the Libyan torturers and their authorities are to be criticised (without putting everything in one basket, demonising the entire Libyan population, which, in the wake of the colonial representations, is still portrayed as a population of cannibals), together with their European counterparts.

The three-fold process of precarisation, militarisation and externalisation of migration policies has been based mainly on agreements

⁵ On 14 November 2017 the UN High Commissioner for Human Rights defined “in-human” the collaboration between the EU and the Libyan coast guard: <https://news.un.org/en/story/2017/11/636022-libyas-detention-migrants-outrage-humanity-says-un-human-rights-chief-zeid>.

(public or secret), aimed at the control and containment of migratory movements, selective admission, expulsion, readmission and forced repatriation of migrants.

In this context, the *Italy-Libya Memorandum of Understanding*, never passed through Italian Parliament, has subcontracted to the Libyan Coast Guard and local militias a series of control and management functions (including the delegation to Libya of the activity of refoulement at sea) with which the *Geneva Convention on the Status of Refugees* and the principle of non-refoulement were circumvented. In this regard, Algostino (in this volume) in stressing that the prohibition of torture yields before policies of closing and externalising borders, warns that readmission agreements, although they contain formal references to the protection of fundamental rights, when concluded with States such as Libya, violate the prohibition of torture and inhuman or degrading treatment in violation of the principle of non-refoulement.

Algostino highlights that such violations may also occur in the case of indirect return or when non-EU countries are entrusted with controls, identification, detention, readmission agreements, in their anxiety to facilitate returns, may lead to the introduction, also in the countries from which the returns are made, of modalities of identification, detention and return that integrate inhuman or degrading treatment. Violations also occur with the policy of closure of ports in Southern Europe since the conditions on board ships sentenced to stay at sea for days constitute inhuman or degrading treatment, for which those who order the closure of ports are responsible. Preventing entry into territorial waters violates the prohibition of torture, at least as a prohibition of inhuman or degrading treatment, both in relation to the conditions of the forced stay, not to say *tout court* 'detention', on ships, and in relation to the violation of the duty of rescue. For Algostino it is a fully-fledged delocalisation and outsourcing of State torture, which takes place, I add, within the process of transformation of the State in which it is increasingly marked by a progressive authoritarian involution.

These processes have produced a favourable environment for the torture that migrants from sub-Saharan countries suffer in Libya. A country where inhuman treatment has become systematic over the past fifteen years. A recent study (Barbieri et al. 2019) of 120 asylum seekers and refugees arriving in Italy from Libya, who received psychological assistance for trauma-related mental health problems between 2016 and 2018, revealed that the vast majority of them had suffered some form of torture and inhuman treatment. In addition to actual torture (80.8%), they experienced lack of food or water (76.7%), imprisonment (64.2%), non-sexual assault (60%), lack of shelter (56.7%), disappearance or kidnapping (42.5%), being close to death (40%), serious physical injury (35%), ill health

without access to medical care (34.2%), murder of a family member or friend (30%), and so on. 79% of the patients had post-traumatic stress disorder.

Then, with the arrival of the pandemic, between restrictions and lockdowns, this situation worsened further (Perocco 2021; Sanchez, Achilli 2020). State authorities, coastguards, warlords, militias and various traffickers enjoyed new room and scope for manoeuvre to organise the human trafficking chain - or to reinforce rejections, thanks to European countries obstructing rescues.

7 The System of Dehumanisation in the Balkans

Along the 'Balkan route'⁶ - a set of different routes through south-eastern European countries that constantly change depending on various factors, including the level of institutional violence - the mistreatment and torture of migrants and asylum seekers is, as Augustová highlights in this volume, a structural element of the transit route and migration policy at the local level. Maltreatment, traumatic events and torture experiences are regular, persistent, multiple, widespread and severe.

A study carried out in the summer of 2019 on 54 persons in the Bihac and Velika Kladuša (Bosnia and Herzegovina, BiH) camps rejected at the Bosnian-Croatian border, which used the Harvard Trauma Questionnaire (Iraqi version), showed that the majority of the respondents had traumatic experiences during the trip and their stay at the border: 98.14%

reported experiencing multiple forms of physical and psychological trauma during their pushback or attempted border crossing [...], 81.5% reported having their property looted, 70.4% stated that they had been physically harmed of which 46.3% maintained that they had been subjected to beatings to the head, 40.7% claimed that they had been physically tortured or perceived themselves as torture victims. (Guarch-Rubio, Byrne, Manzanero 2021, 67, 73)

The interviewees - the majority of whom presented trauma symptoms - stated that they had suffered multiple torture experiences caused by the police forces: during the stay, while waiting to cross the border, they suffered prolonged exposure to rain and/or cold (92.6%), to strong heat, sun or light (59.3%); they were punched, slapped, kicked or stricken with objects (55.6%). During their detention period on the border, 66.7% was deprived of food and water for long

6 For a critique to this term see Kurnik, Rasza 2020.

periods of time, of medical care; 64.8% was exposed to dirty conditions leading to ill health; 46.3% deprived of sleep; 29.6% chained or tied, forced to undress in front of people; 25.9% beaten on soles of feet with rods or whips; 14.8% witnessed the sexual abuse, rape or torture of someone; 13% was electrocuted, forcibly arranged in various humiliating or sexually explicit positions; 3.7% was burned (by cigarettes, electrically heated rods, hot oil, fire, or corrosive acid) or had their head submerged in water with near-drowning, suspended from a rod by hands and feet for long period of time.

A study carried out between June 2018 and January 2019 on pushbacks and State violence at the borders between BiH and Croatia, which included 94 people stranded in informal camps or in temporary centres in Bira (Bihać) and Miral (Velika Kladuša), documented that a third of those interviewed had experienced violence (Amnesty International 2019). Many were intimidated, beaten, sprayed with pepper spray; detained for hours without food and water before being left at the Bosnian border; their documents, mobile phones and chargers were seized or destroyed:

Croatian police took their shoes, warm clothes and sleeping bags and forced them to walk barefoot for kilometers through freezing rivers and streams [...] this has become a widespread practice [...]. Croatian police has strategically used adverse weather conditions to subject refugees and migrants to this new type of physical trauma. (Amnesty International 2019, 5, 14)

Médecins Sans Frontières, which provided medical assistance at the temporary centre in Miral, between June and November 2019 treated 80 migrants who presented “severe physical trauma, including broken limbs and ribs, serious cuts and bruises, that they reportedly suffered in the hands of Croatian police” (Amnesty International 2019, 14).

A study of 656 pushbacks that occurred in 2019 at the Croatia/BiH and Croatia/Serbia border revealed that 255 persons had ‘clear indicators’ of torture or inhuman and degrading treatment committed by Croatian authorities (BVMN 2019). The cause was an excessive and disproportionate use of force (physical assault, use of police batons, fists, kicking, police dog attack, punching), electric discharge weapons, forced undressing, threats or excessive force with firearms (intimidation, mock executions, pistol-whip, firing live-ammunition), inhuman treatment inside police vehicles, detention with no basic facilities.

Examining the 1,423 testimonies of violence suffered by migrants in the course of illegal pushbacks in the Border Violence Monitoring Network (BVMN)⁷ database as of 16 March 2022, the number of cas-

⁷ <https://www.borderviolence.eu/statistics>.

es of violence and the multiplicity of types of violence show a terrifying picture: 71.9% suffered beating with batons/hands/other; 63.1% theft of personal belongings; 39.7% kicking; 35.4% destruction of personal belongings; 27.4% insulting; 25.9% reckless driving; 25.5% forcing to undress; 17.8% pushing people to the ground; 16.5% exposure to air conditioning and extreme temperature during car ride; 14.4% threatening with guns; 9.6% gunshots; 6.1% dog attacks; 5.9% water immersion; 4% electric shocks; 3.3% pepper spray; 2.3% sexual assault.

A study carried out in Serbia in multiple sites on 992 migrants/refugees who attended Médecins Sans Frontières clinics and received mental health care from July 2015 to June 2016, showed that 83% of patients had mental health symptoms (Arsenijević et al. 2017). 22% of patients had suffered physical trauma caused by acts of violence (beating, robbery, incarceration, threat by a gun or knife, tear gas, rape or forced sex, torture, shot with gun, kidnapping), two-thirds out of which were perpetrated by State authorities within or outside Europe (Bulgaria, Hungary, Serbia, Macedonia).

The Danish Refugee Council (2021) documented that violence and ill-treatment continued uninterrupted in 2020 and 2021: in the period January-February 2021 alone, 247 people reported being deprived of their private belongings (clothes, footwear, money, telephones); five people reported that their personal documents were retained or destroyed, 191 people reported being subjected to inhuman treatment - including forced river crossings, being stripped of clothes in the open, being stripped of underwear, shoes and shoelaces being taken away before being ordered to walk to BiH, being forced to lie on the ground and keep the head in the snow for almost an hour (Danish Refugee Council 2021, 5).⁸

Collective expulsion, illegal pushbacks, maltreatment and torture affect everybody: men and women, adults and the youth. A study carried out in Serbia (Médecins Sans Frontières 2017a, 4) highlighted that of the young men and boys treated by MSF in the first six months of 2017,

69% (86) of MSF's mental health patients under 18 reported experiencing direct violence. The majority 57% (71) had visible physical injuries, including cuts with razor blades and knives, severe beatings, food and water deprivation, sensory deprivation.

⁸ The Danish Refugee Council in 2020 documented that the illegal pushbacks which took place between 2 and 16 October near Velika Kladuša resulted in the fact that migrants "bore visible injuries from beatings (bruises and cuts) [...] brutal and extremely violent behaviour, degrading treatment, theft and destruction of personal belongings" (*The Guardian* 2020).

A study on the pushbacks experienced by children and unaccompanied children in Croatia in 2017-2019 underlined that beatings (19%), theft of personal belongings (16%), destruction of personal belongings (12%) and kicking (10%) are the most frequent forms of violence; adding up to reckless driving (8%), pushing on the ground and forcing to undress (4%), threatening with guns and gunshots (3%) (BVMN et al. 2020, 11).

7.1 Systemic Violence

From studies and other existing sources (reports, reports of international human rights monitoring human rights etc.) the characteristics of the phenomenon in this area may be identified. Firstly, ill-treatment and violence follow a recurring pattern, from which a pattern of *regular violence* emerges: beatings with sticks, dog bites, use of pepper spray, kicking and punching, robbery, destruction of personal belongings.

Secondly, abuse is not confined to a specific geographical context. The phenomenon concerns, more or less, all countries affected in some way by the 'Balkan route': Turkey, Greece, North Macedonia, Montenegro, Kosovo, BiH, Serbia, Hungary, Bulgaria, Romania, Croatia, Slovenia, Italy, Austria - from the Greek-Macedonian border to the Serbian-Hungarian, Bosnian-Croatian, Italian-Slovenian borders (Amnesty International 2020; Augustová, Sapoch 2020; BCHR et al. 2017; BVMN 2020a; 2020b).

Thirdly, mistreatment and violence are a phenomenon that is also extensive in time. Since 2016, i.e., since the closure of the 'Balkan route', it has not stopped, indeed in recent years, especially in 2020, it has intensified and worsened (BVMN 2020b, 9). The arrival of the pandemic has made it less visible, also due to a reduced presence of activists, social workers, NGOs and journalists due to the lockdowns, but no less acute: the combination of health restrictions and anti-migrant measures has exacerbated the vulnerability of migrants, who have been further isolated and distanced from urban centres and main transit routes, and have witnessed restricted access to asylum application and health care. In the name of health security,⁹ which is used to classify border crossings as a 'threat to public health', border controls have become stricter and the loops have tightened. Especially during lockdown periods, migrants have found themselves stuck and stranded in temporary camps; lockdowns have reduced the presence and support of associations, with further aggravation for mi-

⁹ Based on the guidelines established by the European Commission (2020), allowing border officials to "refuse entry to non-resident third country nationals where they present relevant symptoms or have been particularly exposed to risk of infection".

grants, who, gripped by despair, have sometimes made extreme gestures, practising self-torture, self-harm, with related suicides or suicide attempts.

Finally, this phenomenon is underestimated, since related and indirect events, the 'side effects' of punitive migration policies and State violence, are not counted and not considered, such as, for example, the injuries and fatal accidents that occur along the way, when crossing borders, on inaccessible and risky routes – as the war on migrants forces them to take secondary, less travelled but more dangerous routes. Not to mention the accidents that occur in the temporary camps that 'house' migrants waiting to cross the border, where living conditions are so degraded that injuries, accidents and illnesses are the rule. Not to mention, finally, the violence perpetrated by private security companies, criminal organisations, and traffickers against migrants, who are often reluctant to report to the police (sometimes colluding with the traffickers) the violence they have been subjected to by border forces or traffickers, for fear of retaliation or of being repatriated as undocumented.

7.2 Pushbacks and Confinement

Along the 'Balkan route', the mistreatment and violence against migrants has a regular, systematic, extensive and severe character. These are not isolated cases carried out by a few 'rotten apples' or 'loose cannons' in the police force: they constitute a 'standard practice', a routine, which outlines an organised character and is part of a real system of dehumanisation of migrants. This system has its foundation on at least four elements: illegal pushbacks, repressive and punitive migration policies, confinement of migrants in indecent conditions, and institutional racism.

As for pushbacks, the abuse and disproportionate use of force by police and border agents is an integral part of the collective expulsions that have affected thousands of people in recent years (Amnesty International 2019; BCHR et al. 2017; BVMN 2020b). First Hungary, Bulgaria and Serbia, then Slovenia and Croatia especially since 2018, have used pushbacks as a *modus operandi*, in which intentional and State violence – which inevitably results in inhuman treatment and torture – is constitutive and intrinsic.

The closure of the 'Balkan route', the externalisation of borders by the EU, and the assignment of the Balkan States to guard the EU borders whether they like it or not, has led to an increase in violence and has made illegal pushbacks a regular practice. Pushbacks are an integral part of the process of brutalising migrants and over time have become the main mode of border management at EU borders, a model for pushing back, pushing away, intimidating migrants in

transit and the volunteers who help them (Augustová, Sapoch 2020; Kurnik, Razsa 2020; Stojić Mitrović et al. 2020).

The same chain pushbacks along the EU borders (e.g., the Italy-Slovenia-Croatia-BiH backward route¹⁰), produced by the passing back and forth of responsibilities between the different States involved, are links in the chain of migrants' dehumanisation.

Ill-treatment and violence are closely linked to the migration policies of the States involved in the 'Balkan route' and to EU policies, of which pushbacks are a consequence. Local migration policies - linked by a system of links and determinations between the EU, EU Schengen countries, non-Schengen EU countries, and non-EU countries - have mainly two aspects: security policies of entry blockades and readmissions; confinement and settlement of migrants outside the EU in undignified living conditions.

The first dimension concerns the securitisation and militarisation of borders, the creation of walls and barriers, the denial of access to asylum processes, the use of cutting-edge technology to intercept and reject migrants, operations return and readmission. This is done with the support of Frontex, DCAF (Geneva Centre for Security Sector Governance), IOM, OECD, ICMPD; with the participation of the region's States in international police programmes such as PCC-See (Police Cooperation Convention for Southeast Europe) and in projects such as Cefpol's (European Union Agency for Law Enforcement Training) 'WB PaCT' and Europol's 'Empact' (Migreurop 2021). All under the banner of the fortification of countries such as Serbia, Croatia, BiH, which have applied for EU membership and therefore have to execute the requests coming from the EU, also carrying out the activity of refoulement, readmission and return for countries a little further north such as Italy, Austria and Slovenia.

The Balkans swarm with national border forces, international police, officials of international agencies and multilateral organisations engaged in the conception and application of migration 'governance' policies and practices, i.e., in the control, repression and rejection of the undesirable, who, through chain pushbacks, are progressively pushed out of the EU borders, especially towards BiH or North Macedonia. So much so that a large part of the funds allocated by the EU for migration in the Balkans are allocated to security instead of reception and integration.

By making migration a police-military issue, the results are inevitably mistreatment and violence. The establishment of such an anti-migrant deterrence apparatus cannot but produce inhuman treatment, since deterrence is based on the production of suffering and pain (physical and psychological). This deterrence apparatus and its

10 The Court of Rome in January 2021 sentenced them for the first time in Italy.

effects are then normalised, legalised, through routines, soft-law instruments, legitimations from the top of State institutions (which often deny the abuses, as is the case with Croatia) and the EU, by false-ly technical and neutral language such as ‘migration management’. For example, the legalisation of the aforementioned processes and their consequences have been sealed in the New Pact on Migration and Asylum of 2020, which assigns Croatia and Greece the role of pre-screening procedures through pre-screening centres (with consequent temporary administrative detention) and other countries a pre-triage role (Refugee Rights Europe 2020, 10).

The second dimension concerns the removal and confinement of migrants and asylum seekers who, while waiting to apply for asylum and cross the border, experience indecent living conditions.

In the temporary centres of the Una-Sana canton (Sedra in Cazin municipality, Bira and Borići in Bihać, Ušivak in Hadžići, Miral in Velika Kladuša), Vučiak, Lipa, Blazuj, in BiH; in the camps and reception centres in Croatia, Serbia (such as Sombor), North Macedonia, Kosovo, Albania, Montenegro, the situation is dramatic, not to say hellish: serious sanitary deficiencies, inadequate and insufficient housing (some live in the woods, in the open, in squats, tent cities, old factories), overcrowding, promiscuity, cold, hunger, injuries and fatal accidents, evictions, all in an atmosphere of abandonment and hostility. These poor reception conditions, a consequence of the migration policies of the ‘Balkan route’ States and the EU super-State, constitute a form of mistreatment.

The EU’s rejection policy has amassed thousands of people in the Western Balkans (especially BiH, Serbia, North Macedonia) in camps and centres that are at once places of (very poor) reception, confinement and informal detention, in which one experiences psychological torment, even due to a condition of suspension, of suspended time. From or to these places, migrants move or are forcibly moved, from one centre to another, from one camp to another, on their long journey through the Balkans. These places – often run by international organisations that have dispossessed authorities and local populations of their reception – are actual spaces of confinement and segregation, where various legal problems are bypassed and ‘things can be done’.

This policy of confinement has created a myriad of large and small camps, more or less formal, more or less precarious, transforming the Western Balkans into a sort of large hotspot, a large refugee camp at the EU border (Refugee Rights Europe 2020). The promise of EU membership and the arrival of funds from the EU have encouraged these countries to increase the number of ‘reception’ places and to multiply the camps, which are often located far from the EU borders, in isolated and inaccessible places, and are run in the name of control and discouragement of the people accommodated (Migreurop 2021).

This policy of confinement brutalises, isolates, ghettoises. It subjects people to degrading conditions, to physical, psychological, moral torture; it exposes them to systemic violence. All this is the bitter fruit of the camp system and its logic of confinement, the main (if not the only) system that has so far, as elsewhere, been adopted to deal with migration in the Balkans.

7.3 Neocolonialism and Exploitation

This migration policy, which officially calls a halt to migration, in fact produces a mass of very cheap workers, displaced in the Balkans, waiting to enter the European labour markets in dribs and drabs under conditions of extreme vulnerability, blackmail and exhaustion. This policy does not actually block the arrival of migrants in the EU in a totally hermetic way, rather it inferiorises masses of working men and women who endure humiliation and arrive in Europe on their knees. It does not stop migrants at all: if anything, it selects them, humiliates them, puts them in debt, socialises them into the inferiority and subordination they deserve in Europe. It prepares future workers, subjected to torture, destined for super-exploitation. Supported by racist ideology, this policy fuels anti-Slavic racism outside the Balkans when portraying the Balkan countries as countries of troglodytes who by nature or culture mistreat migrants.

It is therefore very important to properly frame the mistreatment of migrants in the Balkans. They are the result of a set of factors that are not exclusive to the Balkan context, but which have developed strongly there in recent years: the securitisation, militarisation and criminalisation of migration; the channelling into reception centres run under the banner of control and brutalisation; the exacerbation of institutional racism (which has fuelled popular racism); the spread of neocolonial policies, practices and discourses. In this affair, all the States involved in the 'Balkan route' have responsibilities, albeit distinct ones, including the EU and the rest of the individual EU States, which, again in a differentiated manner, are co-responsible. In this regard, Kurnik and Rasza (2020, 19) observe that "the Europeanisation of the migrant route, i.e., the imposition of EU control over mobility, resonates with other layers and meanings of Europeanisation and alerts us to its persistent colonial character". Just saying: *piscis primum a capite foetet*.

8 Between Scylla and Charybdis. Migrants Torture in Central America-Mexico-USA

In Central America, on the southern border of Mexico, on the US-Mexico border, the situation is the same. The historical and geographical context is different from the Balkans or the Mediterranean context seen above; the same local contexts that make up the 'Central American-Mexican route' are characterised by specificities and internal differences; however, a regime of structural violence against migrants also reigns in this area.

It takes place on at least three closely interconnected levels: the personal, everyday violence, which occurs throughout the area in question, not only at the borders; the institutional, systemic violence, linked to State policies and the practices of the (administrative and police) authorities; historical violence, properly structural, embedded both in the living legacy of colonialism and in the capital as concentrated violence¹¹ – i.e., not only violence as a constant method of capital accumulation, but also collective, class-based violence, constituted by the processes of expropriation, impoverishment, extortion of surplus value, commodification of labour, alienation of the worker, determined by the historical system of capitalist relations.

As far as personal violence is concerned, for at least four decades the journey made by hundreds of thousands of people from Central American countries (especially from the Northern Triangle: El Salvador, Honduras, Guatemala) to the United States via Mexico has been characterised by abuse and suffering, however in the last fifteen years it has become a mass ordeal in which violence and exploitation are widespread, acute, and systematic (Vogt 2013). As in the case of the Balkans seen above, violence is constitutive of the transit along the route from Central America to the US via Mexico: it is a routine intrinsic to the security policy and immigration enforcement that dominate throughout the area (Vogt 2017), it is a continuum stretched throughout the journey – albeit differentiated in presence and intensity according to place and time.

Violence against youth and adults, men and women, occurs anywhere along the route.¹² The US-Mexico border is only one point, the penultimate point, of the route, which is constituted of several primary and secondary routes, multiple external and internal borders. The last point of this journey-ordeal is on US territory, where

¹¹ Marx's words.

¹² Ciudad Suárez, on the Southern border of Mexico, has become 'famous' due to abductions and violence against migrants coming from the Northern Triangle. See Médécins Sans Frontières 2019.

migrants very often end up locked up in detention centres - in a mocking passage *from one hell to another*.

On Mexican territory, on the one hand, there is the violence perpetrated by the forces of law and order: extortion, deportations, disappearances, physical abuse, abuse of force, illegal practices, killings. On the other hand, there is the violence of criminal organisations, of gangs: threats, extortion, kidnapping with ransom demands, rape, smuggling, pushing out of trains, disappearances, killings. In addition to these two main actors, there are also people who provide a public service (bus, train, and taxi drivers), *passeurs* and various others who speculate on migrants made illegal and forced to go through the back door. Even if it is not always easy to identify the perpetrators of such violence, since more than sometimes the aforementioned figures are accomplices, the system of exploitation of undocumented migration on which parasites, large and small, thrive emerges clearly.

In recent years, the tightening of security policy and immigration control, the militarisation of borders in the name of the war on crime and the war on terror, has made the situation even worse. The migrants' path is increasingly marked by extreme suffering, so much so that the caravans that have recently developed represent a sort of self-defence method for the migrants in transit themselves. Cases of physical and sexual violence are very numerous, the percentage of women raped and/or sold to sex traffickers is high, ransom demands for abducted people or blackmail in exchange for shelter and food are the rule (Médecins Sans Frontières 2017b; Amnesty International 2014).¹³

As for institutional violence, linked to State policies, Vogt (2017) reminds us that the militarisation of the southern Mexican border and the internal corridors in Mexico began in the 1980s, when - under pressure from the United States, which effectively imposed the externalisation of its borders on the southern Mexican border - the dual process of police inter-State cooperation (US, Mexico, Central American countries)¹⁴ and immigration control¹⁵ began. In the following two decades, Mexico, completely absorbed by the US immigration and security agenda, as the Plan Sur (2001) also testifies, hardened

13 According to the Mexican Human Rights Commission cited in the report, around 20,000 people are robbed each year, earning the gangs around 50 million US dollars annually. Between the Guatemalan border and Veracruz, on the Gulf coast of Mexico, in a journey of 900 kilometres, the gangs get on the train and demand a toll for each station crossed, threatening to throw emigrants - including children - off the roof of the train or to kill relatives remaining in the country of origin if the latter do not send the emigrants the money needed for their ransom.

14 A part of the wider global policing process among States.

15 Mirroring and at the same time what happened in Europe with the Schengen treaty: is this a coincidence?

immigration control both on the southern border and within its own national territory, in the name of war on drugs, on crime, on terror.

Restrictive and repressive migration policies have closed the channels of regular access, clandestinised migration, and thrown migrants into the hands of organised crime, which is indeed 'organised' - that is, specialised in deviant responses to social needs, in high-risk and highly profitable operations, in collusion with political power. Being organised as a business, organised crime took little time to set up the undocumented migration industry, in addition to the drug industry and the prostitution industry, which together with the arms and toxic waste trafficking industries form part of the humongous illegal economy existing - symbiotically with the legal economy - in the world economy. Subsequently, Vogt (2017) notes, the clandestinisation of migration and its management by organised crime has been used by the US (and Mexico) as a reason to further tighten security policy and immigration enforcement. In this 'regime of truth', based on the mechanism of reversing the relationship between cause and effect, migrants are portrayed as voluntarily seeking clandestinity while illegal migration is portrayed as the result of uncontrollable forces.

The security policy, the punitive and repressive migratory policies of Mexico(USA), have led to a dramatic worsening of the conditions of migration, forcing migrants to board speeding trains, to take secondary routes in desert or mountainous areas, in inaccessible and desolate areas, with the consequent increase in accidents and deaths. Condemned for taking dangerous routes (i.e., for choosing poorly...), migrants are subjected to an institutionalised regime of State violence punctuated by illegal practices and abuse of force by law enforcement within a largely militarised territory that results in a variable geography of migration transits and accidents (Slack et al. 2016).

Concerning structural violence, linked to the old and new colonialism, the capitalist system of social domination and exploitation in a neoliberalist vein, I quote the observations of Vogt, according to whom violence against migrants in Central America-Mexico should be placed in:

a deeper historical context of structural forms of violence that precipitate migration from Central America. This includes legacies of war, violence, and everyday economic and social uncertainty throughout the region [...]. [A] historical continuum of violence in the lives of present-day migrants helps explain their choices to leave and that migration today can be understood as the most recent iteration of centuries of exploitation of people in Central America and Mexico, where violence is crucial to that exploitation and to profit making [...]. [T]he violence people experience along the migrant journey echoes both the violence and the struggles

for dignity that have shaped their entire lives [...] violence of migration becomes relative to the violence of everyday life at home [...]. Wartime violence has given way to “violent pluralities” [...] of state and nonstate actors through organised crime, corruption, gang violence, lynching, and paramilitarism, in which the lines between political violence and criminal violence become blurred [...]. El Salvador, where transnational circulations of migrants and deported gang members and zero-tolerance policing strategies are embedded within a longer legacy of U.S. involvement in the region. (Vogt 2013, 766-8)

There are three important points to underline. One concerns organised crime, i.e., the fact that in the last twenty years, especially since 2011, the presence of powerful criminal organisations in the Northern Triangle of Central America has strongly increased, with negative consequences on the daily lives of the population, especially the poor in rural areas. While criminal organisations used to compete for space in the drug market, grouping together in cartels, their activities have subsequently diversified, with the practice of extortion against local communities with a high level of brutality standing out.

In El Salvador, for example, criminal organisations such as MS-13 or Barrio 18 control the distribution of consumer goods and sugar plantations, and affect the agro-food chain and local economies. The strength of these criminal organisations, which work in several Central American countries, but also in the United States and Canada, finds no restraint from local governments, paralysed by corruption. The governments of these countries, shattered by neoliberal globalisation and placed in the lower layers of the international division of labour and the world market, have neither the strength nor the will (being very often part of the corrupt power system) to defeat violence, land-grabbing, local conflicts, corruption, and arms trafficking.

A second point, closely related to the first, concerns the worsening – after proxy wars, civil wars – of the working and living conditions of the mass of the population, the plunging into poverty and precariousness of a large part of the (urban and rural) working class, the sharpening of social polarisation and inequalities in all spheres of social life (income, work, health, education, housing etc.), the exacerbation of environmental racism, racial health inequalities, environmental health inequalities. That is the permanent, structural and irrepressible root of emigration from these countries.

Compared to this, the phenomenon of caravans, increasingly powerful since 2018, represents a phenomenon of social and political contestation by people fleeing violence, extortion, inequality, the impossibility of living a decent life, a normal life. The caravans are convoys of protest against the difficulties of survival, against increasingly heavy and unbearable living conditions, against inequality and precarious-

ness, against the political class and the political-economic power system. Thus, like so many African or Middle Eastern migrants on their way to Europe, many Central American migrants are also faced with Scylla and Charybdis, i.e., the choice (which, like all choices, is a forced one) of the lesser evil: 'to die at home' or 'to die in the desert'.

A third point concerns the historical legacy behind all this, which is behind the journeys of violence and the landscapes of violence, the violence of migration and the violence in one's own country, and the deterioration of living conditions under the neoliberal sky.

Aviña explains it in this volume, when pointing out that personal violence and institutional violence descend from a historical system of unequal social relations resulting from centuries of colonialism, imperialism, nationalism and militarism.¹⁶

9 **Disappearance and Mistreatment. The Logic of Institutional Violence During Transit and After Arrival**

Disappearance is a feature of contemporary migration policies and torture is part of the annihilation policy typical of the capitalist society, of which disappearance policies are a paradigm (Caloz-Tschopp 2019). The disappearances and policies of disappearance, historically and structurally present in colonies, imperialist conquests, wars, dictatorships (for example in South America, which produced the phenomenon of *desaparecidos*), are now visible in migrations and sometimes in migration policies or in daily institutional practices.

Caloz-Tschopp points out that the kidnappings and the dead in Central America, in the Mediterranean, in the deserts, in the Alps, in the Balkans, are black holes in which the disappearances of migrations have fallen, in which nothingness is the last face of torture. If in the period of the slave trade torture took place on ships, on plantations, and was a structural element of colonial domination and violence, now torture is found in detention centres, in departure areas, in border and transit areas, in arrival areas, and is an integral part of contemporary migration dynamics and migration policies. Today it is recognisable in the deaths at sea, in the camps, at the borders, in violence against migrant women, in disappearances. Torture and disappearance, however, the author underlines, are also intrinsic elements of globalised capitalist domination, which seeks to take possession of the State and requires the servitude of migrants. Thus, the disappearances and the policies of disappearance can be con-

16 The very same "Migrant Protection Protocols" (Kocher 2021) and the recent re-emergence of Title 42 have deep historical roots.

sidered as the paradigm of contemporary capitalism, in which the structural violence of the State is inflicted on migrants for administrative crimes linked to the prohibition of departure, entry and stay. But torture and torture policies are not only linked to migration and security policies, they are also linked to labour policies and to political economy.

After a hellish journey, after the detention in countries of transit, there is a criminalisation in arrival countries. One example is Greece, as Takou shows in this volume. Along with the violence of far-right groups such as Golden Dawn (Karamanidou 2016), there is the State violence of rejections (which are *de facto* normalised), of Kamps (where thousands of people are relegated in inhuman conditions), of walls (complete with kilometre-long metal nets, radars, sound cannons). Another example is the new hellish journey that, once they have arrived in Italy through the Balkans or the Mediterranean, migrants undertake via dangerous and hyper-militarised routes (Susa Valley, Ventimiglia, Bolzano, Trieste) to countries beyond the Italian borders, where rejections, incidents and violence are the rule (CCAR 2018; Médecins Sans Frontières 2020).

For Spain, Jubany et al. (2019) stress that asylum seekers, particularly those who have been victims of torture, suffer the inefficiency of asylum systems and are potential victims of the torture produced by the direct use of violence in the application of particularly punitive migration policies. In a context of growing criminalisation of migration, violence by public officials in the application of migration policies is regarded as normal, as a result of the legitimate use of force to protect national sovereignty. Even those who have obtained international protection are vulnerable, given the strengthening of the securitisation of borders, where detention and deportation are a constant occurrence, thus exposing them to violence and degrading treatment. Jubany and Rué in this volume highlight the sum of physical aggressions at borders by which migrants are subjected to different forms of violence by the migration control apparatus - which lay at the basis of the Melilla massacre.

In the US, as Aviña points out in this volume, the degrading treatment of migrants from the Southern border is a structural long-standing method, deriving from a political and legal system, with deep roots, based on a logic that combines settler colonialism, militarism and exploitation. A legal system of dehumanisation, confinement, punishment, and expulsion of migrants based on whiteness as a subject of law, whose basic principles assume that the legitimate subject is white, while the qualification of non-whites as 'others, aliens, strangers' (i.e., inferior) prevents or limits both their entry and equality in legal protection (Moss et al. 2019). These associations, deeply rooted in the social structure of the United States, have negatively influenced the migration policy of any administration over time,

so much so that the Trump Administration itself did not invent anything new, it only extremely exacerbated a migration policy that was already punitive and restrictive in itself and turned this exacerbation into a pillar of national politics – so that the US has arrested more than a million people at the US-Mexico border between October 2021-March 2022.¹⁷

Ouali, referring in this volume to Belgium (but her observation can be extended to most of the world), points out that the regime of violence inflicted on undocumented migrants and their children within the detention centres constitutes a form of torture, that the inhuman and degrading treatments that take place in the centres represent clear forms of torture specific to those centres. Biancolin, in this volume, explains how in Israel administrative detention is a system of repression of dissidents and at the same time a form of torture – mainly psychological. In this regard, the detention of immigrants (Ceccorulli, Labanca 2014), the globalisation of administrative detention as an automatic response to ‘irregular’ migration, and the globalisation of administrative detention as a model of governance of dissent and control of the poor are all elements that facilitate inhuman treatment. In Ireland, for example, the Direct Provision Asylum Centres are proved to be sites of racialised State violence (Lentin 2022).

Italy has been a forerunner of the war against migrants. It has had a leading role in the processes of casualisation and criminalisation of immigration that have taken place in Europe. Punitive and repressive laws and provisions – such as Law 189/2002, Law 94/2009 (‘security package’), Law 46/2017, the Italy-Libya agreements, the ban of NGOs in the Mediterranean Sea, Law 132/2018 (‘security decree’), Law 77/2019 (‘security decree bis’) – have exacerbated a long process of devaluation and demonisation of migrants by favouring the formation of conditions, environments and climates permeable to torture, inhuman and degrading treatment.¹⁸

As regards Law 132/2018, I will mention only a few provisions of it: with the lengthening of the detention, the applicant for international protection can be welcomed with 210 days of administrative detention without having committed any crime; the maximum period of detention of the foreigner being expelled within the Repatriation Centres is raised from 90 to 180 days; the revision of the places suit-

17 The US has arrested more than a million people at the US-Mexico border between October 2021-March 2022; see Parti, Hackman 2022.

18 The UN Committee against Torture in its remarks on the situation in Italy has come in for some harsh criticism of the Italian State, including dissatisfaction for the law that introduced the crime of torture, the migration policy, the exercise of public force. Furthermore, it has made critical observations with respect to the prohibition of non-refoulement, the Italy-Libya agreement, ill-treatment in hotspots and detention centres, administrative detention of foreigners (OHCHR 2019).

able for detention pending expulsion is introduced, which provides for the possibility of temporary detention of the foreigner pending the definition of the procedure of validation of the accompaniment to the border in structures other than the Centre for Repatriation “at the availability of the public security authority or in suitable premises at the border office” (or in unspecified “indeterminate structures”). Together with the ‘List of safe countries of origin’, the principle of the “internal flight alternative” is introduced, which provides for the possibility of rejecting the application for protection if the applicant may be returned to a different area of his/her country of origin (considered safe) than the one from which he/she fled. The law in question, as can be seen, introduces elements that may favour inhuman treatment.

In Italy, the administrative detention of immigrants is a real black hole. This detention – which is applied without having committed a crime but only for not having complied with the administrative rules on entry and stay in the national territory – takes place in Repatriation Centres, hellholes where rights violations, terrible sanitary conditions, serious violations of the right to health,¹⁹ overcrowding, violence, deaths, suicides, self-harm, are the rule, and where the standards set by the European Committee for Prevention of Torture are not respected (CILD 2021).

In addition, there are many other elements, widespread in the country, that can lead to describe Italy as a land of violence against migrants: agony on ships stuck in the middle of the sea, rejections, shipwrecks (starting from the sinking in 1997 of the Albanian ship *Kater i Rades* by an Italian corvette [Leogrande 2011]); the quarantine ships (Spada 2021); forced labour and severe exploitation in the countryside, in homes, in shipyards; segregation in camps and shantytowns; expulsion from the reception system; detention of minors; violence, organised raids and massacres (Castelvolturno, Rosarno, the 80 or so Polish labourers murdered in the Apulian countryside [Borretti 2010; Leogrande 2008; Pettenò 2010]).

All this has consequences on arrival countries because the war on migrants determines the extension of the hotspot approach to all immigrants, already resident. In a sort of halo effect, suspicion, sharp-eyed control, and exceptionalism, fall on all immigrants, increasing the risk of violence and mistreatment towards them, increasing precarity, vulnerability, and fear.

This system of immigration treatment offers the labour market a mass of frightened workers, extremely prone to be blackmailed, who,

19 Inadequate certification of suitability for entry into the CPR (Repatriation Centres), lack of observation rooms, unlawful isolation practices, absence of psychiatric support, abuse in the administration of psychotropic drugs.

after having experienced incredible hardship, are willing to accept the most miserable conditions. It implies and determines the (social, professional, political) selection of migrants and their socialisation to exploitation: in transit migration, they live hellish conditions and experiences, which prepare and socialise them to social inferiority, to subordination, to what awaits them in the countries of destination.

Therefore, here we see a root of the social production and the 'function' of torture against migrants: it is a way to inferiorise immigration, to weaken its strength, its resistance; it is a modality of the process of devaluation of immigrant workers and women workers within the global process of devaluation of labour.

In such a pedagogy of instability, the war on migration 'educates' migrants to permanent precariousness, but it also 'educates' local populations to hostility, to contempt. This treatment brutalises migrants in the first instance, and as a result the native populations who are intoxicated with racism.

10 The Connection Between Racism and Torture

The globalisation of migrants' torture has taken place in a global context characterised by a violent revival of racism, which is certainly not the result of ignorance or fear of the foreigner: racism produces, legitimises, and preserves inequality; racism is the inequality, racism is inequality. As a systemic and endemic factor of modern society, an integral and constitutive element of capitalism, racism refers to a material relationship of exploitation between races, classes, genders, to a social relationship of domination that includes an ideological dimension that naturalises, justifies, and legitimises exploitation and inequality.²⁰ Because of this feature of racism, in order to understand the connection between torture and migration, it is necessary to focus on racism and its role in the aforementioned connection.

Basso (2016) points out that racism degrades ideally who is already in a material condition of inferiority and exploitation. Turning the Black slave physically, psychically and morally into a beast, dehumanising the colonised, declaring the natural inferiority of non-white people, all preserved and reproduced the social relationship of domination of colonialist Europe on the colonised populations.

Colonialism constituted the historical and material foundation of racism: if Europe was the cradle of racism, its parent was colonialism. The same racial doctrine was born as the ideology of subjugation of Black and Native people, in particular as the ideology of Black slav-

²⁰ In this paragraph, in the discussion about racism, I will refer also to de Gobineau [1853-55] 1967; Evola [1941] 1994; Gliozzi 2000; Guillamin 1972; 1995; Stannard 1992.

ery in American plantations, working as ideological support for slavery and the colonial system. The colonial ideology justified the colonies' exploitation and legitimised slavery (which valorised colonies), giving birth to the elaboration of the racial doctrine.

Rooted into preexisting unequal material relationships, the racial doctrine produced over time an image of colonised (and Black) people as naturally inferior beings. Lazy, abulic, primitive, childish people who just climbed down a tree; creatures unwilling to work, without ingenuity, will, determination, spirit, personality, enthusiasm, wit - 'natural' qualities, instead, of the white, bourgeois, European man. An elitist, anti-egalitarian, voluntarist doctrine (because it incites the fight against races and lower classes), racism pursues the inequality between races, classes, genders, and nations, becoming a State policy, racial policy, racial state, party programme and action.

Basso emphasises that the racial ideology appears as the *ideology of international division of labour*, functional to the combined and unequal world development, peculiar to capitalism. Functional to the existence of countries specialised in providing cheap labour and commodities and countries which absorb others' resources - namely countries specialised in losing out and countries specialised in cashing in on it, to put it in the words of Galeano.

If racism is the ideology of the international division of labour produced by colonialism and emerged with capitalism, it is also - the author highlights - the ideology of exploitation of proletarians and women, that is the *ideology of the social division of labour*. It is based on racial, class, nation and gender oppression; and in being the ideology of 'social race' of non-white people, of proletarians, of women, it is a weapon against colonised people, but also a weapon against workers. The rejection of blood mixing contains and expresses the rejection of social classes mixing, of downgrading, of proletarianisation, the will to maintain the social structure inequalities and class division.

Racism, as the author observes, is therefore right at the intersection between the international division of labour (the world division into dominant and dominated nations) and the social division of labour (the division of society into social classes). And so it refers to the essence and development of capitalism, to the position occupied by the Black social race, the proletarian social race, the women social race: racism is born in, with and for capitalism. Wallerstein (1988) stated that it is the magic formula that allows capitalism to minimise production costs, starting from labour cost, and to minimise political turmoil costs, increasing as much as possible the workforce stratification through divisions and racial hostilities. Racism, the racialisation of this or that population, *serve* to reduce the cost of labour, workers' rights (in both the Global South and North), and the social struggles of the working class. Racism is a weapon of mass oppression but also of mass division.

It is in this theoretical and historical framework that the relationship between racism and torture finds its place: torture constitutes a structural element of racism. It is the concretisation of racism on the body of the colonised, the oppressed; it is an instrument used by racism in the process of dehumanisation and submission of the one who is considered inferior or insubordinate with respect to exploitation. Torture is the trademark of racism on the skin of the colonised, the mark of inferiority on the body.

If for Sartre (1958) torture is a system, this system in turn is part of the racial system, of racism as a system of inequalities between classes, races, genders, and nations. Several contributions in this volume highlight the link between racism and torture, starting from Gjergji, who examines the relationship racism/torture as the main element of the relationship torture/migration. Nowadays, the relationship torture/migration is strictly linked to the global rise of racism under the neoliberal sky.

The violent upturn of institutional racism in the last two decades in many countries of the world has consisted mainly of anti-immigrant racism, whose radiating centres are Europe and the United States, from where it has spread to the four corners of the planet, becoming a truly global phenomenon - along with the equally global phenomenon of racial inequality linked to immigration (the inequality resulting from being an immigrant in a foreign country).

Such rise of racism has had as its undisputed protagonist *State racism* (Basso 2010), which has been the main propellant of racial discrimination (institutional and de facto) and the first producer of popular racism that has spread in many countries. In Europe, from xenophobia in the name of the welfare state to municipal racism, from the selective racism of State policies to immigrant hunting by extreme right-wing groups, institutional racism has fed new and old forms of racism. At the top, in terms of intensity, reach and systematicity, we find Islamophobia and racism against Muslim immigrants, Romaphobia and racism against Roma, racism against undocumented migrants - today in particular asylum seekers. With respect to the various forms of racism that make up the world system of contemporary racism (anti-African, anti-Slavic, anti-Chinese etc..) for at least twenty years Islamophobia has undoubtedly been the most widespread and deepest form of racism: it is the main and highest expression of contemporary racism, it is the spearhead of racism of the neoliberal era; in the world system of racism, racism against Muslim immigrants leads the ranking (Perocco 2018b).

The exacerbation of anti-immigrant racism aims to counter the social rooting of immigrant populations, to push them back into marginal positions, to debase their social value, to reduce the so-called social and political costs of immigration, to slow down or influence the direction of the processes of social transformation induced by immi-

gration. It has led to the reduction of immigrants' social rights, has fuelled the tightening of migration policies, has washed away multiculturalism and even neo-assimilationism in favour of exclusion and rejection, has played a fundamental role in the social and political construction of popular racism and the feelings of hostility of indigenous peoples towards immigrant populations, favouring the formation of conditions and environments permeable to torture practices. With which to debase, inferiorise, bestialise immigrant populations.

The increase in migrants torture is linked to the surge in institutional racism in the neoliberal context. The systematic demonisation of migrants has paved the way for degrading behaviour towards them, visibly dehumanising the individual migrants who have suffered it. For several decades immigrants have represented a social group that is constantly dehumanised (becoming a torturable subject), and the State has provided a remarkable contribution to this process. A racist 'governance' of migratory movements has not only led to the proliferation of walls in border areas and detention centres, but it has also had a decisive role in the normalisation of city militias against undocumented people, the denial of reception, the spread of violence with blood and without blood against immigrant populations, the detention of minors, raids. Augustová highlights that in the Balkans something similar happened, which saw the participation of old and new colonialism, the racialisation of migrants, and securitarian discourse and policies. Biancolin, in this volume, underlines the continuity between institutional racism and State violence in Israel, which first affected political dissidents and now asylum seekers.

11 Conclusions

I conclude by dwelling on four points: the health protection of torture victims, the global context, the structure of the volume, the perspectives and the role of migrants.

First, as indicated by Geraci and Mazzetti in this volume, torture and inhuman treatment have complex consequences on the physical and mental health of migrants and refugees (Mazzetti 2008; Pérez-Sales 2018), thus specific ways of management and psycho-social intervention, appropriate policies for health/welfare protection, are necessary.

Access to medical and psychological care and the needs of migrants who are victims of torture are still limited (IRCT 2016); medical checks to identify migrants who are victims of torture and reception facilities are often inadequate (FRA 2017). The very same asylum applications sometimes hurt torture victims and may worsen the trauma; often migrant victims of torture experience barriers due to their increased mistrust of authorities and the psychological consequences of torture

(UNVFVT 2017). Therefore, a lot of work shall be done on this front: both in terms of the structural causes underlying torture and in terms of social responses to migrants who are victims of torture.

Second, the aforementioned analysis does not conclude the analysis of the issue. Indeed, it is necessary to link the phenomenon of torture against migrants with general social processes of contemporary society (hyper-polarisation and global apartheid, commodification of the entire social life, transformation of the State, attack on social rights and the welfare state, world political disorder, spread of violence), framing it within the wider social context, of the overall social dynamics, also to avoid the risk of representing migration as something in its own right. For example, Quintanilha and Villen (2019), in stressing that in South America immigrants in vulnerable socio-economic conditions are increasingly exposed to violence, including torture (especially non-white people and women who cross borders without visas), point out that this is happening in a “scenario of deep economic crisis, violent attack on rights and working conditions, the rise of extreme right-wing parties and the growing militarisation of the region” (Quintanilha, Villen 2019, 229). Carpinetti (2019), another example, in examining the Argentinian context, points out that today torture is the result of legislative and/or administrative acts formulated in democratic systems, and is linked to the processes of transformation of the democratic State and democracy in the society of structural crisis.

Third, the volume. This book, which continues the volume *Tortura e migrazioni/Torture and Migration* published in 2019 by Edizioni Ca' Foscari, examines torture, institutional violence and the degrading treatment of migrants in different contexts of the world. After a theoretical article by Iside Gjergji on the relationship between racism and torture, Alexander Aviña examines in a historical perspective the State violence against migrants in the making of the US-Mexico border along the last century and today. Aviña contextualises the weaponisation of public health laws during the COVID-19 pandemic by the Trump Administration within a longer history of the United States waging war, violence and torture on migrants in its southern borderlands. The use of Title 42 to refuse asylum represents the rule, not the exception, within a violent border regime that for a century continues to brutalise migrants.

Olga Jubany and Alèxia Rué explore the connection and its omission between State violence and torture against migrants, focusing on the case of the Spanish State's failure to protect the rights of migrants victims of torture, as well as the physical aggression at borders, by which migrants are subjected to different forms of violence by the migration control apparatus.

Eleni Takou analyses the intensification and the legalisation of pushbacks and inhuman treatment in Greece over the past years and, es-

pecially after the *EU-Turkey Statement*, focusing on the Evros region. Takou highlights that throughout the last decades the process of deterrence and securitisation of EU borders has gone hand in hand with a decades-long pattern of routine and systematic pushbacks perpetrated by the Greek authorities against migrants and asylum seekers.

Karolína Augustová examines State violence against migrants in the Balkans, focusing on the Bosnian-Croatian border. Augustová explores whether and how refugees' past experiences of torture at home interconnect with extreme violence at borders and impact migration journeys, and suggests that racialisation of people make torture a fluid practice that migrates across globalised borders, despite their institutional format remaining unchanged.

Alessandra Algostino analyses readmission agreements, externalisation of borders and closure of ports focusing on the rejection of people coming from Libya. Algostino highlights that these practices produce a delocalisation of State torture and that the closing of harbours for migrants and the criminalisation of the NGOs are crimes against humanity, comparable to the infringement of the prohibition of torture and inhuman or degrading treatments.

Nouria Ouali examines the experience of undocumented women and children in detention centres in Belgium, since the introduction, in the late 1980s, of the new migration policies which notably consisted in the confinement in detention centres and deportation. Ouali reveals the systemic violence practised against these migrants and the repeated violation of their fundamental rights (condemned by eight judgments of the European Court of Human Rights); the author concludes that regarding, both, the norm of intentionality of migration policies and the detrimental effects on the mental and physical health of children and women migrants as powerful as those resulting from torture, the re-labelling and recognising these inhuman treatments as typical forms of torture of detention centres established oneself.

Diego Biancolin focuses on the degrading treatment of African asylum seekers in Israel, starting from an outline of Israel's employment of torture against political dissidents and from an analysis of administrative detention as a form of torture. Biancolin concludes that Israeli asylum policy towards Africans - among rejection, harsh conditions during their stay and deportation - can be qualified as a form of (mainly psychological) torture.

Muhmmad Ridwan Mostafa examines State violence against the Rohingya refugees, most of them have taken shelter in Cox's Bazar, Bangladesh, where they face an uncertain terminus and no manifest hope of returning to Myanmar. Mostafa underlines the causes of the Rohingya persecution and explores geopolitics and economic issues from diverse outlooks in Northern Rakhine and focuses on the Tatmadaw's brutalities during Operation Clearance in the Rakhine State against the Rohingya refugees.

Finally, Geraci and Mazzetti examine psychopathological issues related to “forced migrants” and the consequences of intentional violence on their mental health, focusing on psychopathological reactions in traumatised persons, on the effect of re-traumatisation they suffer in transit countries, and on the role of post-migration living difficulties (PMLD).

Last, but not least, the role of migrants and the perspectives. Their march from Africa, from the Middle East, from Central America, towards Europe, towards North America, is the march of integration into the world labour market, which is fuelled by deep structural causes that push millions of people to necessarily take the path of migration, by human needs for social emancipation and to have a decent life.

The radicality and depth of these objective causes at the basis of emigration have subsumed in the subjective act of emigration, despite the walls, barbed wire, and torture centres. They are synthesised in a migratory project that is simply a project for a dignified life, for the satisfaction of human needs. This humanity on the road – Sebastião Salgado calls it this way – has known, directly or indirectly, individually or collectively, historical colonialism, neocolonialism, racism, the *apparent death* given by torture, yet, out of historical necessity, it advances *real life*, which is embodied in daily resistance, in firmness for a decent life, in the struggle for a normal life, which does not accept to be enslaved either ‘there’ or ‘here’. Against dehumanisation, *humanisation* through the transformation of the system of social relationships.

Bibliography

- Amnesty International (2014). “Most Dangerous Journey. What Central American Migrants Face when They Try to Cross the Border”. *Amnesty International*, 20 February 2014. <https://www.amnestyusa.org/most-dangerous-journey-what-central-american-migrants-face-when-they-try-to-cross-the-border>.
- Amnesty International (2019). “Pushed to the Edge. Violence and Abuse against Refugees and Migrants along the Balkans Route”. *Amnesty International*, 13 March 2019. <https://refugee-rights.eu/wp-content/uploads/2020/06/refugee-rights-europe-pushbacks-balkan-route-pushed-to-the-edge-amnesty-international.pdf>.
- Amnesty International (2020). “Caught in a Political Game. Asylum-Seekers and Migrants on the Greece/Turkey Border Pay the Price for Europe’s Failures”. *Amnesty International*, 3 April 2020. <https://www.amnesty.org/en/documents/eur01/2077/2020/en>.
- Arsenijević, J. et al. (2017). “A Crisis of Protection and Safe Passage. Violence Experienced by Migrants/Refugees Travelling along the Western Balkan Corridor to Northern Europe”. *Conflict and Health*, 11(6). <https://doi.org/10.1186/s13031-017-0107-z>.
- Augustová, K.; Sapoch, J. (2020). “Border Violence as Border Deterrence. Condensed Analysis of Violent Push-Backs from the Ground”. *Movements. Journal*

- for *Critical Migration and Border Regime Studies*, 5(1). <http://movements-journal.org/issues/08.balkanroute/12.augustova,sapoch-border-violence-as-border-deterrence.html>.
- Baird, T. (2014). "Human Smuggling and Violence in the East Mediterranean". *International Journal of Migration, Health and Social Care*, 10(3), 121-33. <https://doi.org/10.1108/IJMHS-06-2013-0010>.
- Barbieri, A. et al. (2019). "Complex Trauma, PTSD and Complex PTSD in African Refugees". *European Journal of Psychotraumatology*, 10(1). <https://doi.org/10.1080/20008198.2019.1700621>.
- Basso, P. (2016). *Le racisme européen*. Paris: Syllepse.
- Basso, P. (2010). *Razzismo di stato. Stati Uniti, Europa, Italia*. Milano: FrancoAngeli.
- Bhatia, M.; Burnett, J. (2019). "Torture and the UK's 'War on Asylum'. Medical Power and the Culture of Disbelief". Perocco 2019, 161-79. <http://doi.org/10.30687/978-88-6969-358-8/007>.
- BCHR Belgrade Centre for Human Rights et al. (2017). *A Dangerous 'Game'. The Pushback of Migrants, Including Refugees, at Europe's Borders*. https://www-cdn.oxfam.org/s3fs-public/file_attachments/bp-dangerous-game-pushback-migrants-refugees-060417-en_0.pdf.
- Ben Farhat, J. et al. (2018). "Syrian Refugees in Greece. Experience with Violence, Mental Health Status, and Access to Information during the Journey and while in Greece". *BMC Medicine*, 16(40). <https://doi.org/10.1186/s12916-018-1028-4>.
- Bigo, D. (1998). "Sécurité et immigration". *Cultures & Conflits*, 31-2, 13-38. <http://doi.org/10.4000/conflits.539>.
- Bigo, D. (2005). "La mondialisation de l'(in)sécurité?". *Cultures & Conflits*, 58, 53-101. <http://doi.org/10.4000/conflits.1813>.
- Bigo, D. (2014). "The (In)Securitization Practices of the Three Universities of EU Border Control. Military/Navy – Border Guards/Police – Database Analysts". *Security Dialogue*, 45, 209-25. <http://doi.org/10.1177/0967010614530459>.
- Bonini, C. (2021). *Il caso Cucchi. Una storia di violenza del potere*. Milano: Feltrinelli.
- Borretti, B. (2010). "Da Castel Volturno a Rosarno. Il lavoro vivo degli immigrati tra stragi, pogrom, rivolte e razzismo di stato". Basso 2010, 493-524.
- Butler, J. (2009). "Sexual Politics, Torture, and Secular Time". *Intimate Citizenship: Gender, Sexualities, Politics*, 59(1), 17-39.
- BVMN, Border Violence Monitoring Network (2019). *Torture and Cruel, Inhumane, or Degrading Treatment of Refugees and Migrants in Croatia 2019*. <https://www.borderviolence.eu/wp-content/uploads/CORRECT-EDTortureReport.pdf>.
- BVMN (2020a). *Violence within Greece's Borders. October 2020 Report*. <https://www.borderviolence.eu/wp-content/uploads/FinalInternalViolenceGreece.pdf>.
- BVMN (2020b). *The Black Book of Pushbacks*, vol. 1. <https://www.borderviolence.eu/launch-event-the-black-book-of-pushbacks>.
- BVMN et al. (2020). *Pushback Report on Children and Unaccompanied Children in Croatia*. https://www.cms.hr/system/article_document/doc/647/Pushback_report_on_children_and_unaccompanied_children_in_Croatia.pdf.
- Calandri, M. (2008). *Bolzaneto. La mattanza della democrazia*. Roma: DeriveApprodi.

- Caloz-Tschopp, M.-C. (2019). "Sur le rapport torture et migration". Perocco 2019, 62-91. <http://doi.org/10.30687/978-88-6969-358-8/003>.
- Carpinetti, J. (2019). "Migración y tortura en la Argentina contemporánea". Perocco 2019, 251-68. <http://doi.org/10.30687/978-88-6969-358-8/011>.
- Cassese, A. (2011). *L'esperienza del male*. Bologna: il Mulino.
- CCAR, Comissió Catalana d'Ajuda al Refugiats (2018). *The Franco-Italian Border. Rights Violations. A Safe Region?*. Barcelona: CCAR. http://caminsdereferugi.org/wp-content/uploads/2019/11/Camins_Francia-Italia-Informe-Completo-ENG.pdf.
- Ceccorulli, M.; Labanca, N. (2014). *The EU, Migration and the Politics of Administrative Detention*. London: Routledge.
- CILD, Coalizione Italiana Libertà e Diritti Civili (2021). *Buchi neri*. <https://cild.eu/blog/2021/10/15/buchi-neri-la-detenzione-senza-reato-nei-cpr>.
- Danish Refugee Council (2021). *Bosnia and Herzegovina. Border Monitoring Bimonthly Snapshot January-February 2021*. https://drc.ngo/media/2kuf5ghi/border_monitoring_monthly_snapshot_jan_feb2021_final.pdf.
- Dershowitz, A. (2002). *Why Terrorism Works*. New Haven; London: Yale University Press.
- Dershowitz, A. (2004). "Tortured Reasoning". Levinson, S. (ed.), *Torture: A Collection*. Oxford: Oxford University Press, 257-80.
- de Gobineau, A. [1853-55] (1967). *Essai sur l'inégalité des races humaines*. Paris: Éditions Pierre Belfond.
- European Commission (2020). *COVID-19. Guidelines for Border Management Measures to Protect Health and Ensure the Availability of Goods and Essential Services*. Brussels, 16 March 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0316%2803%29>.
- Evola, J. [1941] (1994). *Sintesi di dottrina della razza*. Padova: Edizioni di Ar.
- Ferro, M. (éd.) (2003). *Le livre noir du colonialisme*. Paris: Laffont.
- FRA European Union Agency for Fundamental Rights (2017). *Current Migration Situation in the EU. Torture, Trauma and Its Possible Impact on Drug Use*. FRA. <https://fra.europa.eu/en/publication/2017/current-migration-situation-eu-torture-trauma-and-its-possible-impact-drug-use>.
- FRA European Union Agency for Fundamental Rights (2018). *Fundamental Rights Report 2018*. FRA. <https://fra.europa.eu/en/publication/2018/fundamental-rights-report-2018>.
- Furedi, F. (1997). *Culture of Fear*. London: Bloomsbury.
- Furedi, F. (2018). *How the Fear Works. Culture of Fear in the Twenty-First Century*. London: Bloomsbury.
- Gadem (2018). *Coûts et blessures*. Rabat: Gadem. https://www.lacimade.org/wp-content/uploads/2018/10/20180927_GADEM_Couts_et_blessures.pdf.
- Galtung, J. (1969). "Violence, Peace, and Peace Research". *Journal of Peace Research*, 6(3), 167-91. <https://doi.org/10.1177/002234336900600301>.
- Glassner, B. (1999). *The Culture of Fear*. New York: Basic Books.
- Gliozzi, G. (2000). *Adam et le Nouveau Monde*. Paris: Théétète.
- Gjergji, I. (2016). *Sulla governance delle migrazioni*. Milano: FrancoAngeli.
- Gjergji, I. (2019). *Sociologia della tortura*. Venezia: Edizioni Ca' Foscari. <http://doi.org/10.30687/978-88-6969-391-5>.

- Gonnella, P. (2013). *La tortura in Italia*. Roma: DeriveApprodi.
- Guarch-Rubio, M.; Byrne, S.; Manzanero, A.L. (2021). "Violence and Torture against Migrants and Refugees Attempting to Reach the European Union through Western Balkans". *Torture Journal*, 30(3), 67-83. <https://doi.org/10.7146/torture.v30i3.120232>.
- Guarnieri Jaradat, M. (2017). *The Unchosen. The Lives of Israel's New Others*. London: Pluto Press.
- Guillamin, C. (1972). *L'idéologie raciste*. Paris: Mouton.
- Guillamin, C. (1995). *Racism, Sexism, Power and Ideology*. London: Routledge.
- Hajjar, L. (2013). *Torture. Sociology of Violence and Human Rights*. London: Routledge.
- IRCT, International Rehabilitation Council for Torture Victims (2016). *Falling Through the Cracks: Asylum Procedures and Reception Conditions for Torture Victims in the EU*. Copenhagen: IRCT. <https://irct.org/wp-content/uploads/2022/08/Falling-Through-the-Cracks-2016.pdf>.
- Jacobs, G. (2007a). "Diritto penale del nemico?". Donini, M.; Papa, M. (a cura di), *Diritto penale del nemico. Un dibattito internazionale*. Milano: Giuffrè, 6-23.
- Jacobs, G. (2007b). "Diritto penale del nemico". Gamberini, A.; Orlandi, R. (a cura di), *Delitto politico e diritto penale del nemico*. Bologna: Monduzzi, 109-29.
- Jubany, O. et al. (2019). "Vulnerable to the System. Migration and Torture in Spain". Perocco 2019, 117-35. <http://doi.org/10.30687/978-88-6969-358-8/005>.
- Karamanidou, L. (2016). "Violence against Migrants in Greece. Beyond the Golden Dawn". *Ethnic and Racial Studies*, 39(11), 2002-21. <https://doi.org/10.1080/01419870.2015.1124124>.
- Klinenberg, E. (2001). "L'obsession sécuritaire". *Le Monde diplomatique*, février 2001.
- Kocher, A. (2021). "Migrant Protection Protocols and the Death of Asylum". *Journal of Latin American Geography*, 20(1), 249-58. <https://doi.org/10.1353/lag.2021.0010>.
- Kurnik, A.; Razsa, M.J. (2020). "Reappropriating the Balkan Route. Mobility Struggles and Joint-Agency in Bosnia and Herzegovina". *Dve domovini. Two Homelands*, 52, 7-23. <https://doi.org/10.3986/dd.2020.2.01>.
- Lalatta Costerbosa, M. (2016). *Il silenzio della tortura*. Roma: DeriveApprodi.
- Lentin, R. (2022). "Spaces of Racialization. Ireland's Direct Provision Asylum Centres as Sites of Racialized State Violence". *State Crime Journal*, 11(1), 52-69. <https://doi.org/10.13169/statecrime.11.1.0052>.
- Leogrande, A. (2008). *Uomini e caporali. Viaggio tra i nuovi schiavi delle campagne del Sud*. Milano: Mondadori.
- Leogrande, A. (2011). *Il naufragio*. Milano: Feltrinelli.
- Levack, B. (2015). *The Witch-Hunt in Early Modern Europe*. London: Routledge.
- Lorenz, R.; Etzold, B. (2022). "Journeys of Violence. Trajectories of (Im-)Mobility and Migrants' Encounters with Violence in European Border Spaces". *Comparative Population Studies*, 47, 211-32. <https://doi.org/10.12765/CPoS-2022-09>.
- Mackert, J. (2015). "The Secret Society of Torturers. The Social Shaping of Extremely Violent Behaviour". *International Journal of Conflict and Violence*, 9, 106-20. <https://doi.org/10.4119/ijcv-3071>.
- Mazzetti, M. (2008). "Trauma and Migration. A Transactional Analytic Approach toward Refugees and Torture Victims". *Transactional Analytic Journal*, 8, 285-302. <https://doi.org/10.1177/036215370803800404>.
- Médecins Sans Frontières (2013). *Violences, vulnérabilité et migrations. Bloqués aux portes de l'Europe. Rapport sur les migrants subsahariens en situation*

- irrégulière au Maroc. https://www.msf.fr/sites/default/files/in-formemarruecos2013_fr_0.pdf.
- Médecins Sans Frontières (2017a). *Games of Violence. Unaccompanied Children and Young People Repeatedly Abused by EU Member State Border Authorities*. <https://www.msf.org/sites/msf.org/files/serbia-games-of-violence-3.10.17.pdf>.
- Médecins Sans Frontières (2017b). *Forced to Flee Central America's Northern Triangle. A Neglected Humanitarian Crisis*. <https://www.doctorswithoutborders.org/what-we-do/news-stories/research/report-forced-flee-central-americas-northern-triangle>.
- Médecins Sans Frontières (2019). "Aumentan los secuestros y la violencia extrema hacia migrantes en la frontera sur de México". Médecins Sans Frontières, 4 November 2019. <https://www.msf.es/actualidad/mexico/aumentan-los-secuestros-y-la-violencia-extrema-migrantes-la-frontera-sur-mexico>.
- Médecins Sans Frontières (2020). *Dangerous Crossings at the Northern Borders of Italy*. https://medea.asgi.it/wp-content/uploads/2021/02/Visita-frontiere_MSF.pdf.
- Melzer, N. (2018). *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. <https://digitallibrary.un.org/record/3801641?ln=en>.
- Migreurop (2007). *Guerre aux migrants. Le livre noir de Ceuta et Melilla*. Paris: Syllepse.
- Migreurop (2021). *Exils sans fin. Chantages anti-migratoires le long de la route des Balkans. Rapport de mission novembre 2021*. <http://migreurop.org/article3069.html?lang=fr>.
- Moss, A. et al. (2019). "Dreams and Nightmares. The Legal Legacy that Authorized Civil Detention Centers in the US". Perocco 2019, 181-202. <http://doi.org/10.30687/978-88-6969-358-8/008>.
- Noury, R. (2016). "Amnesty International". Antonazzo, A. et al. (a cura di), *I segni addosso*. Bologna: Becco Giallo, 113-20.
- OHCHR, Office of the United Nations High Commissioner for Human Rights (2019). *CRC/C/ITA/CO/5-6. Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Italy*. <https://www.ohchr.org/en/documents/concluding-observations/crccitaco5-6-concluding-observations-combined-fifth-and-sixth>.
- Ouenniche, R.; Saaid, Z. (2019). "Tortura e violenze contro gli immigrati in Marocco". Perocco 2019, 289-303. <http://doi.org/10.30687/978-88-6969-358-8/013>.
- Parti, T.; Hackman, M. (2022). "U.S.-Mexico Border Arrests Top One Million in Six Months". *The Wall Street Journal*, 18 April 2022. <https://www.wsj.com/articles/u-s-mexico-border-arrests-top-one-million-in-six-months-11650323756>.
- Pérez-Sales, P. (2018). "Migration and Torture. Building a Map of Knowledge". *Torture*, 28(2), 1-14. <http://doi.org/10.7146/torture.v28i2.106906>.
- Perocco, F. (2018a). "Posted Workers between Work Casualisation and the Precarisation of Migration". *Dve Domovini. Two Homelands*, 48, 7-22. <https://doi.org/10.3986/dd.v0i48.7124>.
- Perocco, F. (2018b). "Anti-Migrant Islamophobia in Europe. Social Roots, Mechanisms and Actors". *REMHU. Revista Interdisciplinar da Mobilidade Humana*, 26(53), 25-40. <https://doi.org/10.1590/1980-85852503880005303>.

- Perocco, F. (a cura di) (2019). *Tortura e migrazioni/Torture and Migration*. Venice: Edizioni Ca' Foscari. <http://doi.org/10.30687/978-88-6969-358-8>.
- Perocco, F. (2021). "The Coronavirus Crisis and Migration. The Pan-syndemic and Its Impact on Migrants". *Dve Domovini. Two Homelands*, 54, 13-29. <https://doi.org/10.3986/dd.2021.2.02>.
- Perocco, F. (ed.) (2022). *Racism in and for the Welfare State*. London; New York: Palgrave Macmillan.
- Pettenò, M. (2010). "Sulla violenza contro le immigrate e gli immigrati". *Basso* 2010, 525-69.
- Quintanilha, K., Villen, P. (2019). "Tortura e immigrazione in America Latina e in Brasile nel contesto della crisi e della crescita dei partiti di estrema destra". *Perocco* 2019, 225-49. <http://doi.org/10.30687/978-88-6969-358-8/010>.
- Ravid, M. (2022). "Making Their Lives Miserable. Structural Violence and State Racism towards Asylum Seekers from Sudan and Eritrea in Israel". *State Crime Journal*, 11(1), 128-48. <http://doi.org/10.13169/state-crime.11.1.0128>.
- Refugee Rights Europe (2020). *New Pact on Migration and Asylum. Perspectives from the 'Other Side' of the EU Borders*. https://refugee-rights.eu/wp-content/uploads/2021/02/RRE_New-Pact-On-Migration-And-Asylum.pdf.
- Sanchez, G.; Achilli, L. (2020). *Stranded. The Impacts of COVID-19 on Irregular Migration and Migrant Smuggling*. Florence: European University Institute, Policy Briefs, 2020/20, Migration Policy Centre. <http://hdl.handle.net/1814/67069>.
- Sartre, J.-P. (1958). "Introduction". Alleg, H., *The Question*. New York: George Braziller, 13-36.
- Scaglione, D. (1999). "Prefazione". Solet, B., *Tortura. Testimoni contro il silenzio*. Torino: Edizioni Gruppo Abele, 3-5.
- Scott, G. (1959). *The History of Torture Throughout the Ages*. London: Luxor Press.
- Sigvardsson, E. et al. (2016). "Prevalence of Torture and Other War-Related Traumatic Events in Forced Migrants". *Torture*, 26, 41-73.
- Slack, J. et al. (2016). "The Geography of Border Militarization. Violence, Death and Health in Mexico and the United States". *Journal of Latin American Geography*, 15(1), 7-32. <https://doi.org/10.1353/lag.2016.0009>.
- Skoll, G. (2010). *Social Theory of Fear. Terror, Torture, and Death in a Post-Capitalist World*. New York: Palgrave Macmillan.
- Spada, S. (2021). "Old Rhetoric and New Devices. Quarantine Ships as an Instrument of Externalization". *Dve domovini. Two Homelands*, 54, 143-53. <https://dx.doi.org/10.3986/dd.2021.2.11>.
- Stannard, D. (1992). *American Holocaust. The Conquest of the New World*. Oxford: Oxford University Press.
- Stojić Mitrović, M. et al. (2020). *The Dark Sides of Europeanisation. Serbia, Bosnia and Herzegovina and the European Border Regime*. Belgrade; Ljubljana: Rosa Luxemburg Stiftung Southeast Europe; Institut Časopis za kritiko znanosti. <http://stage.rosalux.rs/en/dark-side-europeanisation>.
- The Guardian* (2020). "Croatian Police Accused of 'Sickening' Assaults on Migrants on Balkans Trail". *The Guardian*, 21 October. <https://www.theguardian.com/global-development/2020/oct/21/croatian-police-accused-of-sickening-assaults-on-migrants-on-balkans-trail-bosnia>.

- The Guardian* (2021). "Revealed. 2,000 Refugee Deaths Linked to Illegal EU Pushbacks". *The Guardian*, 5 May 2021. <https://www.theguardian.com/global-development/2021/may/05/revealed-2000-refugee-deaths-linked-to-eu-pushbacks>.
- United Nations (2018a). *Global Compact for Safe, Orderly and Regular Migration*. https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf.
- United Nations (2018b). *Global Compact on Refugees*. <https://refugeesmigrants.un.org/refugees-compact>.
- United Nations (2018c). *General Comment No. 4 (2017) on the Implementation of Article 3 of the Convention in the Context of Article 22*. https://www.ohchr.org/Documents/HRBodies/CAT/CAT-C-GC-4_EN.pdf.
- UNSMIL, United Nations Support Mission in Libya; OHCHR (2013). *Torture and Deaths in Detention in Libya*. <http://www.ohchr.org/Documents/Countries/LY/TortureDeathsDetentionLibya.pdf>.
- UNSMIL; OHCHR (2016). *Detained and Dehumanised. Report on Human Rights Abuses against Migrants in Libya*. https://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf.
- UNSMIL; OHCHR (2018). *Desperate and Dangerous. Report on the Human Rights Situation of Migrants and Refugees in Libya*. <https://www.ohchr.org/sites/default/files/Documents/Countries/LY/LibyaMigrationReport.pdf>.
- UNVFVT, United Nations Voluntary Fund for Victims of Torture (2017). *Torture Victims in the Context of Migration. Identification, Redress And Rehabilitation*. https://www.ohchr.org/sites/default/files/Documents/Issues/Torture/UNVFVT/UNVFVT_ExpertWorkshop2017.pdf.
- van der Kolk, B. (2014). *The Body Keeps the Score. Brain, Mind, and Body in the Healing of Trauma*. New York: Viking.
- Veglio, M. (2018). *L'attualità del male. La Libia dei 'Lager' è verità processuale*. Torino: Seb27.
- Vogt, W. (2013). "Crossing Mexico. Structural Violence and the Commodification of Undocumented Central American Migrants". *American Ethnologist*, 40(4), 764-80. <https://doi.org/10.1111/amet.12053>.
- Vogt, W. (2017). "The Arterial Border. Negotiating Economies of Risk and Violence in Mexico's Security Regime". *International Journal of Migration and Border Studies*, 3(2-3), 192-207. <https://doi.org/10.1504/IJMBS.2017.083244>.
- Wacquant, L. (1999). *Les prisons de la misère*. Paris: Éditions Raisons d'Agir.
- Wacquant, L. (2009a). *Deadly Symbiosis*. Cambridge: Polity Press.
- Wacquant, L. (2009b). *Punishing the Poor*. Durham (NC): Duke University Press.
- Wallerstein, I. (1988). "The Ideological Tensions of Capitalism. Universalism versus Racism and Sexism". Smith, J. et al. (eds), *Racism, Sexism, and the World-System*. New York: Greenwood Press, 3-9.
- Wodak, R. (2015). *The Politics of Fear*. London: Sage.