

# 2015

## human rights on the southern border



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## The Mediterranean: a cruel sea? Don't confuse the causes with the consequences

**Dominique Guibert**, president of the European Association for the defense of Human Rights (AEDH)

In less than one year more than 3,000 people died in the Mediterranean Sea and the European Union and there was an increase of 24% in applications for asylum between the first six months of 2013 and the first six months of 2014. The political language used in the mass media obscures reality. This is how they focus on the dangers run by immigrants setting off into dangerous seas in makeshift vessels. This is how reality is hidden. First, because they make reference to migration as if it were an individual decision, as though there was no coercion.

Then, because they confuse the causes and consequences; as if it was not a political decision that would explain the assumption of these risks. The tremendous work undertaken by APDHA puts these matters in context: if the Mediterranean, as APDHA claims, has turned into a "huge mass grave", it is because the policies developed by the European Union and its Member States are attempting to hermetically sealed the borders of a space that is considered by immigrants to be their only hope for survival.

### 1. A "state of necessity"

Fighting fiercely to prevent access to its borders, the EU constructs walls, barbed wire fences and prohibited zones, opens detention centers, organizes forced returns, multiplies expulsions, criminalizes men and women... and yet, the migrations continue!

These policies of Fortress Europe blur and obscure the fact that these people have left their homes out of necessity. Syrians fleeing war and the demands of Islamic fundamentalists; Iraqis horrified by the crimes of ISIS; Somalis deprived of all their resources and their civil liberties; Sub-Saharan (i.e. Black) Africans avoiding massacres or death from hunger and misery: the reasons are multiple and legitimate. European immigration policy is double-edged with regards to this "state of necessity", often recognized by the law and legal systems of individual countries, not only as circumstances that explain, but which are also sufficient to justify positive action.

On the one hand, sympathy for the situation of the "poor people" over there, the dramatic tears when a shipwreck results in hundreds of deaths at one time, the virtuous impulse to attack the people traffickers and to prevent them taking advantage of these "poor people", the commitments to combat the inhumane abuse of illegal immigrants as workers without rights.

On the other hand, border controls, limits on numbers and duration of visas, the refusal to recognize the vast majority of asylum applications, police repression, the construction of walls and prisons for immigrants, outsourcing concentration camps, which are like places of horror, to countries of origin, where in the words of APDHA "repression racism and death" reign.

### 2. Words and figures

They are called "migrations" or "migratory flows". The words are changed (all too often) to "massive inflows of immigrants". The right and the extreme right talk about "invasion" by "clandestines", "illegals", "cheats", or "opportunists": these negative labels are intended to push for the introduction of policies against them. The focus is placed on crossing borders. Whether by sea or by land, this is now extremely dangerous for these people. The Office of the United Nations High Commissioner for Refugees (UNHCR) said that during the first half of 2014, 216,300 people sought protection in the EU, i.e. 24% more compared with the first half of 2013. At this rate, we can expect that by the end of the year, 700,000 asylum seekers will have reached the forty-four industrialized countries. Another

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reality: in less than a year, more than three thousand people have fallen victim to the sea. And this is just a macabre estimate because of the calls from the families of the “harragas” (people who burn their identity papers) to search for their sons who have left these Arab countries, as confirmed by the latest report from the International Organization for Migration (IOM): the land routes to reach Europe, across Sinai, across the Sahara, across the borders of Libya, Algeria or Morocco are death traps. Amongst these exiles, the Syrians are currently the most numerous, ahead of Iraqis, Afghans and Eritreans.

### **3. Syria: an emblematic situation**

Since the conflict began in 2011, the Member States of the European Union have only taken in 4% of these 3.2 million people, mostly refugees in the countries bordering Syria. In mid-August 2014, seventeen European states committed themselves to receiving an additional 26,300 Syrians. However, since December 2013, the European Council has stressed the importance of the resettlement program adopted by the European Union.

But the new European asylum system has been put to the test with this influx of applications for protection, and the shortcomings of the legislative transposition by the Member States has resulted in places where there are no respect for human rights; for example, after three years of support from the European Asylum Support Office (EASO), Greece still cannot guarantee dignified conditions for the reception of refugees. According to the testimonies of NGOs, Greece has not stopped the practice of illegal returns. Nor has Bulgaria. Recently, in Cyprus the Syrians refused to disembark because they knew that they would be mistreated and would not be able to obtain refugee status. In Spain, NGOs and Members of the European Parliament denounce the fact that immigrants cannot seek international protection when they reach Ceuta and Melilla (enclaves that are not included in the Schengen area). Therefore, Spain (a country about which little is mentioned compared to the other countries of Southern Europe) holds the record for refusal of entry: 61% of the 317,840 people who requested entry to the EU in 2013 were refused.

### **4. Trafficking and European security policies**

The traffickers reported in the recent tragedies all over Italy are criminals who should be prosecuted and convicted. But they are not the only ones responsible for these mass murders: trafficking only exist in response to European security policy, which paves the way for those who profit from the misery of others. Paradoxically, those who condemn this traffic and call for greater security, greater control of procedures and visas, appear to ignore the fact that each obstacle placed in the path of the exiles increases the price as well as the risks, because the immigrants have no other solution. For many of them, the dangers of a sea crossing are the only alternative to a life of violence or death in countries of conflict.

The central issue is not about the development of European asylum and immigration policies. Officially there are none. But for defenders of human rights this is an unacceptable situation, as it allows each Member State a margin of legislative interpretation and application that is increasingly restrictive and punitive.

### **5. From “Mare Nostrum to “Triton”**

On the 10th and 11th of November 2014, the EU Agency for Fundamental Rights (FRA) organized its annual conference in Rome. Representatives of Frontex stressed that principles of *non-refoulement* and rescue do exist, but that Frontex’s only mission is to ensure the inviolability of borders. “Triton” has nothing to do with fundamental rights and the logic of future immigration policy, as it has been designed, will develop in three directions: to do their utmost to prevent the arrival of immigrants; to strive to prevent their arrival in the land and sea areas under European supervision; to restrict applications for protection and asylum while constructing more detention centers. During this

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meeting, members of the UNHCR and IOM and representatives of other organizations (including AEDH who pointed out the link between the principle of *non-refoulement* and rescue, and decried the fact that the protection of borders means imprisonment of immigrants) were vehemently opposed to such methods.

### **6. Does the European Union “manage migration flows”?**

On 10th October 2014, the Justice and Home Affairs (JHA) Council of the European Union adopted conclusions entitled “Taking action to better manage migratory flows”, based on three pillars:

I. Cooperation with third countries with respect to the establishment of partnerships and the strengthening of measures to fight the trafficking of immigrants, reinforcement of the border management capabilities of third countries, and strengthening the voluntary participation of Member States in returns and resettlement policies.

II. Strengthening the management of external borders and Frontex, especially the steady increase of Frontex’s budget and the rapid establishment of the joint operation Triton, in coordination with the measures taken by the Italian authorities (with the aim of bringing the Mare Nostrum operation to an end).

III. The digital capture of fingerprints by Member States to ensure that the EURODAC regulations are complied with, regarding the transfer of irregular immigrants from one Member State to another.

Once again this demonstrates that the focus is on security rather than on the rights of immigrants. Stating that Frontex could have tools for “the screening of vulnerable cases or persons in need of medical attention in order to cater for their needs upon disembarkation” is particularly deplorable. The Council conclusions do not provide for an authentic rescue operation intended to replace Mare Nostrum, not even the possibility of catering for the needs of vulnerable people before disembarking. And even if the proposal to encourage resettlement in Member States appears as a positive point, the participation of Member States in this area remains limited to voluntary action and is, in reality, very weak.

### **7. Are EU policies really new?**

In its Communication of 4th March 2015, the European Commission said it wants to intensify efforts “developed in the EU to implement the existing tools and cooperation in managing migration flows from third countries”. This demonstrates that security remains the primary objective compared to the rights of individuals. Four principal areas of action were established:

- to implement the common asylum system “fully and coherently” at the same time as addressing the “root causes of migration, as well as mainstreaming migration into the design of development strategies”, in terms of “relocation and resettlement”;
- a “new European policy on legal immigration” to attract “the right talent to be more competitive at a global level,” with a “review of the EU Blue Card Directive” within the framework of a “a more horizontal approach to legal migration policy” ;
- “Fighting irregular migration and human trafficking more robustly”, targeting “priority countries and routes” through existing “readmission agreements” and cooperation on the “Rabat, Khartoum or Budapest processes” ;
- Securing Europe's external borders (“in full respect of fundamental rights”), the surveillance of which “is of vital interest to all”, with a greater role for Frontex (budget, resources, personnel) “to better address the evolving challenge at the EU's external borders” addressing the “need to pool more resources amongst Member States”, including mobilizing their “European Border Guard Teams”.



Once again, the innovations are only in matters of security. Once again, they still can't see beyond the end of their noses.

### **8. How many deaths in the Mediterranean?**

North of the “Southern Border”, their frontiers carefully guarded by Frontex, behind the wall erected on the Greek-Turkish border, protected by the fences of Ceuta and Melilla, everyone sympathizes with the thousands of exiles who lost their lives along the shores of Lampedusa, Libya or Morocco.

Compassion and solidarity, as always, expressed in front of the cameras. But later, after a day of emotional outbursts, the rejection of asylum seekers, the repression, detention, lack of aid and “push-backs” reign once again along the borders.

It is unacceptable that, year after year, haunted by the fear of their shores being invaded by a “multitude” of exiles, European leaders continue with the sole policy of strengthening security measures at the geographic perimeter of the Eldorado of the 28 Member States: fences, walls, the deployment of maritime and aerial patrols and unmanned drones to monitor international waters...

But these dramas are not the issues of individual countries. They are not a only “problem” for Malta, Cyprus, Greece, Italy or Spain. They are a matter for the whole EU, which is responsible - together with these and other individual countries – for having condemned thousands of human beings to death on its coasts and borders.

To respond to the need to save lives, and to simultaneously take into account the inevitability of global migration and its historical character, it is categorically imperative that governments and EU institutions change the paradigm.

## European Migration Policies have converted the Mediterranean into a massive communal grave: a tragic year for immigrants

Rafael Lara. Research Team: Anna Karin Giannotta, Victor Calvo, Pauline Probeouf, Lena Michardiére, Chiara Raffaele, Chloe Maurice.

Without a shadow of a doubt, the Mediterranean has turned into a massive communal grave. This is not a literary device; it is a reality. As is the claim that a large part of the responsibility for the tragedy through which tens of thousands of immigrants are living, and in many cases dying, lies with European immigration policies. The guiding principles of these policies are the repression and criminalization of migration, the rejection of immigrants at any cost, the raising of higher and higher barriers and the utilization of ever more resources. This is about the construction of what we have come to know as Fortress Europe and the waging of an actual war against immigrants, as it has been described by Migreurop.

### 1. A significant increase in the number of immigrants arriving in the European Union

The latest trends<sup>1</sup> reported by Frontex<sup>2</sup>, the European border agency, with regard to the number of people arriving irregularly from third-countries, are noteworthy.

According to their assessment, Frontex recorded 278,000 irregular entries at the European borders, two-and-a-half times more than in 2013 (107,000) and twice as much as in 2011 (141,000), at the time of the Arab Spring. Gil Arias, Deputy Director of Frontex, in an update of this data, reported an increased figure of 283,000<sup>3</sup>.

The vast majority arrived via the Mediterranean: 170,000 to Italy and 50,000 to Greece.

According to Frontex, the quarterly increase of arrivals contradicts the idea that most immigrants arrive during summer in the better weather. Now arrivals are taking place on a regular basis throughout the year, even in extremely severe weather conditions.

### 2. The number of people losing their lives keeps rising

Given the conditions in which these attempts to get to Europe take place, in fragile, almost always incredibly overloaded, vessels and without experienced crews, a serious humanitarian catastrophe was inevitable.

This was confirmed in a report produced by the International Organization for Migration (IOM). In the course of 2014, according to the IOM<sup>4</sup>, a total of 4,868 people lost their lives attempting to cross various

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<sup>1</sup> See <http://frontex.europa.eu/news/latest-trends-at-external-borders-of-the-eu-6Z3kpC>;  
<http://www.europaforum.public.lu/fr/actualites/2015/03/comm-migration-frontex-rapport/index.html>

<sup>2</sup> Article 2 of Council Regulation 2007/2004 of 26 October 2004 creating Frontex, defines its functions as the following:

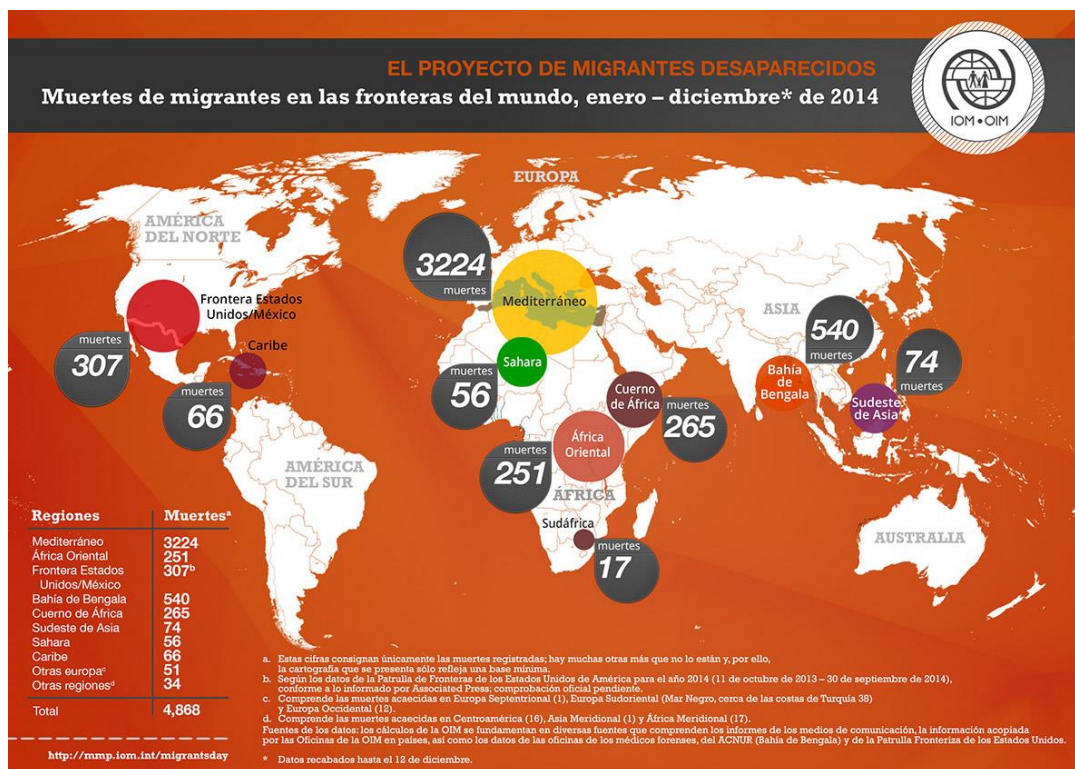
- coordinate operational cooperation between Member States in the field of management of external borders
- assist Member States on training of national border guards, including the establishment of common training standards
- carry out risk analyses
- follow up on the development of research relevant for the control and surveillance of external borders
- assist Member States in circumstances requiring increased technical and operational assistance at external borders
- provide Member States with the necessary support in organizing joint return operations

<sup>3</sup> [http://www.lavozdegacia.es/noticia/internacional/2015/04/03/80-simpapeles-llegan-europa-refugiados/0003\\_201504G3P22991.htm](http://www.lavozdegacia.es/noticia/internacional/2015/04/03/80-simpapeles-llegan-europa-refugiados/0003_201504G3P22991.htm)

<sup>4</sup> See [http://publications.iom.int/bookstore/free/FatalJourneys\\_CountingtheUncounted.pdf](http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf) and also <http://mmp.iom.int/sites/default/files/documents/Brochure%20Spa.pdf>

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borders throughout the world. 66% of them (3,224) were in the Mediterranean.



The IOM points out that of the immigrants who perished in the Mediterranean, 30% were from Sub-Saharan Africa, 30% were from the Middle East and North Africa (MENA), particularly the Syrian Arab Republic, the Occupied Palestine Territory and Egypt, and 11% from the Horn of Africa. The other 29% were of unknown origin. The majority of those who died (75%) did so on the central Mediterranean crossing from the north of Africa (usually Libya) to Italy or Malta.

Data from the UNHCR<sup>5</sup> corroborates these figures. During the second half of 2014, the UNHCR highlighted four emergency situations of the highest priority: Iraq, Central African Republic, Syria and South Sudan. More than 5.5 million people had to flee their homes. In addition to this, other crises such as those in Libya, Nigeria, Democratic Republic of the Congo, Somalia and the Ukraine have forced other hundreds of thousands of people to flee. Security concerns were also a troubling issue for the UNHCR, as 81 humanitarian workers were killed during the first nine months of 2014.

Worldwide in 2014, the UNHCR identified 4,272 deaths of which 3,419 occurred in the Mediterranean, numbers similar to those supplied by the IOM.

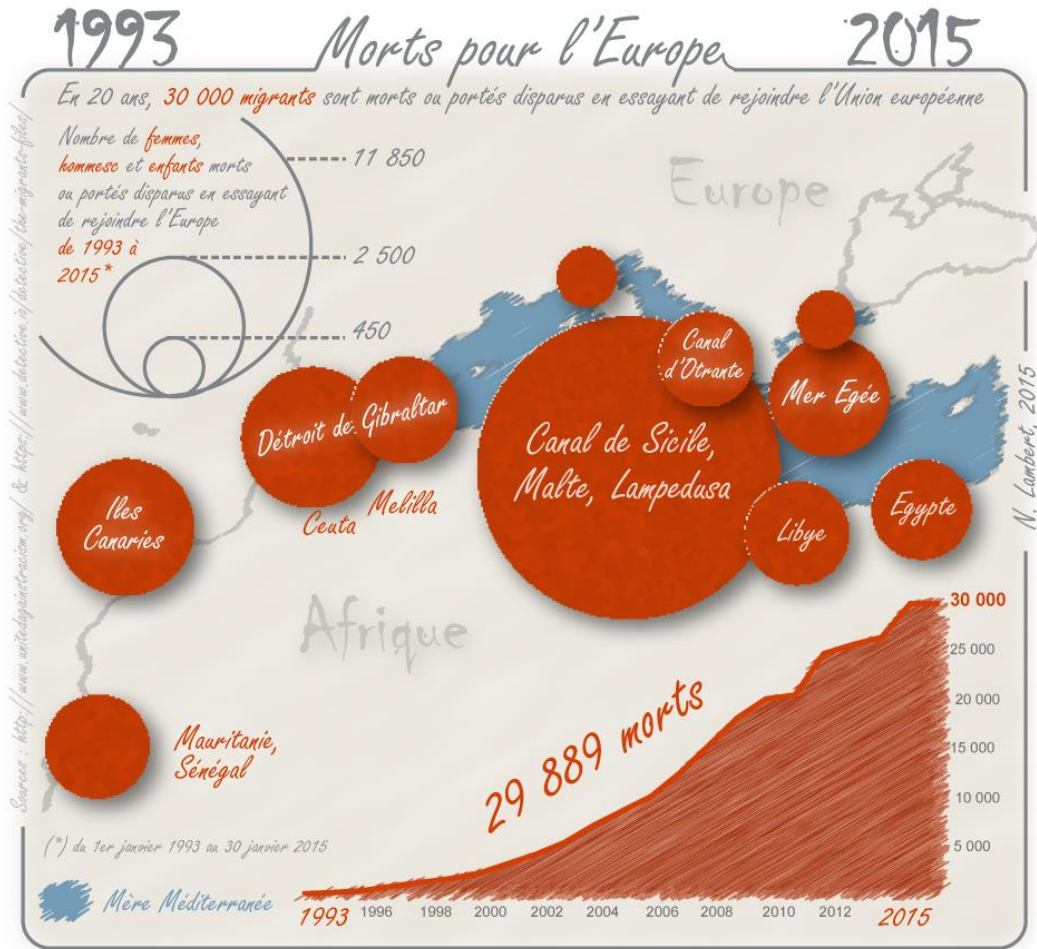
Likewise, the NGO 'United for Intercultural Acton'<sup>6</sup>, through their project 'The Migrant Files'<sup>7</sup>, has estimated the death toll in the Mediterranean from 1993 to 2014, to be 30,000.

<sup>5</sup> <http://noticias.lainformacion.com/asuntos-sociales/inmigracion/un-total-de-3-419-personas-han-muerto-intentando-cruzar-el-mediterraneo-en-2014-ra5Dt77mivVGEICJgw2CH2/>

<sup>6</sup> <http://www.unitedagainstracism.org/>

<sup>7</sup> <https://www.detective.io/detective/the-migrants-files/>

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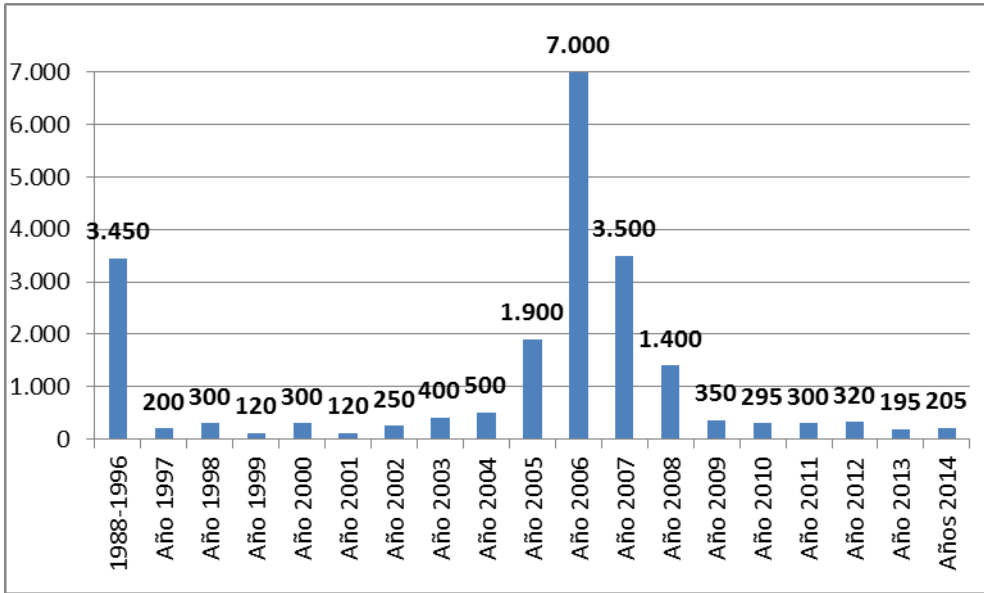
In addition, the journalist Gabriele Del Grande, in his blog 'Fortress Europe'<sup>8</sup> states that "day after day, year after year, the sea has become an enormous mass grave .... Since 1988 at least 21,439 young people have died trying to storm the fortress of Europe .... 2,352 in 2011, at least 590 in 2012, 801 in 2013 and already 2,086 in the first nine months of 2014".

Moreover, in the so-called Southern Border of Spain alone (including the Canary Islands), the statistics are even more shocking, considering that since 1988 (the arrival of the first *patera* in Tarifa) until 2014, it is estimated that more than 21,105 people have died or disappeared<sup>9</sup>.

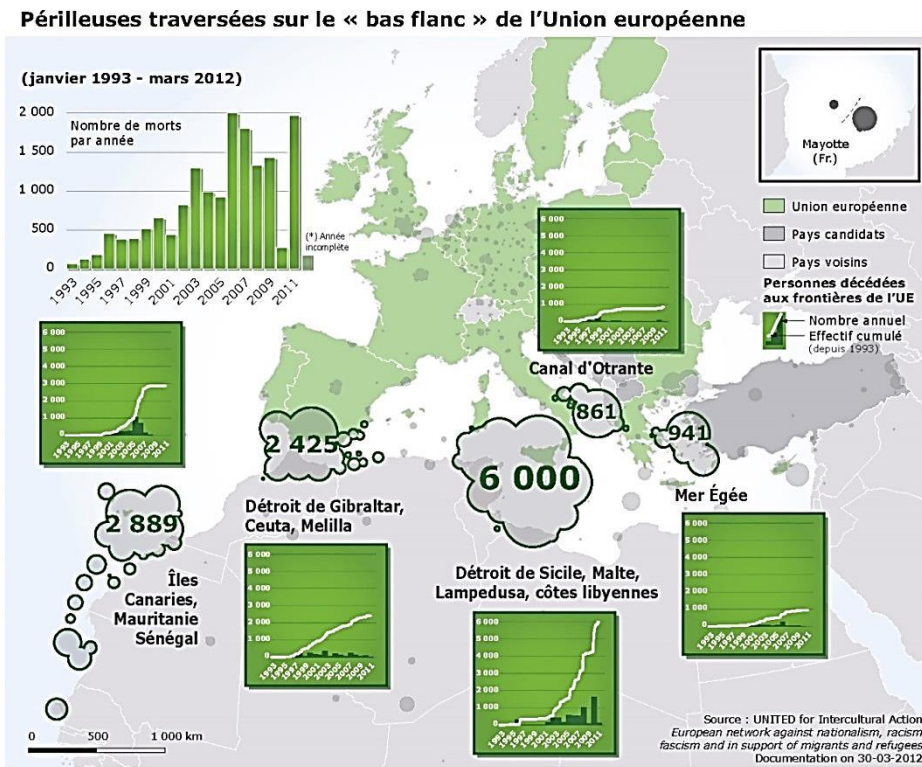
<sup>8</sup> <http://fortresseurope.blogspot.com.es/>

<sup>9</sup> See APDHA's reports "Derechos Humanos en la Frontera Sur" at [www.apdha.org](http://www.apdha.org)

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Migreurop, on the other hand, in their 'Atlas of migration in Europe', also tracked down the number of people who lost their lives between 1993 and 2012:



Some of the most significant tragedies that took place in the Mediterranean during 2014 and in 2015, so far, have been:

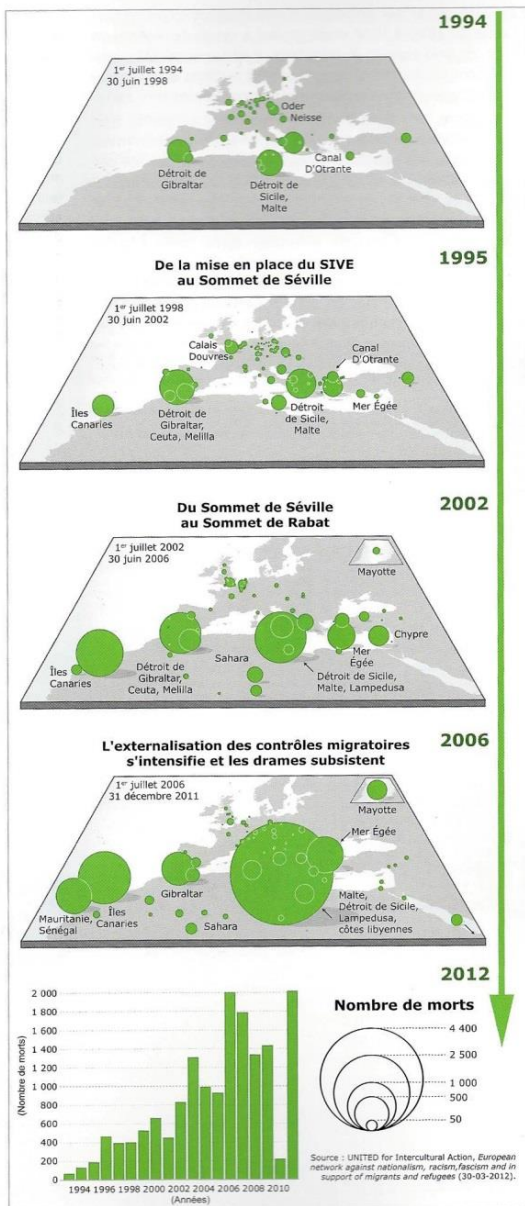
#### **Ceuta\_6 February 2014**

15 immigrants attempted to cross the border of Tarajal in Ceuta. While they were in the sea, the Civil Guard bombarded them with rubber bullets and teargas and they drowned.

#### **Libya\_23 August 2014**

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170 Sub-Saharan immigrants disappeared in a shipwreck close to Libya and at least 15 were found dead<sup>10</sup>.



Les frontières de l'espace Schengen deviennent de terribles réalités...

during Migration<sup>15</sup> draws attention to the important phenomenon of "undercounting", which means recording many fewer than the actual number. The report suggests that many more migrants die as a result of border controls than because of the journey across the sea.

**Malta\_10** September 2014

500 immigrants, of whom at least 100 were children, disappeared after a shipwreck<sup>11</sup>.

**Libya\_14** September 2014

164 dead and 36 rescued off the coast of Libya. Most of them were women<sup>12</sup>.

**Yemen\_7** December 2014

70 Ethiopian immigrants drowned after a shipwreck close to Yemen<sup>13</sup>.

**Lampedusa\_8** February

More than 300 immigrants died trying to get to Lampedusa from Libya in four overloaded, inflatable vessels. 29 died of hypothermia. The rest drowned<sup>14</sup>.

Whichever source one takes, these statistics doubtless represent only a part of the total, as not all circumstances allow for the accurate recording of the numbers of victims, for example in remote areas or when people disappear at sea. Some experts (such as the IOM in the cited report) estimate that for each body recovered, there are two more that will never be found. Another issue that complicates the collection of data is the presence of criminals or corrupt agents of the State, who in some cases hide or fail to record the dead.

Moreover, these statistics count only the deaths that occur at physical State borders in the course of journeys to international destinations, but exclude those that occur in the destination country, which can be directly linked to immigration policies, for example, during detention, deportation or forced return to countries of origin.

The IOM report 'Fatal Journeys: Tracking Lives Lost

<sup>10</sup> [http://www.elconfidencial.com/ultima-hora-en-vivo/2014-08-22/quince-inmigrantes-muertos-y-170-desaparecidos-en-naufragio-frente-a-libia\\_343939](http://www.elconfidencial.com/ultima-hora-en-vivo/2014-08-22/quince-inmigrantes-muertos-y-170-desaparecidos-en-naufragio-frente-a-libia_343939)

<sup>11</sup> <http://www.europapress.es/internacional/noticia-menos-cien-ninos-murieron-naufragio-bote-inmigrantes-frente-costas-malta-20140917034837.html>

<sup>12</sup> <http://www.eluniversal.com.mx/el-mundo/2014/naufragio-en-libia-deja-164-inmigrantes-desaparecidos-1038229.html>

<sup>13</sup> <http://www.rtve.es/noticias/20141207/mueren-ahogados-70-inmigrantes-etiofes-naufragio-costa-yemeni/1063040.shtml>

<sup>14</sup> [http://www.elconfidencial.com/mundo/2015-02-11/mas-de-300-inmigrantes-muertos-en-un-naufragio-frente-a-las-costas-de-italia\\_707633/](http://www.elconfidencial.com/mundo/2015-02-11/mas-de-300-inmigrantes-muertos-en-un-naufragio-frente-a-las-costas-de-italia_707633/)

<sup>15</sup> [http://publications.iom.int/bookstore/free/FatalJourneys\\_CountingtheUncounted.pdf](http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf)

### **3. The European Union is increasing border control activity, ignoring calls for humanitarian assistance**

In any case, we ought to be addressing a major humanitarian catastrophe that, in any other context, would have mobilized widespread solidarity, the harnessing of resources and the implementation of contingency plans and assistance. But it's not like that. Apart from reiterated expressions of grief and abstract appeals, what is certain is that the EU will not raise a finger to resolve this humanitarian crisis, neither with respect to policies developed to address migratory flows nor from the point of view of emergency search and rescue operations.

In fact, the European border agency, Frontex, is not designed for rescue missions and humanitarian emergencies, but to secure and control the borders of the EU with the aim of preventing the arrival of immigrants. It was therefore critical of the 'Mare Nostrum' operation, launched by Italy in 2013 and shut down in 2014 after the Italian navy had provided aid to thousands of immigrants. From Frontex's point of view, Italian ships on help and prevention missions in proximity to the Libyan coast was creating a pull effect and their presence was being used by criminal networks. "Europe is abandoning us. Europe cannot save the States and the banks and leave women and children to die", declared Matteo Renzi, the Italian Prime Minister, in a proclamation directed at other European leaders<sup>16</sup>.

The Spanish Minister of the Interior could not have been more harsh or more explicit "Frontex is an agency whose mission is to secure the borders and cannot become a rescue service. If that were to happen, if its mission was diluted the result would be a pull effect, an increase in the activity of criminal mafias ... knowing that by putting these desperate people out to sea, as we have been seeing, a sort of search and rescue service would take them to their destination"<sup>17</sup>. No problem, it's better if they all drown.

Operation 'Triton'<sup>18</sup>, which started in November 2014 coordinated by Frontex, is not intended to help immigrants at sea. With operation Triton the European Union plans to operate up to 30 miles from the Italian coast, unlike operation 'Mare Nostrum', which also intervened in international waters. By staying so close to the European borders, it increases the risk that immigrants in danger will not receive assistance in international waters. As Amnesty International have pointed out, it is necessary once again to ask, what exactly is the aim of the European Union? Is it to limit the number of deaths in the Mediterranean, or is it to continue protecting its borders at any cost against migrants attempting to flee from violence?<sup>19</sup>

In addition to all this is the reduced budget of operation Triton, which amounts to 3 million euros, when Mare Nostrum had a budget of 9 million euros per month. How can these types of operations be effective with such a restricted budget, while the number of people attempting to cross the Mediterranean clandestinely is rising? Operation Triton has neither the resources nor the mandate required to assist clandestine migrants in the Mediterranean. The priority of European countries is obvious; border control before the protection of human lives

During the two weeks between 13 and 26 October 2014, another operation, 'Mos Maiorum'<sup>20</sup>, took place, coordinated by the Italian Ministry of Immigration with the support of Frontex and Europol<sup>21</sup>. The aim of this operation was to apprehend and gather the personal data of people with false documents, rejected asylum seekers and smugglers. According to the 'Frontexit' campaign, it was a veritable "migrant witch-hunt"<sup>22</sup>.

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<sup>16</sup> [http://www.teinteresa.es/mundo/operacion-Mare-Nostrum-inmigrantes-Italia\\_0\\_1152485105.html](http://www.teinteresa.es/mundo/operacion-Mare-Nostrum-inmigrantes-Italia_0_1152485105.html)

<sup>17</sup> [http://www.eldiario.es/desalambre/Interior-convertir-Frontex-salvamento-inmigrantes\\_0\\_365713575.html](http://www.eldiario.es/desalambre/Interior-convertir-Frontex-salvamento-inmigrantes_0_365713575.html)

<sup>18</sup> <http://ecre.org/component/content/article/70-weekly-bulletin-articles/855-operation-mare-nostrum-to-end-frontex-triton-operation-will-not-ensure-rescue-at-sea-of-migrants-in-international-waters.html>

<sup>19</sup> <http://www.amnesty.fr/Nos-campagnes/SOS-Europe/Actualites/Sauvetage-des-migrants-en-mer-pourquoi-operation-Triton-est-voee-echee-13064>

<sup>20</sup> The name Mos Maiorum refers to the Roman concept of the 'way of the elders', in defence against decadence and barbarism.

<sup>21</sup> <http://www.statewatch.org/news/2015/jan/eu-council-2015-01-22-05474-mos-maiorum-final-report.pdf>

<sup>22</sup> <http://www.frontexit.org/fr/actus/item/417-operation-mos-maiorum-la-traque-aux-migrants-sans-papiers-en-europe>

During the two weeks that the operation lasted, according to the final report of the Council of the European Union<sup>23</sup>, 19,234 people were apprehended in 6,002 interventions, of which 1,538 took place at external borders (9,890 migrants detained) and 4,464 within European territory (9,344 detained). A total of 14,347 were male and 2,166 female. The remaining 2,721 being children and adolescents.

“These figures are double the number of arrests made during operation ‘Perkunas’, which took place between September and October 2013 with a similar objective (10,459 arrests) and quadruple that of operation ‘Aphrodita’, another massive European police cooperation exercise which took place between October and November 2012 (5,298). It is the largest such operation to take place in Europe to date”<sup>24</sup>.

As reported by Frontex, the result of this operation has been that irregular residence is now considered to be a criminal offence, which presents a clear challenge to the case law of the EU Court of Justice. Asylum seekers are perceived as potential fraudsters and, most significantly, the institutions of the EU are fuelling the fantasy of a criminal invasion of Europe<sup>25</sup>.

At the time of writing, a new operation has been proposed by the EU for 2015, as has been reported by Statewatch<sup>26</sup>. It is called operation ‘Amberlight’ and will take place during the period 1-14 April. Once again, it will attempt to identify and prosecute “illegal residents” and in doing so, it will intensify the control of the EU’s external borders.

#### 4. The unstoppable flight of the poor and the victims of war

Frontex has confirmed that the increase in the entries detected (logically they don’t include those that have not been) is closely related to the crisis in Syria, extending to Iraq, which has led to a wide-ranging, critical situation for refugees. Ewa Moncure, spokesperson for Frontex, explained to the news agency AFP that “there are various reasons for this spectacular increase: dramatic situations in Syria, Eritrea, South Sudan, the Democratic Republic of Congo and Iraq, combined with the fact that Libya is de facto a failed state where the law is not enforced. This creates ideal conditions for human traffickers operating in Libya with complete impunity”<sup>27</sup>.

What happened in Libya is the key factor in understanding the evolution of migration across the Mediterranean. Muammar Gaddafi turned Libya into a genuine buffer state, helping the European Union to control migratory flows from Sub-Saharan Africa.

Western intervention, the assassination of Gaddafi and the war that broke out between the various factions for control of the country, has turned Libya into a no man’s land, where anything is possible and where even the various factions are trying to cash in on the migratory flows.

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<sup>23</sup> <http://www.statewatch.org/news/2015/jan/eu-council-2015-01-22-05474-mos-maiorum-final-report.pdf>

<sup>24</sup> <http://www.europapress.es/epsocial/noticia-operacion-policia-europea-mos-maiorum-saldo-detencion-19234-migrantes-mayoria-refugiados-20150123125705.html>

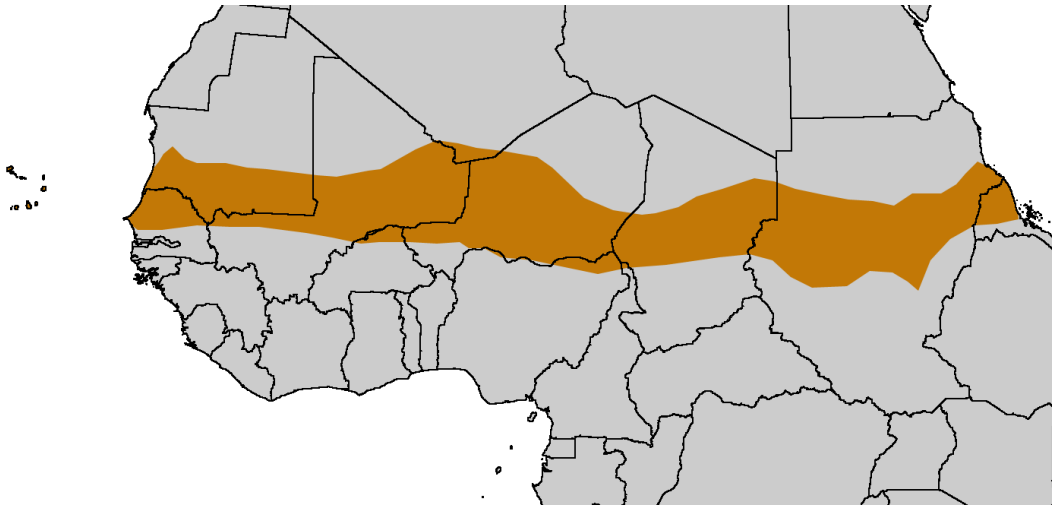
<sup>25</sup> For more details see Migreurop : <http://www.migreurop.org/article801.html> “The ostracism of foreigners: detention centres and expulsions”, which highlights the idea of invasion/protection. Maps of detention centres in various countries can be found at : <http://geoconfluences.ens-lyon.fr/doc/typespace/frontier/FrontDoc4.htm>

<sup>26</sup> <http://www.statewatch.org/news/2015/mar/eu-overstayers-smart-borders.htm>

<sup>27</sup> <http://tempsreel.nouvelobs.com/societe/20150304.AFP0711/le-nombre-des-immigres-entres-illegalement-dans-l-ue-a-triple-en-un-an.html>



## Human Rights on the Southern Border 2015



On the other hand, many of the mercenaries from the Sahel, who were supporters of Gaddafi, had to flee hastily to the south. According to all the experts, they have been largely responsible for nurturing the movements that have been taking place in all the countries of the Sahel and further south, such as Niger and Mali. The rise of the most fundamentalist Islamic factions, the Western interventions with their often-problematical consequences, and the lack of prospects for the youth of the region, are causing massive population movements, primarily towards neighbouring countries like Mauritania, but also towards the north, Algeria and especially Libya, in the hope of making it across to Europe.

Libya's geopolitical situation, a massive country with the enormous "highway" of the Sahel to the south and its chaotic internal situation has turned it into the perfect base for migrants embarking for Europe. The uncontrollable desert of the Sahel allows the Sub-Saharan Africans to enter Libya, avoiding state scrutiny.

However, Libya is not the only cause of the current migrant situation. Somalia, for example, is amongst the top rank of failed states in the world (for which, once again, there is no shortage of western responsibility), as well as Eritrea and the Central African Republic<sup>28</sup>.

For its part, the conflict in Syria, four years after it began, leaves in its wake a trail of appalling statistics, which grow day by day<sup>29</sup>:

- More than 200,000 dead
- 10,664 children killed
- 3.8 million refugees
- 7.6 million displaced in Syrian territory
- 60% of the approx. 23 million Syrians in a state of poverty
- 12.2 million Syrians in need of emergency humanitarian aid in order to survive
- Half the population unemployed
- The cost of war damage has reached 31 billion dollars
- The budget for emergency humanitarian aid for 2015: 8 billion dollars, only 2% of which has been raised to date
- At least 81 journalists dead
- 610 doctors and health workers killed
- Life expectancy of the population has fallen from 79.5 in 2010 to 55.7 in 2014

<sup>28</sup> <http://library.fundforpeace.org/library/cfsir1423-fragilestatesindex2014-06d.pdf>

<sup>29</sup> [http://www.huffingtonpost.es/2015/03/15/cifras-guerra-siria\\_n\\_6872018.html](http://www.huffingtonpost.es/2015/03/15/cifras-guerra-siria_n_6872018.html)

## ***Human Rights on the Southern Border 2015***

- The country has lost 15% of its population
- Between 2.1 and 2.4 million children cannot go to school
- 83% of the lighting system does not work

Without doubt, the prolonged situation of instability throughout the Sahel and the Horn of Africa and the crises in Syria and Iraq, stimulate the significant increase of people attempting to reach Europe, fleeing from war and hunger. It is the flight of the poor and the victims of war.

But these people fleeing war and horror are left to their fate by European Union. All the declarations made by its rulers about the tragedy of the war and the need to put an end to the conflict become nothing more than hypocritical chitchat when one considers the fate of those being displaced by the military conflict. Neighbouring countries, such as Turkey, Lebanon, Jordan, Egypt and even Iraq itself take in 97% of the refugees, while the European Union scarcely takes 1.7%<sup>30</sup>.

According to Amnesty International, "Spain is one of the countries whose response leaves much to be desired, as it only offered to resettle 130 refugees from Syria between 2013 and 2014 (resettlement which to this date has yet to materialize). Recently, the Council of Ministers approved 130 more places for 2015".

### **5. Inhuman European migration policies with no prospect of improvement**

The actions taken in relation to immigration and asylum, described thus far, demonstrate only too clearly an unhealthy obsession with control and security on the part of the European Union, which is proving lethal for thousands of people.

After managing to transform the Mediterranean into an enormous mass grave, European leaders make great speeches after each tragedy, declaring their inability to prevent them, as if they were inevitable. But, as pointed out by the groups involved in the Frontexit campaign<sup>31</sup>, "such tragedies are the consequence of security-based migration policies which make regular access to EU territory almost impossible and leave persons in exile no solution other than to embark on perilous boats and risk their lives".

The latest "new initiative"<sup>32</sup>, this time from the Italian government, consists of financing Egyptian and Tunisian patrol boats to prevent migrants from leaving these countries. As usual, it is disguised as humanitarian concern; if they don't leave they won't die in the sea. But in reality it is about, as in the case of Morocco, paying them to act as gendarmes at the borders of the North African countries, continuing the trend of the externalization of migration control.

It is a matter of closing the circle: preventing people leaving from the North African coast (externalization); if they manage to embark, intercept them immediately (Frontex); if they manage to arrive, apprehend them (in the extraordinary system of detention centres throughout Europe) and finally return them (readmission agreements).

As we have been saying in our reports, these are policies repeatedly put into action and renewed time and again, with a well-known outcome: more immigrants continue to arrive, they do so in ever worse conditions, more people die and we deepen the social divide, generating increased racism and xenophobia in European society because, as Alexandra Politiki says, European immigration policies have become cultural poison<sup>33</sup>.

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<sup>30</sup> <https://www.es.amnesty.org/noticias/noticias/articulo/respuesta-muy-deficiente-al-drama-de-los-refugiados-sirios/>

<sup>31</sup> <http://www.migreurop.org/article2568.html?lang=fr>

<sup>32</sup> [http://www.eldiario.es/desalambre/DOCUMENTO-Union-Europea-Tunez-Egipto\\_0\\_368514055.html?utm\\_source=SOCIOS+por+provincias&utm\\_campaign=852c7c942c-Adelanto\\_socios\\_17\\_3\\_2013&utm\\_medium=email&utm\\_term=0\\_99f4043d51-852c7c942c-55540677](http://www.eldiario.es/desalambre/DOCUMENTO-Union-Europea-Tunez-Egipto_0_368514055.html?utm_source=SOCIOS+por+provincias&utm_campaign=852c7c942c-Adelanto_socios_17_3_2013&utm_medium=email&utm_term=0_99f4043d51-852c7c942c-55540677)

<sup>33</sup> [http://www.huffingtonpost.es/alexandra-politiki/el-veneno-cultural-de-las\\_b\\_6237170.html](http://www.huffingtonpost.es/alexandra-politiki/el-veneno-cultural-de-las_b_6237170.html)

She adds, “a growing ... culture of cruelty is gradually emerging in Europe toward the poor and distressed who are trying to enter. Europe is engaged in a determined struggle to keep out people who are looking for safety, protection and a better future”. John Dalhuisen, director of the Europe and Central Asia Programme at Amnesty International, has stressed the cost in human lives and misery that is being paid by some of the world's most vulnerable people as a consequence of the EU's migration policies. “These policies are also creating a culture of cruelty that is already establishing its own vocabulary. The word ‘refugee’ is rapidly going out of use, and ‘illegal immigration’ is in widespread use instead of ‘migration without documents’. Almost forgotten has become the term ‘international protection’, and ‘asylum’ has acquired negative connotations”.

### 6. Initiatives to humanize the management of migration flows

However, there are more than a few voices demanding radical change in these policies, which do not even meet the objectives they were supposedly put in place to achieve. There are also more than a few proposals that have been put forward by various bodies, which unfortunately have received little response from our leaders who continue to repeat the mantra of “security”, seemingly incapable of understanding that other alternative policies are possible.

Amongst these voices is the ‘Frontexit’ campaign<sup>34</sup>, which alleges that behind a security-oriented border management policy and rhetoric that is geared towards the “prevention of risks” and “the identification of threats” associated with “the fight against irregular immigration and cross-border crime”, the fundamental principles of international human rights are being violated:

- The right of asylum (the Geneva Convention relating to Refugees, arts. 18 and 31 of the Charter of Fundamental Rights of the EU)<sup>35</sup>;
- The right to leave any country, including one's own (art. 13<sup>36</sup> of the Universal Declaration of Human Rights, art. 12<sup>37</sup> of the International Covenant on Civil and Political Rights, of which all the member states of the EU are signatories).

The organizations that comprise the Frontexit campaign denounce the incompatibility of Frontex's mandate with European and international human rights. They demand that the institutions of the EU make the decision to put an end to Frontex's activities.

For their part, on 26 November, in the context of the meeting entitled “The Southern Border: are there alternatives?”, the various Spanish groups belonging to the Migreurop network (Andalucía Acoge, APDHA, CEAR, Elin and SOS Racismo) presented to the Spanish Parliament their proposals to prevent the serious violations of human rights taking place on Europe's southern border, especially in Ceuta and Melilla<sup>38</sup>.

These proposals, supported by more than a hundred organizations, are collected in the “Manifiesto for a European solution to the tragedy at the borders of Ceuta and Melilla, four urgent and achievable measures”<sup>39</sup>.

Also the UNHCR, after ascertaining that 470 people had died in the Mediterranean in the first two months of 2015, presented a series of proposals to the European Union in a letter from the High

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<sup>34</sup> <http://www.frontexit.org/fr/>

<sup>35</sup> [http://www.europarl.europa.eu/charter/pdf/text\\_es.pdf](http://www.europarl.europa.eu/charter/pdf/text_es.pdf)

<sup>36</sup> <http://www.un.org/es/documents/udhr/>

<sup>37</sup> <http://www.oas.org/es/cidh/expresion/showarticle.asp?artID=189&IID=2>

<sup>38</sup> <http://www.apdha.org/migreurop-presenta-en-el-congreso-de-los-diputados-sus-propuestas-para-una-gestion-respetuosa-con-los-derechos-humanos-de-las-fronteras-espanolas-y-europeas/>

<sup>39</sup> <http://acoge.org/manifiesto-por-una-solucion-europea-al-drama-en-las-fronteras-de-ceuta-y-melilla-cuatro-medidas-urgentes-y-realizables/>

## ***Human Rights on the Southern Border 2015***

Commissioner, António Guterres<sup>40</sup>. Proposals described as “a number of bold and innovative solutions to address the challenges of mixed migration in the Mediterranean and reduce the number of people losing their lives at sea”.

In conclusion, we cannot but include the remarks of Vincent Cochetel, UNHCR's Director for Europe: “To continue with the status quo is not an option, inaction to address these challenges will only mean more people dying”.

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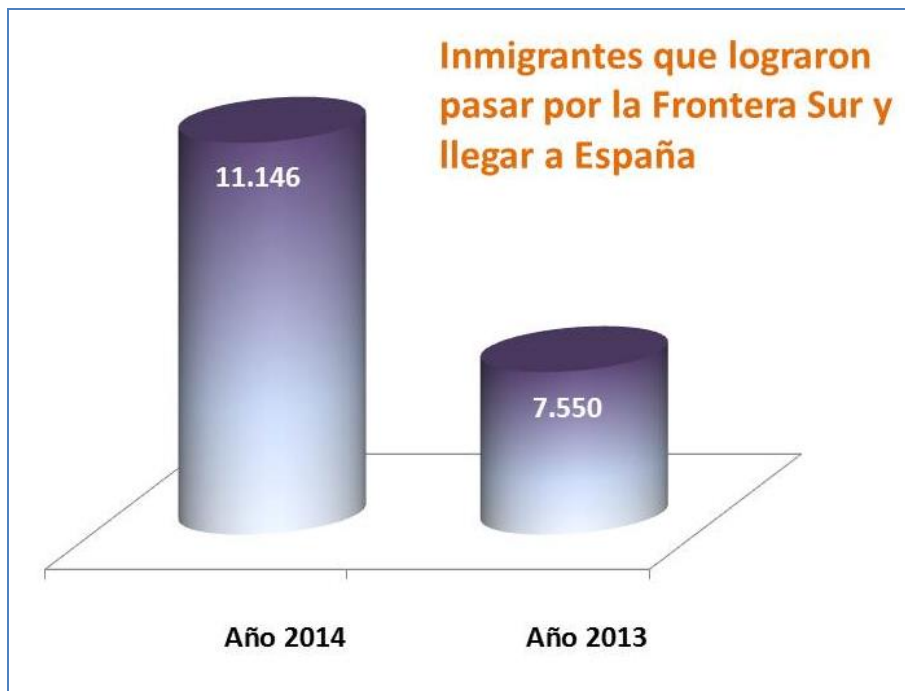
<sup>40</sup> [http://www.unhcr.org/55019bce6.html#\\_ga=1.50304547.485892653.1425829597](http://www.unhcr.org/55019bce6.html#_ga=1.50304547.485892653.1425829597)

## The migration 'balance sheet' for the Southern Border in 2014: the tremendous human cost of closed border policies.

Rafael Lara. Research: Anna Karin Giannotta.

### 1. During 2014, there was an increase in the number of arrivals to Spain, but nowhere near the numbers for Italy and Greece

During 2014, there has been a significant increase in the number of immigrants intercepted at Spain's Southern Border<sup>41</sup>. Specifically, according to APDHA's<sup>42</sup> monitoring, Spanish security forces<sup>43</sup> intercepted 11,146 immigrants along the length of the Southern Border (Ceuta and Melilla, the Peñones, the mainland coast, the Balearics and the Canary Islands), in comparison to the 7,550 for 2013, an increase of almost 50%.



We would have to go back to 2008 to find a higher number of interceptions<sup>44</sup>.

<sup>41</sup> We consider Spain's Southern Border to be the arc that extends from the Balearics, the eastern and southern coasts of mainland Spain, Ceuta and Melilla to the Canary Islands.

<sup>42</sup> At the time of writing, the Spanish Ministry of the Interior has not yet made public the equivalent to its 2014 report: "Balance of the fight against illegal immigration".

<sup>43</sup> This does not include those people intercepted by Morocco and Algeria, either before setting off or already at sea. Nor, of course, those who manage to cross the border undetected.

<sup>44</sup> Unless specified otherwise, all figures used are taken from monitoring by APDHA.



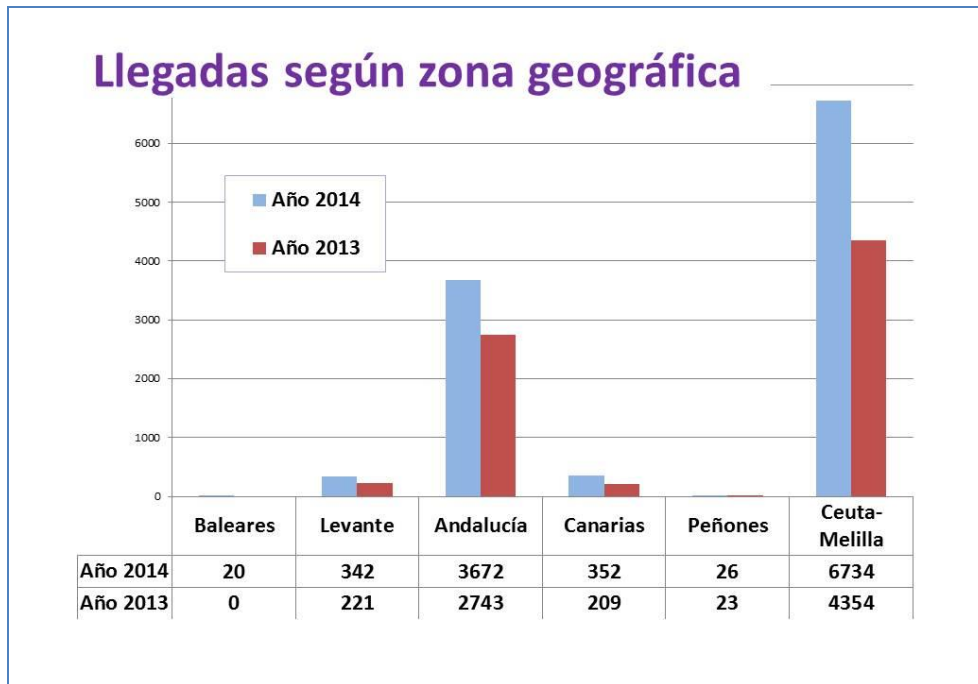
Despite all this, in comparison to the 170,000 arrivals to Italy or the 50,000 to Greece, these figures show that Spain is not the primary point of entry into Europe. Next after Spain is Bulgaria, where approximately 7,500 people, mainly Syrians, Afghanis and Iraqis, were apprehended on its border with Turkey in 2014<sup>45</sup>.

Despite Spain's proximity to Africa, only 14km apart across the Straits of Gibraltar, for several years it has no longer been the principal destination for migratory flows. This is undoubtedly due to the strict control that the Kingdom of Morocco habitually exercises over its coast and its close (and paid-for) collaboration with the system of control and rejection deployed by Spain, with the investment of millions in technology and other resources, as has been analysed in our other reports. According to data made public by Amnesty International<sup>46</sup>, Spain allocated 290 million euros for external border control between 2007 and 2013, more than the 250 million allocated by Italy or the 207 million by Greece. A figure that contrast with the amount allocated by Spain for the Refugee Fund, which stands at 9 million euros.

The increase in the detection and interception of immigrants on their way towards Spain this year has occurred mainly in Melilla and by the arrivals to Cadiz during the month of August, as can be seen in the following chart.

<sup>45</sup> <http://bnr.bg/es/post/100529974>

<sup>46</sup> <https://www.amnesty.org/download/Documents/8000/eur050012014es.pdf>



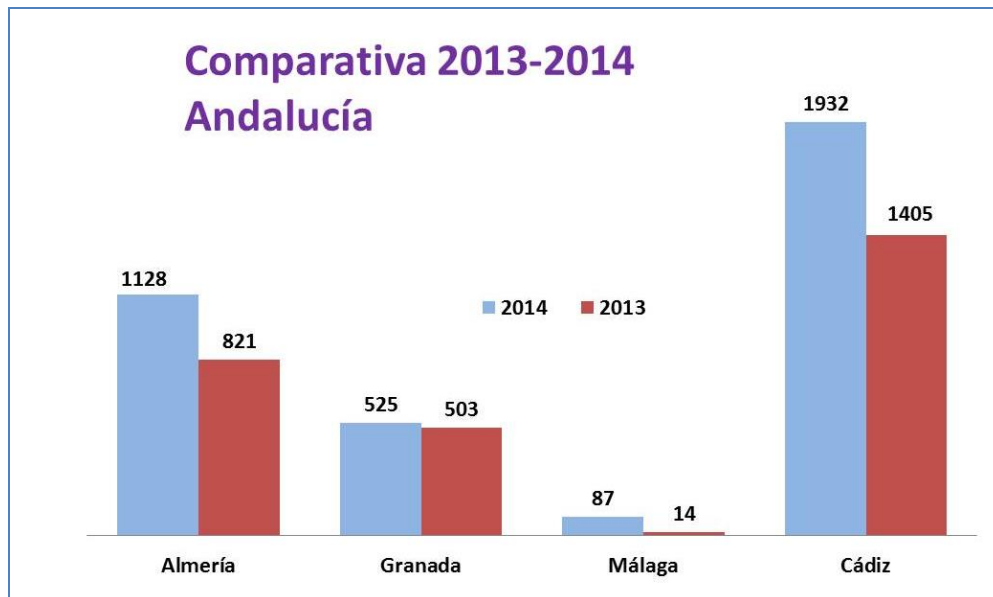
The distribution of arrivals by geographic area are shown in the map below.



## 2. Andalusia and Cadiz

A total of 3,672 immigrants arrived in Andalusia. This figure conflicts with that cited by Ana Pastor, the Minister of Development, who claimed, during a visit to Cadiz in January 2015, that 4,965 immigrants arrived in Andalusia in 400 boats<sup>47</sup>, not including those who were apprehended by Morocco and taken to a neighbouring country.

As shown in the following chart, there was an increase in the number of arrivals in all the provinces of Andalusia, particularly in the province of Cadiz.



This increase of entries into Cadiz, which reached 1,932 in the course of the year, mainly took place between the 10th and 13th of August, as a result of the dispersal of immigrants living in substandard housing conditions in the neighbourhoods around Tangier, while the Moroccan government relaxed security on the coast during those dates. Neighbourhoods like Bukhalef became ghost towns as stocks of rubber dinghies ran out. The motivation for the Moroccan government's actions is still unknown, although it was rumoured to be an act of reprisal against the Spanish Civil Guard, who searched a launch in which King Mohamed VI was travelling in the waters close to Ceuta on August 7th<sup>48</sup>.

A particularly extraordinary situation occurred on the two days of 11th and 12th of August, with the arrival of 1,219 immigrants in around a hundred rubber dinghies. The usual facilities were overrun and the old sports centre in Tarifa was commandeered in order to shelter, or rather to lock, up the immigrants. Once again, the government's actions, in detaining people beyond the permitted time limit, were a violation of human rights, which we consider to be illegal, as is analysed elsewhere in this report<sup>49</sup>.

<sup>47</sup> <http://www.elmundo.es/andalucia/2015/01/14/54b6a3ba22601dab6c8b4577.html>

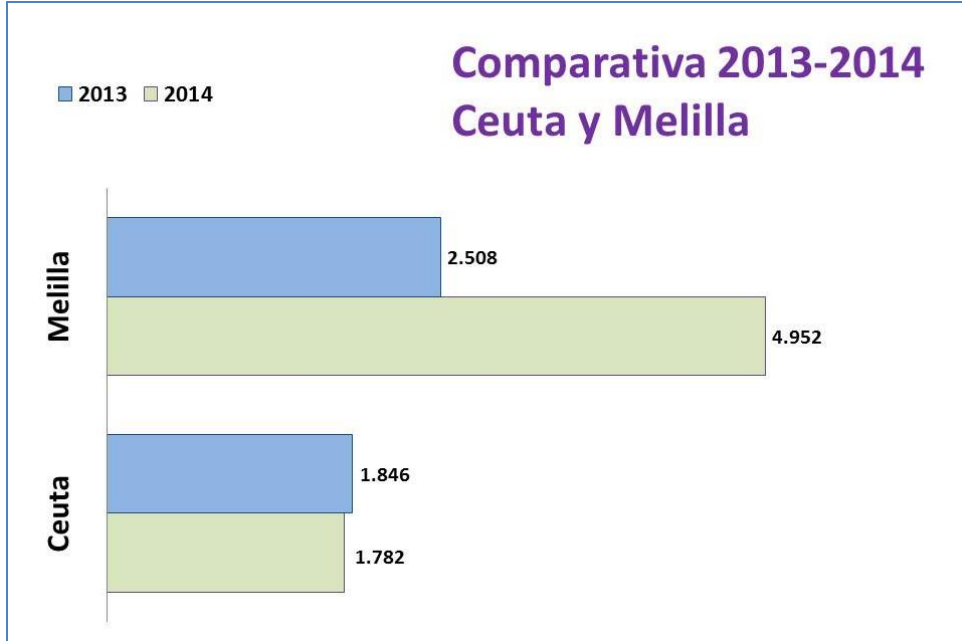
<sup>48</sup> See for example [http://www.lasexta.com/noticias/nacional/guardia-civil-reclama-rey-moha-med-que-identifique-cuando-navegaba-aguas-ceuties\\_2014082500169.html](http://www.lasexta.com/noticias/nacional/guardia-civil-reclama-rey-moha-med-que-identifique-cuando-navegaba-aguas-ceuties_2014082500169.html)

<sup>49</sup> See the chapter: "Southern Border 2014: human rights violations de facto and de jure", in this report.



### 3. Phenomenal increase in arrivals to the city of Melilla

With regard to the cities of Ceuta and Melilla, it is Melilla that has seen the most significant increase of arrivals during 2014, whereas in Ceuta the numbers were similar to 2013.



The number of arrivals to the city of Melilla can be divided between Sub-Saharan Africans and Syrians, as well as a fair number of Algerians.

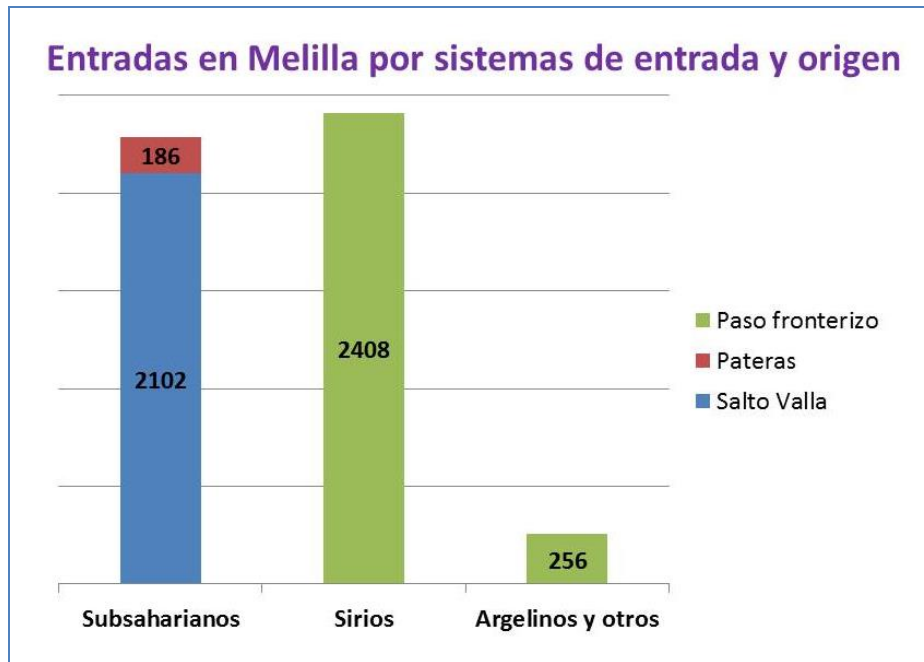
The increase in the number of immigrants arriving in Melilla is mainly related to the exodus of Syrians, very often entire families. If it were not because of the arrival of the Syrians, the number of people entering Melilla would have been even less than in 2013, despite the continuing drama at the fences.

According to data collected by APDHA, there were almost 20,000 attempts to scale the fences and more than 2,100 sub-Saharan Africans managed to do so<sup>50</sup>. On the other hand, no less than 2,400 Syrians managed across the border. The remainder were primarily of Algerian origin.

Both the Syrians and Algerians who entered Ceuta and Melilla, did so mainly at the border crossings (Tarajal in Ceuta, Beni Enzar in Melilla), hidden amongst the tens of thousands of Moroccans who enter both cities every day. On many occasions with false passports, on others disguised or hidden in the vehicles that cross the borders.

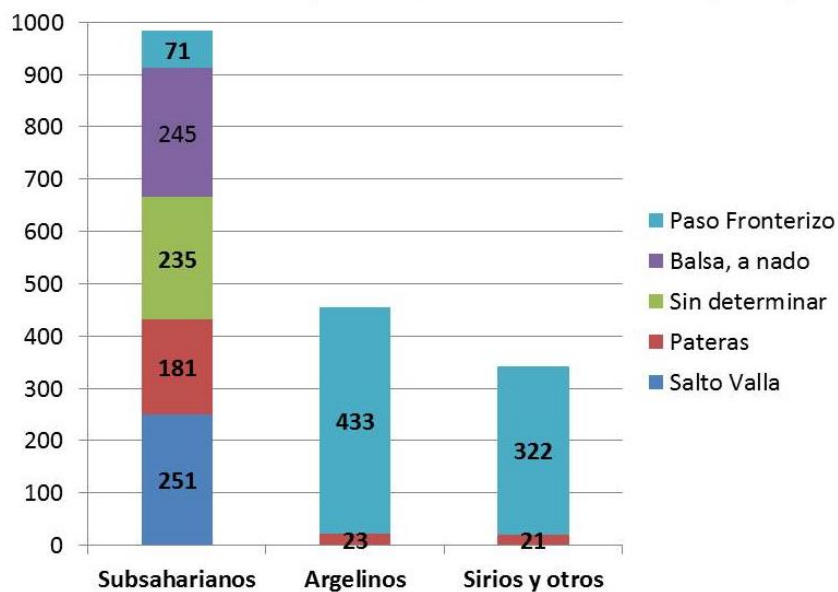
In any case, the means of access to both cities are quite different. For topographical reasons, attempts to scale the fence in Ceuta are less numerous, while attempts to swim via El Tarajal or Benzú are more frequent, as is the use of inflatable rubber dinghies.

<sup>50</sup> See also the chapter "Analysis of attempts to scale the fence in Melilla 2014".



14.1% of all the immigrants who managed to enter Ceuta did so by scaling the fence, whereas for Melilla the figure was 42.4%.

### Entradas en Ceuta por sistemas de entrada y origen



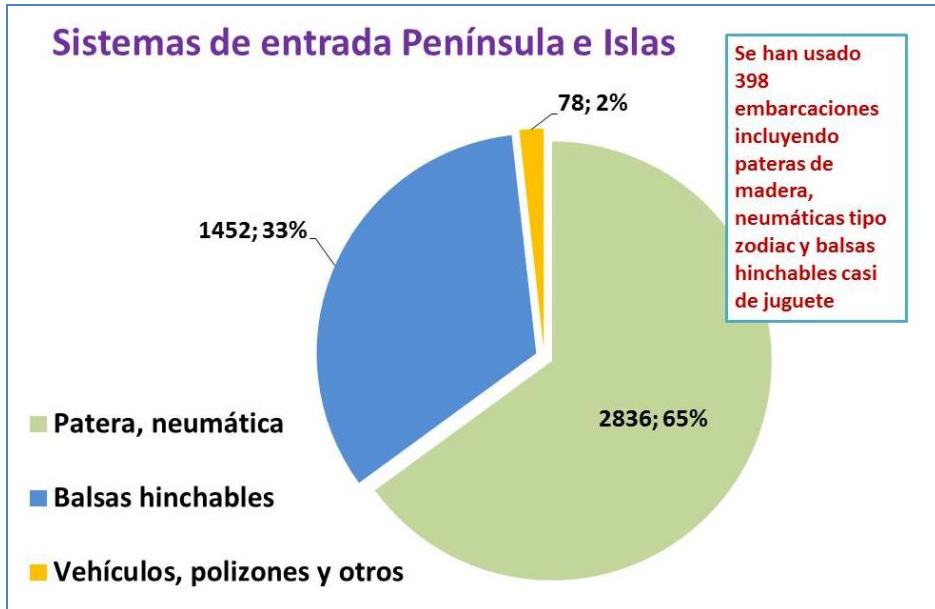
In another section of this report<sup>51</sup>, we address two issues related to the violation of human rights that have been taking place at the fences of Ceuta and Melilla: on the one hand the death of 15 immigrants as a result of the actions of the Civil Guard on 6th February in Tarajal in Ceuta, and on the other hand the illegal expulsion of immigrants by the Civil Guard at the fences, which have become known as “push back” operations (*devoluciones en caliente* in Spanish). Both these subjects were also covered in depth in our report ‘Human Rights on the Southern Border 2014’<sup>52</sup>.

<sup>51</sup> See the chapter: “Southern Border 2014: human rights violations de facto and de jure”, in this report.

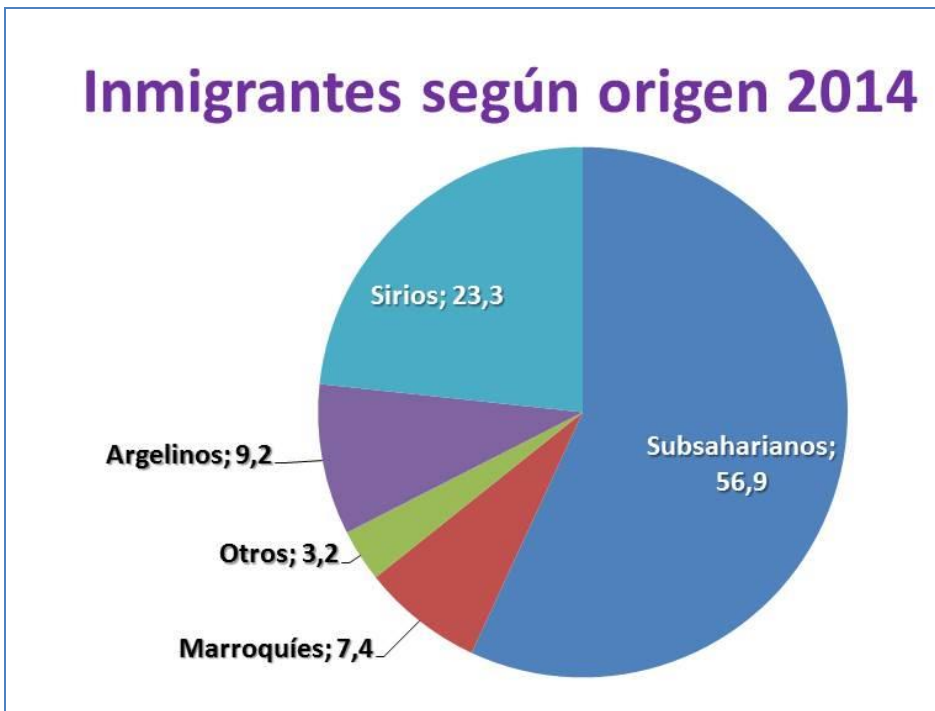
<sup>52</sup> See [http://www.apdha.org/media/FS2014\\_eng.pdf](http://www.apdha.org/media/FS2014_eng.pdf)

4. Means of entry and origin of immigrants intercepted in mainland Spain and its islands

The use of inflatable rubber dinghies continued to increase as a method of getting to the mainland, although the main method continues to be the use of “Zodiacs” (rigid inflatable boats) and “pateras” (small wooden fishing vessels), as can be seen in the following chart, which shows the number of people using each method and the percentage of the total.



Concerning the origin of the people managing to overcome the obstacles at the southern border, the majority continue to be those coming from sub-Saharan Africa; although there has been a very significant increase in the number of Syrians fleeing from the war that has devastated their country, as has been mentioned previously.



## 5. Morocco: “Gendarme” of the Southern Border

Morocco's role in the capture and return of Sub-Saharan immigrants and the associated violations of human rights committed during these actions are analyzed in greater depth in other chapters of this report<sup>53</sup>. Apart from the few days between the 10th and 13th of August, Morocco's control of its coastline has made it extremely difficult for *pateras* and rubber dinghies to set off for Spanish shores.

However, its role as the gendarme of Europe's borders doesn't stop there.

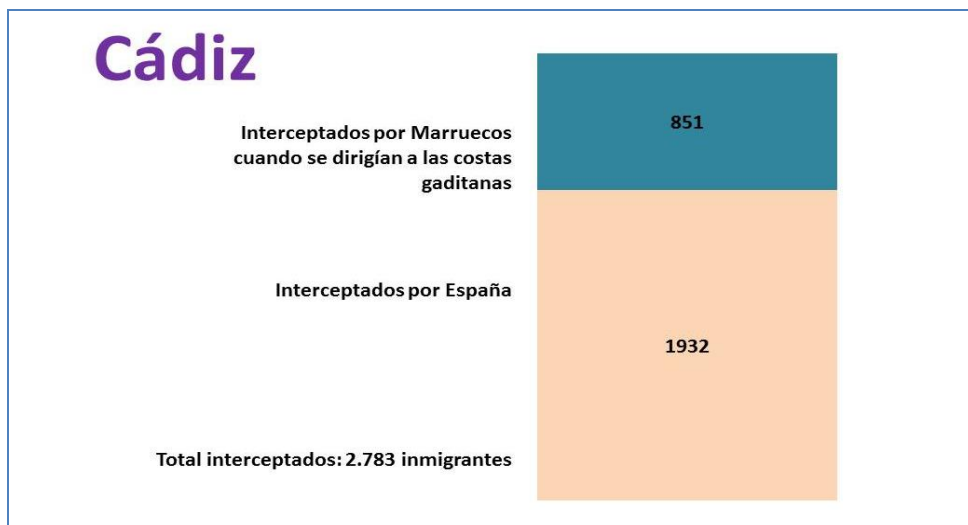
On the one hand, it has dedicated significant resources to prevent, with mixed results, the scaling of the fences of Ceuta and Melilla. In order to demonstrate its cooperation in the fight against immigration, the Moroccan Deputy Minister of the Interior, Charki Drais, announced<sup>54</sup> that during 2014 his government had frustrated a total of 80 attempted mass assaults on the fences of Ceuta and Melilla and had made a total of 37,000 arrests of undocumented immigrants, of whom it was estimated that some 20,000 were just about to scale the fences. In addition, a third fence, which has yet to be completed, is being constructed on the Moroccan side.

On the other hand, with a number of quid pro quos, Morocco has revived the Readmission Agreement of 1992, which has recently, after a delay of more than 20 years, come into force.

Finally, in the past two years, Morocco has deployed numerous Royal Navy and Gendarmerie patrol boats in order to intercept *pateras* once they have left Moroccan shores and before they can arrive on the Spanish coast. In many cases, these interventions occur following information from the Maritime Rescue or the Civil Guard. On other occasions, these interventions are the initiative of the patrol boats of the Moroccan Royal Gendarmerie, particularly when a *patera* is at the point of setting out to sea.

APDHA estimates that Morocco may have intercepted more than 2,000 immigrants as they were heading to mainland Spain, the Canary Islands or Ceuta and Melilla, and returned them to Moroccan territory.

We have made a detailed analysis of these interceptions by the Moroccan forces in the Straits of Gibraltar. As can be seen in the following chart, if we include the number of people intercepted by Morocco, then almost 2,800 immigrants were apprehended attempting to get to the province of Cadiz.



<sup>53</sup> See the section “Repression, racism and the death of Sub-Saharan immigrants in Morocco”.

<sup>54</sup> [http://politica.elpais.com/politica/2015/01/14/actualidad/1421250578\\_454496.html](http://politica.elpais.com/politica/2015/01/14/actualidad/1421250578_454496.html)

This sudden increase in cooperation by Morocco in the battle against immigration and the excellent relations between both governments is obviously in no small part due to the economic and political incentives offered to the Moroccan government. The French newspaper 'Liberation' connected the negotiations over the Readmission Agreements to the demands laid down by the Moroccan government<sup>55</sup>. Likewise, with regard to a more complex agreement with the entire EU, the EU ambassador to Morocco himself pointed out the desire of the Moroccan government to link this agreement to policies for the issuing of visas<sup>56</sup>.

### 6. The tragedy of the Syrians and their reception in Spain

As was noted previously, more than 2,700 people of Syrian origin entered Ceuta and Melilla in 2014, fleeing from the war that has blighted their country since 2011.

Indeed, Syria has become a genuine hell for the past 4 years since the beginning of the conflict, which has resulted in 200,000 deaths, 10,000 children killed in almost 4 million refugees<sup>57</sup>.

The worst tragedy has been for the children. UNICEF has put a number to the children affected by the war in Syria. Five-and-a-half million Syrian children have become victims of the conflict, a figure that has made the country "one of the most dangerous places in the world to be a child", according to the Executive Director of UNICEF, Anthony Lake<sup>58</sup>.

However, as we have seen from their actions, Spain and the European Union are abandoning the Syrian refugees to their fate. All the declarations of European leaders about the tragedy of war and the need to put an end to the conflict are nothing more than hypocritical chitchat in the light of the fate of those people displaced by the military conflict.

In December 2013, Amnesty International denounced the European Union for taking only 12,000 refugees, a mere 0.3% of the people displaced by the war<sup>59</sup>. The data supplied by Amnesty International is as follows:

- Germany has been by far the most generous state, in committing itself to receiving 10,000 refugees, that is to say 80% of the total number of refugees that the EU has committed to take in.
- Apart from Germany, the remaining 27 member states of the EU have offered to receive only 2,340 Syrian refugees
- France only offered 500 places, i.e. 0.02% of the total number of people who have fled from Syria
- Spain has offered to take in only 30, i.e. 0.001% of the Syrian refugees
- Eighteen EU member states, including the United Kingdom and Italy, have not offered a single place

Meanwhile, entire families that have fled the war and the unparalleled humanitarian catastrophe, who have left everything behind, who have gathered up what little they could and have travelled across the Middle East, Egypt, Libya, Algeria and Morocco in order to get to Europe to start a new life, have ended up in the cities of Ceuta and Melilla.

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<sup>55</sup> [http://www.libe.ma/Rabat-et-Madrid-jouent-au-chat-et-a-la-souris-en-matiere-de-reconduite-des-clandestins\\_a49400.html](http://www.libe.ma/Rabat-et-Madrid-jouent-au-chat-et-a-la-souris-en-matiere-de-reconduite-des-clandestins_a49400.html)

<sup>56</sup> <http://eldia.es/agencias/7934298-MARRUECOS-ESPA-UE-propone-Marruecos-facilitar-visados-si-Rabat-aplica-acuerdo-readmision>

<sup>57</sup> [http://www.huffingtonpost.es/2015/03/15/cifras-guerra-siria\\_n\\_6872018.html](http://www.huffingtonpost.es/2015/03/15/cifras-guerra-siria_n_6872018.html)

<sup>58</sup> <http://www.unicef.es/actualidad-documentacion/noticias/2014-declarado-ano-devastador-para-la-infancia-15-millones-de>

<sup>59</sup> <https://www.es.amnesty.org/noticias/noticias/articulo/la-vergonzosa-situacion-de-las-personas-refugiadas-sirias-al-descubierto/>

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Many enter into these cities using Moroccan passports or amongst the thousands of people who cross the borders every day. They end up in the CETIs (temporary immigrant reception centres) in both cities. There they face dreadful overcrowding (note, for example, that the CETI in Melilla has 480 beds but has ended up holding more than 2,400 people) in conditions unsuitable for the care of families and minors.

One of the Syrian refugees described it as follows in 'El País'<sup>60</sup>: "The main problem is overcrowding. We are sleeping with many people in each room, from many countries mixed together. We spend the day outside because there is no space inside ... the children can't sleep and live in unsanitary conditions. They get sick a lot of the time".

During the past year, many of them set up encampments in the central squares of both cities. They do not want to stay in the CETI because it prolongs their situation. Many of them do not want to apply for asylum either, because the formalities of a cold-hearted bureaucracy can delay the resolution by at least a year and a half. What they want is freedom to leave the "prison" that Ceuta and Melilla have become for them and they set up the camps so that they are not forgotten and to draw attention to their desperate situation.

Holding these asylum seekers or potential asylum seekers in Ceuta and Melilla ("we didn't flee from a war to end up in a prison") is a violation of the Geneva Convention and other international treaties that the Spanish government has signed, but habitually ignores.

### **7. 131 people dead or disappeared**

The phenomenon of "undercounting"<sup>61</sup>, which is the practice of counting the number of people, who die during their migratory project for a better life, in such a way that the numbers are much less than the truth, is described in another chapter of this report<sup>62</sup>. A report from the IMO suggests that many more migrants die as a result of actual border controls than those who die at sea. Governments, therefore, are not interested in investigating these incidents, nor counting the number of people who lose their lives year after year attempting to scale the walls of Fortress Europe.

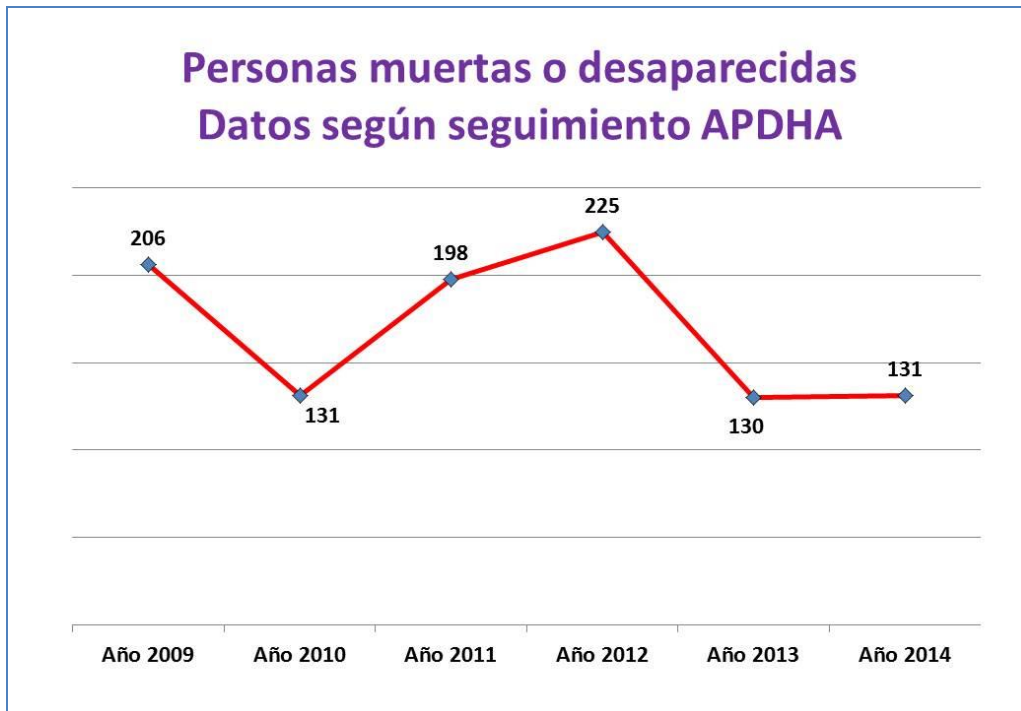
For this reason, it is worth repeating once again that the monitoring carried out by APDHA regarding this tragedy on Spain's Southern Border comes up with results that are almost certainly less than the real figures. Therefore, it is not surprising that, considering all the violations committed by the States involved in border control operations, only 131 people have died or disappeared - these are the only ones that we have been able to trace. Indeed, despite the increase of people arriving in Spain, the number of dead and disappeared is very similar to 2013, as can be seen in the following chart:

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<sup>60</sup> [http://politica.elpais.com/politica/2014/06/05/actualidad/1401982200\\_939254.html](http://politica.elpais.com/politica/2014/06/05/actualidad/1401982200_939254.html)

<sup>61</sup> See the IOM report "Fatal Journeys Tracking Lives Lost during Migration" [http://publications.iom.int/books-tore/free/FatalJourneys\\_CountingtheUncounted.pdf](http://publications.iom.int/books-tore/free/FatalJourneys_CountingtheUncounted.pdf)

<sup>62</sup> See "European Migration Policies have converted the Mediterranean into a massive communal grave: a tragic year for immigrants" in this report.



The geographical distribution is as follows:



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This is shown in greater detail in the following map:



The high walls of Fortress Europe and the inhuman and futile migration policies of the European Union and the Kingdom of Spain continue to take their toll in the form of human lives and suffering.

Now is the time for the men in grey suits who are governing Europe to rethink their migration policies. A change of direction is essential for common sense, humanity and respect for international law. Borders should cease to be places of impunity and exceptionality because human rights have to be respected, even at the borders.



## **The Southern Border 2014: Human Rights violations de facto and de jure**

**Carlos Arce, Diego Boza**

### **1. Introduction**

During the past year, new and disturbing steps have been taken towards institutional, legal and social normalization of the violation of the rights of those immigrants who attempt to reach European soil across the Spanish-Moroccan border. Various incidents have occurred, demonstrating that the Spanish government, with the tacit consent of European Union institutions, is trying to present the current situation with regard to migratory flows in Ceuta and Melilla, the Andalusian coast and the North of Morocco as a state of exceptionality, requiring the adoption of equally exceptional measures which are “justifiably” exempt from the rigid formality imposed by a State of Law.

In the same vein, we have been witness to a succession of incidents which confirm the aforementioned attempt at normalization: from the tragedy at the El Tarajal (Ceuta) border in February, which resulted in the deaths of 15 people during an intervention by the Civil Guard, to the repeated and blatant practice of “pushback” operations, especially in Melilla, as well as the illegal mass detention of migrants which took place in Tarifa during August. As a result, the Spanish government has attempted, despite criticisms expressed by various bodies, to give a semblance of legitimacy to these border control policies by means of “fast-track” regulatory reform, a legal strategy that is extremely questionable in both form and content and is the object of analysis of this article.

However, we also need to point out that there has recently been an intensification of opposition to these types of practices from civil society and political forces as well as from national and international human rights organisations. It is particularly relevant that during the past year several of the most serious human rights violations episodes that have taken place on the Southern Border have become the subject of official investigations thanks largely to the actions of community organizations. We will also concentrate our attention on these legal proceedings in the course of this article.

Before focusing on the material content of the article, we must first reiterate that the supposedly uncontrollable migratory flows that threaten to inundate Europe with African immigrants across Spain’s Southern Border do not correspond to reality. We are not going to repeat the analysis of data already covered extensively in other parts of this report<sup>63</sup>, though we simply wish to point out that these data deny the official discourse of an “exceptional situation requiring exceptional measures”.

### **2. De facto human rights violations and legal proceedings initiated by civil society during 2014**

As already outlined above, a series of incidents occurred on the Spanish-Moroccan border during 2014 that were particularly relevant, both for their immediate seriousness and because of attempts by politicians and the media to use them to justify a so-called “state of emergency” on our borders. Nevertheless, we also consider it extremely relevant that, thanks to the efforts of civil society during the past year, some of these violations of fundamental rights that have taken place have become subject to judicial inquiry. Although actually managing to assign legal and political responsibility is still a long way off, we at APDHA take a positive view of the fact that at least the law is taking an interest. Amongst these cases, we highlight:

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<sup>63</sup> See “The migration ‘balance sheet’ for the Southern Border in 2014”, p. 27 ff.

### a) Legal proceedings in the Ceuta courts for the 15 deaths that occurred on 6 February 2014 at the El Tarajal border

As the facts have already been laid out in the previous edition of this report, we will not go into further detail here<sup>64</sup>. We will instead concentrate on succinctly relating the vicissitudes of the proceedings<sup>65</sup>.

The initial obstacles that the Executive put in place to prevent the elucidation of the facts and allocation of political responsibility were transposed into the legal environment. By the end of a year of pre-trial proceedings, the community groups who brought the civil action (Coordinadora de Barrios and CEAR, amongst others) had encountered the following difficulties:

- The imposition of “deterrent” deposits for bringing a private prosecution (€1,500 for each organization)
- The unwillingness on the part of the prosecutor and the investigating magistrate herself to launch investigation procedures. From the initial resistance to force the Civil Guard to identify the officers who were involved in the case, to the lack of action in dealing with the unjustified delays in providing information about what had happened, and the difficulty in obtaining complete recordings from the security cameras, a key element in the case.
- Impediments to the participation of the families of the deceased in the proceedings because of unreasonable bureaucratic demands for documentation
- The attempt by the investigating magistrate to avoid dealing with the case by referring it to the National High Court; an action that was finally dismissed

Despite all those procedural obstacles, the perseverance of the civil society organizations who brought the private prosecution achieved the indictment of 16 officers of the Civil Guard who were involved in the actions of February 2015<sup>66</sup>. Although it is not even certain that it will get as far as a hearing, we consider this achievement to be a milestone in the fight against impunity in cases of violations of fundamental human rights on the Southern Border.

### b) The case of the alleged illegal mass detentions in Tarifa in August 2014<sup>67</sup>

Between the 11th and 12th of August 2014 a large number of vessels with Sub-Saharan migrants landed on the coast of Cadiz. Regardless of the various political interpretations about the possible relaxation of controls by Morocco as the ultimate cause of the situation, the reality is that more than 1,200 people arrived in 48 hours, overwhelming the material and human resources of the State and humanitarian organizations. It even became necessary to make use of some sporting facilities in Tarifa,

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<sup>64</sup> See “The migration ‘balance sheet’ for the Southern Border in 2014”, p. 27 ff.

<sup>65</sup> Summary of media impacts of the investigation procedure of the case:  
<http://www.rtve.es/noticias/20140313/juez-investiga-tragedia-ceuta-recibe-grabaciones-internas-guar-dia-civil/895580.shtml>  
<http://www.europapress.es/epsocial/noticia-acusacion-denuncia-trabas-dilaciones-indebidas-investigacion-muertes-tarajal-ceuta-20141206172936.html>  
[http://www.eldiario.es/desalambre/Juzgado-Ceuta-Audiencia-Nacional-Tarajal\\_0\\_336666761.html](http://www.eldiario.es/desalambre/Juzgado-Ceuta-Audiencia-Nacional-Tarajal_0_336666761.html)  
<http://www.elperiodico.com/es/noticias/sociedad/juez-andreu-devuelve-ceuta-investigacion-tragedia-tarajal-3916610>  
[http://politica.elpais.com/politica/2015/02/11/actualidad/1423667106\\_736157.html](http://politica.elpais.com/politica/2015/02/11/actualidad/1423667106_736157.html)  
<http://www.europapress.es/epsocial/noticia-capitan-guardia-civil-imputado-tragedia-ceuta-ratifica-defien-de-actuacion-agentes-20150303171430.html>

<sup>66</sup> At the time of writing, the statements of the accused were being presented before the investigating magistrate. See APDHA’s report on this subject: <http://www.apdha.org/imputacion-de-los-guardias-civiles-implicados-en-el-tarajal-un-paso-en-la-buena-direccion-para-restablecer-la-dignidad-de-las-victimas-y-sus-familias/>

<sup>67</sup> See: <http://www.apdha.org/andalucia-acoge-y-apdha-denuncian-que-los-inmigrantes-estuvieron-privados-de-libertad-ilegalmente-en-el-polideportivo-de-tarifa/>

where hundreds of these people were placed, some of whom were there for up to 14 days<sup>68</sup>.

Initially this incident would not have deserved much more than the criticism of the Spanish State for the scarcity of resources available in the area and the lack of speed in obtaining resources from other provinces to deal with the recent arrivals, and thanks to the members of the humanitarian organizations for the commendable efforts they displayed during those days. However, everything changed dramatically when it was confirmed that the people in the sports pavilion in fact been deprived of their liberty because the National Police who were looking after those facilities did not allow them to leave nor did they allow free access to people from outside. These circumstances were confirmed by activists from Andalucía Acoge and APDHA, who were there at the time.

Given the circumstances, it appears that what occurred was possibly an illegal collective detention on various grounds: firstly, for physically depriving people of their liberty in facilities which had not been designed for such use, secondly, for lack of judicial guarantees, in not providing legal assistance to the people detained, and thirdly, a matter of time, for far exceeding the maximum legal period of detention of 72 hours without being released or taken before a judge.

APDHA and Andalucía Acoge brought the situation to the attention of the Spanish Ombudsman and international bodies such as the United Nations Rapporteur on the rights of migrants, and also presented a writ for Habeas Corpus to the duty court in Algeciras. The judge presiding dismissed the claim, based on an argument that borders on the surreal; people were detained but not deprived of their liberty. Subsequently Andalucía Acoge submitted an appeal before the Constitutional Court that is still awaiting resolution, and APDHA is currently studying the viability of a criminal prosecution in this case.

### **c) Legal proceedings in Melilla for mistreatment and unlawful returns that occurred at the border fence with Morocco in August and October 2014**

2014 has been an especially hard year at the border fence in Melilla. In the face of the upsurge in attempts to scale the fence<sup>69</sup>, the Spanish government responded with brutal repression, carried out openly by manifestly unlawful means, highlighting police brutality on both sides of the fence and known as “pushback” operations. These actions have taken place with explicit and public support from the politicians directly responsible for them (the Government Delegation and the Ministry of Interior, to be exact).

Once again, however, the efforts of civil society have made significant advances in the fight against impunity at the Melilla border. Thanks to the priceless work of the group Prodein<sup>70</sup>, led by José Palazón, they managed to document two cases of violations of migrants’ rights at the Melilla border fence, which took place during August and October last year. On the first occasion, an unlawful return took place through the fence, which involved the presence of Moroccan security forces on Spanish soil<sup>71</sup> and on the second occasion, officers of the Civil Guard mistreated a Cameroon national who tried to scale the fence and who ended up being unlawfully returned to Morocco in an unconscious state<sup>72</sup>.

Several community organizations<sup>73</sup> initiated criminal proceedings to assign responsibility for both these actions. Both procedures were eventually agglomerated into one single action, which has achieved, as in the case of El Tarajal, the charging of a Colonel of the Civil Guard as the ultimately responsible person for giving orders and instructions that resulted in the unlawful returns, as well as the officers who participated in the incident of the Cameroon migrant. Although we are still in the pre-trial proceedings stage, as in the case of the 15 dead in Ceuta, we must congratulate ourselves for this

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<sup>68</sup> [http://ccaa.elpais.com/ccaa/2014/08/25/andalucia/1408993296\\_072089.html](http://ccaa.elpais.com/ccaa/2014/08/25/andalucia/1408993296_072089.html)

<sup>69</sup> As detailed in the section “The migration ‘balance sheet’ for the Southern Border in 2014”, the number of irregular entries in Melilla increased from 2,508 in 2013 to 4,952 in 2014.

<sup>70</sup> For more information about Prodein, see: <http://melillafronterasur.blogspot.com.es/>

<sup>71</sup> For a video of this incident recorded by Prodein, see: <https://vimeo.com/103407413>

<sup>72</sup> Incident also recorded by Prodein: <https://vimeo.com/109010316> <https://vimeo.com/109091397>

<sup>73</sup> Prodein, Andalucía Acoge, SOS Racismo and APDHA.

step forward in the legal arena.

### **3. Human rights violations de jure, or attempts to give a semblance of legality to border control policies which are incompatible with an advanced democratic State**

Despite the fact that the government has repeatedly claimed that the practice of “pushbacks” were completely legal<sup>74</sup>, at the time of writing a reform of the Aliens Act is under consideration, with the intention of legalizing this practice by adding a tenth additional disposition to the law.

The first thing that this reform specifically highlights is a contradiction with what the government has been claiming up to now. By changing the meaning of the words they are redefining “pushbacks” as rejection at the border<sup>75</sup> and claiming that these actions are covered by the law. The Aliens Act did not consider rejection at the border, and none of the other existing concepts (return, expulsion, denial of entry) allowed for this practice, which has been taking place at the borders of Ceuta, and particularly at Melilla.

The second noteworthy point is the legislative technique being used. The procedure being used for the reform of the Aliens Act is by adding a Final Disposition to the Organic Law on the Protection of Public Safety (LOPSC). On the one hand, they are linking the issue of the arrival of people at the land border between Morocco and Ceuta/Melilla with matters of public safety. In addition, the use of such a controversial and complex regulation hijacks any serious public debate about this specific issue.

The title of this reform is all so noteworthy. The first final disposition of the LOPSC that reforms the Aliens Act is entitled “Special Regime for Ceuta and Melilla”. That is to say, this modification attempts to create a state of exception for Ceuta and Melilla, in which the minimum guarantees provided for in Spanish law for the entry of people at unmanned borders crossings do not apply.

Examining the detail of the reform, the ambiguity of the terminology used is noticeable. The amendment allows for “rejection” of foreigners who “are detected at the demarcated territorial border of Ceuta or Melilla while attempting to overcome the border control measures in order to cross the border illegally”.

The intention of this “rejection” is to facilitate the practice of handing these people over to the Moroccan security forces. However, it is difficult to accept this view, given that the text of this same reform asserts that “in all cases, the rejection will be carried out with respect for the regulations on international human rights and international protection, which Spain is a party to”.

Specifically, the International regulations to which this refers include the EU Charter of Fundamental Rights, the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees, which explicitly prohibit the applications of measures of expulsion or “rejection” of potential refugees, such as those that are being proposed by this legal reform. This “rejection”, however the government tries to present it, is also in contradiction to the regulations that prohibit the collective expulsion of foreigners, as specified in the aforementioned EU Charter of Fundamental Rights and the European Convention on Human Rights.

It is particularly worth remembering the recent judgement of the European Court of Human Rights of 21 October 2014 in the case of Sharifi and others v. Italy and Greece, in which Italy was found guilty because the border authorities sent the recent arrivals to the port of Ancona to be ferried to Greece without previously having access to an interpreter and without being offered any information by the authorities about their right of asylum or the relevance procedures.

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<sup>74</sup> See, for example, the interview with Minister of the Interior Fernández Díaz on Cadena SER on 23 September 2014: [http://cadenaser.com/programa/2014/09/23/hoy\\_por\\_hoy/1411429820\\_850215.html](http://cadenaser.com/programa/2014/09/23/hoy_por_hoy/1411429820_850215.html)

<sup>75</sup> “There are no pushback operations, only acts of rejection at the border” was the phrase used by Secretary of State for Security, Francisco Martínez, on 19 September 2014: [http://cadenaser.com/ser/2014/09/19/espana/1411084247\\_850215.html](http://cadenaser.com/ser/2014/09/19/espana/1411084247_850215.html)

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This case is a paradigmatic example, because if a rejection were to be carried out while respecting the international agreements on human rights, as is suggested in paragraph 2 of the provision that they are trying to incorporate, “pushback” operations or “rejection at the border”, to use the government's own terminology, would be absolutely prohibited.

Consequently, these reforms are an attempt to accord legal status to a practice that is absolutely illegal and will continue to be illegal, even when the revised text is brought into force.

### **4. Conclusions**

The Spanish government has attempted to establish a state of exception in Ceuta and Melilla with the intention of avoiding compliance with legal norms, without respecting nor guaranteeing human rights, resulting in incidents such as that at El Tarajal, the pushback operations in Melilla, or the prolonged detention of immigrants who arrived on the Spanish coast in August last year.

The interventions of the various NGOs, including APDHA, have attempted to compensate for the scant interest shown by the public prosecutor and the judiciary in demanding compliance with the law in these cases. Nevertheless, the various outstanding proceedings demanding responsibility have resulted in the indictment of up to thirty Civil Guard officers, including the respective commanding officers of these operations, which we consider to be a step forward in the fight against impunity in the face of violations of human rights on the Southern Border.

Within this framework, the Government is attempting to legitimize these states of exception with an amendment to the Aliens Act, in order to continue with these pushback operations “legally”. However, such an amendment is a clear contravention of various international treaties, of which Spain is a party, and is contradictory in its own terms.

For our part, we continue to demand the maintenance of scrupulous respect for human rights and a change in perspective towards the treatment of migrants who attempt to reach Ceuta and Melilla, and of course for the immediate repeal of the reform to the Aliens Act.

## **Analysis of attempts to scale the fence in Melilla in 2014, according to data provided by the Spanish media**

**Miguel García Casanova**

The intention of this article is to collate information provided by the communications media, primarily online versions of written reports, with regard to the scaling of, or attempts to scale, the fences that separate Morocco from the city of Melilla, in the course of 2014. It will also attempt a cursory analysis and evaluation of this data.

Before entering into other considerations, it is necessary to highlight some issues which could impact on this evaluation.

1- The collated information is basically that which appeared in online versions of Spanish communication media. We had no access to information in the Moroccan media, so the data presented here relates to events which took place on Spanish territory. This fact is important because it undoubtedly affects the results, particularly with regards to people injured attempting to get across the fence, either in the act of scaling the fence or from blows received by the Moroccan or Spanish security forces, and who did not manage to cross the fence or were immediately returned to Moroccan soil. There is a great deal of information available about the treatment that sub-Saharan Africans sometimes receive from the Moroccan security forces during the various raids which have taken place in the areas where those migrants are hiding whilst waiting to attempt to scale the fence and also those who have not managed to cross the fence but remain in Morocco. The influx of injured sub-Saharan Africans into Moroccan hospitals and health centres increases exponentially after attempts on the fence. However, I have not found any information with regard to this in the Spanish media.

2- It was often not possible to find data from official sources, although sometimes the media present their data as quotes from some official connected to the government. The selection of media consulted has been made for purely practical purposes, as I have found that on many occasions the data coincided in the various media, as it is often provided by news agencies.

3- All the headlines have been taken directly from the corresponding media that published them and include an online link which leads to the original source. Sometimes these links will lead to the address of a page which is no longer active because it has been removed by the publisher itself.

### **Data on attempts to scale the fence MELILLA 2014<sup>76</sup>**

People involved	19.485
Successful attempts	2.102
Injured in the attempt	110
Died in the attempt	11
Days when attempts were made	43
Individual attempts	72

There is no exact correspondence between the number of attempts on the Melilla fence published by the various media consulted during 2014 because, at the time of counting, not all of them use the same criteria when considering one attempt independent from another. So that, for example, [PUBLICO.ES](#) mentions 70 attempts in the course of 2014, whereas other media offer up different numbers. According to data published in [IDEAL.ES](#) on 17th November 2014, the Sub-Delegation of the Government in Melilla recorded 64 attempts in Melilla up to that date, involving some 14,000 people. In any case, and in the face of the diversity of data presented by the various media and the public administration itself, it would be reasonable to take a figure of around 72 attempts in the course of the

<sup>76</sup> See detailed table at the end of this chapter.

year.

This variation would suggest that the best option for making a comparison with data from previous years would be to take into account the number of days of the year that there have been attempts made to scale the fence, in the knowledge that there were sometimes more than one attempt in the same day. In the course of 2014 there were 43 days in which there were one or more attempts. This would suggest that in the course of the year there were more days with attempts than in the whole of the previous 10 years, during which there were a total of 36.

Likewise, the number of people involved in attempts to scale the fence has also increased, although it is important to point out that the 19,485 recorded in our survey should by no means be considered as separate individuals. On the contrary, those who do not manage to cross in one attempt, who are the majority, return to try again and again, although in the reference data they are counted as different individuals.

Making a subjective interpretation of this data, relating the number of attempts to the number of people who successfully scaled the fence, we could venture a guess that no more than 3,000 or 4,000 individuals were involved in the course of the year, if we calculate that each one made five or six separate attempts during the whole year. In fact, of the various attempts which took place during the month of December, 2,600 people tried in total, and no more than 800 in any single attempt, whereas in October, the month in which there were the most attempts that year, 2,050 people tried. One would assume that those who are waiting in the outskirts of Melilla do so anxiously awaiting their chance and when it appears they take it.

The number of people who managed to scale the fence in 2014 has also risen, reaching the figure of 2,102, while the total who succeeded in the previous 10 years was 1,182. The figures for 2014 were greatly influenced by two specific attempts, one in February and the other in May, when on each occasion 500 people achieved their objective.

Fortunately the number of deaths has not risen to the same extent. In 2014, eleven people were counted dead, five of whom were in Morocco, immediately after an attempt to scale the fence. During the previous ten years, 44 people died at this same fence.

In any case, these figures are extremely significant because the large increase in people involved, as well as those who actually managed to scale the fence, has occurred at the same time as the extraordinary increase in measures to prevent people getting across the fence. In spite of these increased security measures: the installation of razor wire, the use of aerial surveillance, the increased presence of Moroccan security forces to prevent access, increased joint police activity on both sides of the fence; and despite all of this, attempts to cross the fences have been unusually numerous in comparison to previous years.

The Spanish authorities, specifically the Ministry of the Interior, in its attempts to find a response to the increased crossing of the fences, insists in blaming the “mafias” They have begun talking about the existence of planned assaults on the fences by criminals who are taking advantage of the situation of these desperate people to incite them into previously unheard-of organized violence. It is suggested that these “mafias” are taking economic advantage of people who for the most part have scarce economic resources, as their journey up to this point has been very long, very hard and very expensive. In the latter part of 2014, it was also argued that the increase in the attempts at the end of the year was caused by a reaction to the announcement of the so-called Gaggling Law, which would legalize “push-back” operations. The awareness of this had contributed to the increase in the number of people who had attempted to scale the fences, provoked by the fear that these types of return operations would be legitimized and would therefore happen more frequently and with impunity.

In fact, the government has not presented any documentation or evidence to justify such assertions, apart from the desire to find an easy explanation to an extremely harsh and complex reality, which they have been unable to deal with, despite the efforts of the police and security forces. It is conveniently forgotten that the real “mafias” who are inciting these people to repeatedly attempt to scale the fence are poverty, war and all these situations brought about by the extreme economic and

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social inequality between the global North and South. They try to ignore the months, and even on some occasions the years, that people spend waiting in the hills around Melilla for the opportunity to make it across. They have no other objective and no other perspective.

From the analysis of this data it is not difficult to conclude that if one really wanted to find a solution to these tragic events that occur repeatedly at the fences, it has to come from a different direction. All these efforts to make the barriers more impenetrable have not succeeded, apart from having caused more pain and suffering to those who have attempted to cross them. Likewise, these attempts to avoid taking responsibility by accusing some fictitious “mafias” of inciting the assaults on the fences are totally at odds with the harsh reality of these people who spend months, sometimes years, living in the most extreme insecurity, with the sole ambition of crossing the border.

In any case, whatever solution they decide upon, it must respect the fundamental rights of the people who attempt to cross the fence, for without this the violations that will occur as a result of the measures adopted must be rejected as unacceptable for a society that aspires to define itself as Democratic.

DATE	SOURCE	HEADLINE	NUMBER OF ATTEMPTS	SUCCESSFUL ATTEMPTS	INJURED	DEATHS
15/01/14	EL PAIS	<a href="#">25 inmigrantes se atrincheran en un edificio de Melilla tras saltar la valla</a>	450	60		
20/01/14	PUBLICO	<a href="#">Otros cincuenta inmigrantes consiguen cruzar la valla fronteriza en un intento colectivo de pasar...</a>	250	50		
22/01/14	ELPAIS	<a href="#">La Guardia Civil frena el asalto a Melilla de 800 inmigrantes en una noche</a>	800	0		
02/02/14	EL MUNDO	<a href="#">Seis horas encaramados a la valla de Melilla</a>	150	0		
07/02/14	EL PAIS	<a href="#">Unos 1.400 subsaharianos intentan entrar en Melilla esta madrugada</a>	1400	0		
17/02/14	EL PAIS	<a href="#">La entrada de casi 150 subsaharianos traslada la presión migratoria a Melilla</a>	250	150	5	
24/02/14	LARAZON.ES	<a href="#">Unos cien inmigrantes entran en Melilla tras un violento asalto a la valla</a>	500	100		
28/02/14	EL PAIS	<a href="#">El CETI de Melilla se desborda tras el salto de la valla de otros 200 inmigrantes</a>	300	214		
16/03/14	EL PAIS	<a href="#">La Guardia Civil y Marruecos evitan un salto de 200 subsaharianos en Melilla</a>	200	0		
18/03/14	EL MUNDO	<a href="#">Unos 500 inmigrantes entran en Melilla en un salto a la valla</a>	1100	500	28	5
27/03/14	EL PAIS	<a href="#">España y Marruecos evitan el salto de un millar de sin papeles de la valla de Melilla</a>	1000	0		
28/03/14	ELPERIODICO	<a href="#">Cientos de inmigrantes intentan entrar a Melilla y varios se suben a la valla</a>	100	12		
29/03/14	EL PAIS	<a href="#">Una decena de inmigrantes logra saltar la valla de Melilla pese al refuerzo policial</a>	800	10	2	
03/04/14	EL PAIS	<a href="#">Interior consume nuevas expulsiones sin identificación previa en Melilla</a>	200	0		
25/04/14	EL HUFFINGTON POST	<a href="#">Una veintena de inmigrantes saltan la valla de Melilla</a>	100	21	6	
01/05/14	EL PAIS	<a href="#">145 inmigrantes entran en Melilla tras dos nuevos saltos en masa de la verja</a>	600	145		
14/05/14	EL MUNDO	<a href="#">Una veintena de inmigrantes intenta saltar la valla y la mitad lo consigue</a>	20	10		



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17/05/14	EL PAIS	<a href="#">Casi un millar de personas protagonizan tres intentos de saltar la valla de Melilla</a>	1000	0		
28/05/14	PUBLICO.ES	<a href="#">Unos 500 inmigrantes saltan la valla de Melilla</a>	1000	500		
14/06/14	EL PAIS	<a href="#">España y Marruecos evitan la entrada a Melilla de unos mil subsaharianos</a>	1000	0		
18/06/14	EL PAIS	<a href="#">150 inmigrantes, atrapados entre las vallas de Melilla tras un salto masivo</a>	400	0		
29/06/14	PUBLICO.ES	<a href="#">Más de 500 inmigrantes intentan sin éxito un nuevo salto a la valla de Melilla</a>	500	0		
01/07/14	PUBLICO.ES	<a href="#">Una veintena de inmigrantes logra saltar la valla de Melilla</a>	100	20		
06/07/14	INFOLIBRE	<a href="#">400 inmigrantes tratan de entrar sin éxito en Melilla</a>	400	0		
12/07/14	PUBLICO.ES	<a href="#">La Policía marroquí evita que 100 inmigrantes accedan a Melilla</a>	100	0		
12/08/14	PUBLICO.ES	<a href="#">Unos 700 subsaharianos intentan saltar la valla de Melilla y 50 permanecen seis horas encaramados.</a>	700	30	3	
13/08/14	PUBLICO.ES	<a href="#">Cientos de inmigrantes protagonizan un nuevo intento de entrada a Melilla</a>	600		2	
14/08/14	PUBLICO.ES	<a href="#">Una ONG denuncia seis muertos en Marruecos durante los tres días de saltos a la valla de Melilla</a>			50	6
14/08/14	PUBLICO.ES	<a href="#">Nuevo salto a la valla de Melilla</a>	15	1		
30/08/14	PUBLICO.ES	<a href="#">Más de 200 inmigrantes saltan la valla de Melilla</a>	200	15	4	
01/10/14	ELDIARIO.ES	<a href="#">Cerca de 200 inmigrantes han intentado saltar la valla de Melilla pero ninguno lo ha logrado</a>	200	0		
08/10/14	PUBLICO.ES	<a href="#">Tres intentos de entrada de inmigrantes ponen en alerta a la Policía en Melilla</a>	300	1		
14/10/14	ELMUNDO.ES	<a href="#">Un centenar de inmigrantes intenta entrar en Melilla, aunque sólo lo logran cinco</a>	100		5	
15/10/14	ELDIARIO.ES	<a href="#">La Guardia Civil ha devuelto de forma ilegal a casi todos los inmigrantes encaramados en la valla de Melilla</a>	200		5	
20/10/14	ELDIARIO.ES	<a href="#">Cerca de 60 personas han logrado entrar a Melilla tras un nuevo salto</a>	150	60		
22/10/14	PUBLICO.ES	<a href="#">Entre 400 y 500 inmigrantes intentan pasar a Melilla</a>	500	12		
29/10/14	IDEAL.ES	<a href="#">Más de 300 inmigrantes protagonizan dos nuevos saltos a la valla de Melilla</a>	300	3		
31/10/14	ELDIARIO.ES	<a href="#">Los 30 inmigrantes encaramados en la valla de Melilla han sido devueltos ilegalmente</a>	300			
17/11/14	IDEAL.ES	<a href="#">Melilla blindo su perímetro tras varios intentos de entrada por la valla</a>	400	1		
02/12/14	PUBLICO.ES	<a href="#">Al menos 30 inmigrantes entran en Melilla después de que cientos de ellos intenten saltar la valla</a>	600	30		
15/12/14	INFOLIBRE.ES	<a href="#">Cerca de 800 inmigrantes en grupos divididos intentan saltar la valla de Melilla</a>	800	0		
19/12/14	INFOLIBRE.ES	<a href="#">Una ONG denuncia nuevas devoluciones en caliente en la valla de Melilla</a>	200	1		
30/12/14	PUBLICO.ES	<a href="#">Unos 90 inmigrantes entran en Melilla tras un nuevo salto a la valla</a>	200	102		
31/12/14	ELDIARIO.ES	<a href="#">50 personas acceden a Melilla tras un nuevo intento de entrada protagonizado por 800</a>	800	54		
			19285	2102	110	11

## Repression, racism and the death of Sub-Saharan immigrants in Morocco

Anna Karin Giannotta, Pauline Probeouf y Víctor Calvo

### 1. Introduction

The dreadful situation in which sub-Saharan immigrants are living in Morocco has been a recurrent theme in many editions of our report "Human Rights on the Southern Border". The reason is not only that the majority of the Sub-Saharan migrant population who arrive in Spain do so via Morocco, but that the repression and violation of their human rights is repeated there year after year.

The intention of this section of the report is to provide an update on the situation of the Sub-Saharan migrants currently in Morocco, and is the outcome of conversations with Sub-Saharan immigrants and civil society actors in Tangier and other locations<sup>77</sup>.

As has been mentioned, Morocco is the natural crossing point from North Africa into Europe. Since the beginning of the 1990s, it has evolved into a bridge for the passage of immigrants into Europe. Indeed, in recent years it has also become a country of destination and residence for much of the migrant population coming from the South.

The city of Tangier is a good example of both realities; an increasing number of immigrants are beginning to settle into permanent residence in Morocco, but at the same time it has become one of the way stations for people attempting to cross the Straits of Gibraltar because of its proximity to the Spanish coast, only 14km away. The policies of the states, both European (Spain, Italy, Greece, Bulgaria) and non-European (Morocco and Mauritania, in particular), involved in migration control and the increasing cooperation in common systems of identification of irregular migrants, is creating an *impasse* for the immigrants who are already in Morocco. That is to say, these migrants find themselves trapped in Morocco, unable to make it to Europe.

The migrant population passing through Morocco largely originates from a variety of countries in Sub-Saharan Africa (especially Senegal, Cameroon and Nigeria). The instability in the Sahel has fuelled this Exodus and the flight of refugees towards North African countries. Moreover, the conflicts that have taken place since the "Arab Spring" of 2011 have increased the number of Syrians, Libyans and Egyptians, as has been confirmed by the UNHCR<sup>78</sup>.

In July 2013, the Moroccan National Human Rights Council, along with the Inter-Ministerial Delegation on Human Rights and the Rabat delegation of the International Organization for Migration, prepared a report entitled "**Foreigners and Human Rights in Morocco: for a radically new asylum and migration policy**"<sup>79</sup>. This report highlights that the international governance and control of migration must guarantee respect for human rights. On 11th November 2013 (and perhaps as a response to the July report), the Moroccan government began the process of regularizing the status of the approximately 40,000 immigrants estimated to be in Morocco in an irregular situation. King Mohammed VI pointed out that this was about the "necessity of regularizing the situation of these people with regards to their residency and the activities that they carry out, in the same way as regular immigrants of other nationalities, including Sub-Saharan Africans"<sup>80</sup>.

While this process of regularization was taking place (the results of which we will analyse below), the violence against the immigrant population and the attitude of rejection by some sectors of society

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<sup>77</sup> We especially wish to express our thanks to the Diocese of Tangiers and the organizations Tangiers Supports Migrants (TAM), GADEM, ARMID, Tawazza and the Council of Sub-Saharan Migrants in Morocco.

<sup>78</sup> <http://www.unhcr.org/pages/49e4860d6.html>

<sup>79</sup> [http://cndh.ma/sites/default/files/extrenjeros\\_y\\_derechos\\_humanos\\_resumen\\_0.pdf](http://cndh.ma/sites/default/files/extrenjeros_y_derechos_humanos_resumen_0.pdf)

<sup>80</sup> [http://www.eldiario.es/sociedad/Mohamed-VI-elaborar-migratoria-Marruecos\\_0\\_173933451.html](http://www.eldiario.es/sociedad/Mohamed-VI-elaborar-migratoria-Marruecos_0_173933451.html)

continued and even the death of several Sub-Saharanans, both at the hands of the security forces as well as other unauthorized persons.

In the first part of this chapter, we analyse the events that took place in the Boukhalef district of Tangiers, which resulted in the death of an immigrant. In the second part we will analyze the characteristics and criteria of the process of regularization, then we will briefly recount the most recent events that marked the end of this process, especially in relation to the clearing of the encampments in Gourougou, close to Melilla. All this is in order to assess the situation that is being experienced by the migrant population of Morocco.

### **2. The events of Boukhalef**

On 4th December 2013, Cedric Bete, a 16-year-old from Cameroon, died in the neighbourhood of Boukhalef (Tangiers), in the course of a police raid. Cedric fell from the fourth floor of a building. Hundreds of immigrants demonstrated against the police brutality to which they had been subjected and were violently dispersed by anti-riot police<sup>81</sup>.

He was not the first to die. Several weeks previously, on 10th October, it was a young Senegalese, Moussa Seck, who died in a similar incident in the same neighbourhood. And before that, on 1st August 2013, a 40-year-old Congolese died falling from a police van in which he was being transported in Tangiers.

The 30th of August 2014 was another date marked by fatality, the day on which Charles Ndour, a Senegalese working in Rabat and legally resident in Morocco, was stabbed to death by Moroccans, whilst fourteen others were seriously injured. Some weeks before, on the 15th and 16th of August, various Sub-Saharanans had already been injured in the same neighbourhood, attacked by Moroccans armed with machetes, according to the statements of immigrants resident there.

The neighbourhood of Boukhalef is located close to the international airport of Tangiers and is one of the beneficiaries of the property bubble which had occurred in the city and surrounding areas. The massive construction of property took place at a rate faster than the needs and purchasing power of the Moroccan population. In the neighbourhood of Boukhalef, the first phase was totally occupied by Moroccans (because of the low prices as a result of being on the periphery), but there was not such great demand for the property available in the second phase. Therefore, many of the properties remained empty despite the fact that some of them already belonged to Moroccan citizens. Gradually they began to be squatted by Sub-Saharan immigrants, in some cases buying the keys from Moroccan security guards (Kebe), later giving rise to illegal lettings between immigrants. It could be concluded, therefore, that part of the origin of the confrontations between Sub-Saharan immigrants and Moroccans began with this problem over property. Boukhalef became a neighbourhood in which the authorities turned a blind eye to the violence and crime committed by Moroccan gangs, acting with total impunity and driven by more-or-less racist attitudes.

The police also undertook numerous evictions. The increasing tension between the Sub-Saharanans and the Moroccans and the manner in which these evictions took place became a problem. After the death of Cédric Bete, there was a peaceful demonstration by the Sub-Saharanans who were shouting "Police! Criminals!" and "Moroccans! Racists!". At that time, the escalation of the tension was provoked by "the Moroccans throwing stones, aggravating the situation", as explained by Kebe of the organisation TAM.

The facts are still not clear. For example, the death of Charles Ndour or the persistent aggression towards the Sub-Saharanans. The Moroccan government has done nothing to protect these people from violence and even less to guarantee any minimum rights. These facts demonstrate a complete lack of will on the part of the Government for the integration of the immigrant population, despite the announcements of King Mohammed VI in September 2013, focusing on improved rights of asylum and regularization of undocumented migrants. Moreover, many International and Moroccan organizations

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<sup>81</sup> [https://youtu.be/MLLJcrh\\_J1s](https://youtu.be/MLLJcrh_J1s)

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condemned the acts that have occurred<sup>82</sup> and the general violations of human rights which have been taking place in Morocco towards the immigrant population, while Europe and Spain look the other way.

An undercurrent of racism seems to exist, as shown by the events in Boukhalef, which so far none of the provisions of the law have much chance of changing. So Camara Laye, the coordinator of the Council of sub-Saharan migrants in Morocco, talks of “institutional racism”, which is “the insults in the streets, or advertisements in some buildings which prohibit renting to ‘Africans’, and especially the behaviour of the police which allows people to view us this way”<sup>83</sup>.

Indeed, the migrant population in Morocco is in danger, caught between the actions of the police force, accustomed to all these excesses, and veiled racism fuelled by official behaviour, the communication media and other troublemakers<sup>84</sup>.

There is an obvious gap between the supposed will of the Moroccan government on behalf of immigrants and the daily reality of the Sub-Saharan immigrants, which is the experience of violence, abuse and racism both at the hands of the authorities and the local population. On the one hand we see the regularization of some immigrants while on the other hand an increase in the number of raids and deportations which are taking place in Tangiers.

Intermediate conclusion: The situation of violence and racism which is developing parallel with the shutting down of European borders, with repression, organized attacks and repeated deportations to Rabat, Casablanca, Fez and even to the deserts of Mauritius and Algeria. The policies adopted by Morocco are totally concurrent with those of the European Union, which unceasingly increases measures for the militarization of its external borders.

### **3. The “extraordinary” regularization of foreigners in an irregular administrative situation: Challenges**

The current Aliens Act 02/03 which regulates the entrance and residence of foreigners, emigration and legal immigration in Morocco was passed in 2003, followed in 2007 by an agreement with the UNHCR, which was delegated to examine the submission of asylum applications in Rabat, where their representatives and official headquarters are based.

In order to address the criticisms of European and Moroccan human rights organizations with regards to the management of irregular immigration, the Moroccan government expressed its willingness to embark on a new migration policy, after the publication of the aforementioned July 2013 report of the National Human Rights Council concerning the asylum and immigration situation in Morocco. The first step was the reopening of the Refugees and Stateless Persons Office in Rabat on 25th September 2013, with the intention of kick-starting the regularization of the refugees and asylum seekers.

Finally, on 11th November 2013, Anis Birou, the Minister for Migrant Affairs, accompanied by the Minister of the Interior (Mohamed Hassad) and the Minister of Human Rights, announced in a press conference that in the course of 2014 they were going to begin an “extraordinary” campaign of regularization of migrants in an irregular administrative situation.

Undoubtedly, this was a radical change in Moroccan migration policies. It was a serious attempt by King Mohammed VI to change the focus of the aliens laws from an exclusively security perspective towards a more humanitarian approach.

The campaign of regularization, by means of which foreign migrants in an irregular situation could

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<sup>82</sup> <http://www.apdha.org/contre-la-escalada-de-violencia-de-la-que-estan-siendo-victimas-las-personas-migrantes-y-refugiadas-en-la-frontera-sur/>

<https://cerremoslosocios.wordpress.com/2014/09/27/caravana-de-solidaridad-stop-a-los-crimenes-racistas-y-a-las-expulsiones/>

<sup>83</sup> <http://www.jeuneafrique.com/Article/ARTJAWEB20140320090046/maroc-immigration-droits-de-l-homme-racisme-racisme-maroc-halte-au-racisme-anti-noirs.html>

<sup>84</sup> <http://observers.france24.com/fr/content/20121106-racisme-maroc-peril-noir-immigration-subsaharienne-noirs-ceuta-meillila>

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apply for a residence permits and regularize their stay in Morocco, established eligibility criteria for the following:

- the foreign spouse of a Moroccan national, having lived together for at least two years;
- the foreign spouse or another foreigner, legally resident in Morocco, having lived together for at least four years;
- children of both the above cases;
- foreign workers with a valid work contract for at least two years;
- foreigners who could demonstrate continuous residence in Morocco for five years;
- foreigners with serious illnesses who had been in the country before 31st December 2013.

In practice, if the criteria are analysed in greater detail, it is evident that this campaign had obvious flaws. In fact, it was criticised throughout 2014 by NGOs defending the rights of immigrants for its restrictive nature as a process of regularization because of the number of applications rejected and the slowness of the process.

As stated by Inma Gala of the Diocese of Tangiers, during our interview with her, “the regularization is not for Sub-Saharan Africans, it is for foreigners in general”.

On 9th February 2015, Charki Draiss, the Minister of the Interior, announced the figures for the outcome of the process of regularization; of the 26,332 applications for regularization submitted, 17,916 were accepted, that is to say 65%, although the number could increase if some of the appeals presented by foreigners who were rejected are successful.

However, Medhi Aloua, president of the organization GADEM, confirmed that of the total number of people regularized, the percentage of Sub-Saharan African immigrants was lower. “Many of those who were regularized came from European countries and there is actually noticeable discrimination by some Civil Servants towards Sub-Saharan Africans”<sup>85</sup>.

Another fact is that many of the Sub-Saharan immigrants who were in Morocco in an irregular situation were not particularly interested in applying for regularization. They were merely passing through Morocco and their objective was not to stay there but to get to Europe.

As Inma Gala explained to us: “If you were to say ‘go to the regularization’ to a Sub-Saharan immigrant who is in the woods around Mount Gourougou, he is going to reply ‘I don't want to! Regularization would mean staying here and I don't want to. I want to continue on my migratory project’”

As well as having some good intentions, the process of regularization initiated by Mohammed VI in 2014 also had the appearance of improving the image of the regime and its policies of systematic violation of migrants’ human rights. Indeed, it did not take into account that a large number of Sub-Saharan African migrants wanted to get to Europe, so regularization in Morocco was not an attractive option for them. Nevertheless 27,332 applications were submitted, although we do not know how many of them came from Sub-Saharan Africans or how many of them were approved.

Moreover, the end of the process of regularization in 2014 was marred by the evictions and repression in the encampments of Gourougou in February 2015.

Specifically, it was on 9th February 2015 that Minister of the Interior Charki Draiss<sup>86</sup>, announced at a press conference in Rabat the end of the process of regularization of foreigners in irregular administrative situations, which had begun in January 2014. This was a surprise announcement

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<sup>85</sup> <http://www.lavieeco.com/news/societe/regularisation-des-clandestins-questions-a-mehdi-alioua-sociologue-chercheur-au-centre-jacques-berque-et-president-du-gadem-30096.html>

<sup>86</sup> <http://www.gadem-asso.org/Fin-brutale-de-l-operation>

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because the National Commission for supervision and appeal had not yet started the process of examining the applications rejected in the first instance by the Moroccan administration.

Additionally, it was announced that that the dozen encampments of irregular immigrants situated in the province of Nador would be dismantled as the culmination of this process.

A few hours after the announcement, the Moroccan authorities began a major operation of raids, persecution and arrests of immigrants who were in the camps of Mount Gourougou, close to the city of Melilla. According to information provided by GADEM, the operation culminated in the arrest of some 1,200 people who were later taken to various cities: Errachidia, Goulmima, El Jadida, Safi , Youssoufia, Agadir, Kelaat, Sraghna, Chichester, Essaouira and Tiznit.

“They were put in 26 buses and after gathering them together in Karia (25km from Nador), where they waited for eight hours with nothing to eat or drink, they were then distributed to 17 detention centres in the south of the country. According to statements from AMDH<sup>87</sup>, the Moroccan authorities drove two buses to the border with Mauritania. There they were refused entry and returned to Morocco to be sent to detention centres set up in the south”<sup>88</sup>.

The following day the Minister of the Interior reported that the eviction operation had “led to the freeing of a number of migrants, particularly women and children, who had been forced to live in the woods by gangs of smugglers and people traffickers”, and announced that further similar operations would take place shortly “to evacuate all the places occupied by the migrants who have plans to attempt irregular migration”<sup>89</sup>.

In fact, on Friday 13th February, more arrests took place in the migrant encampments in the vicinity of the cities of Nador and Selouane Zghanghen, in the north-east of Morocco, and also within the city of Nador itself, where women and even children were detained.

In a joint statement from GADEM and the CCSM (Community Group of Sub-Saharan in Morocco) regarding the clearing of the camps and arbitrary arrests of migrants in Morocco, they showed a map of where the Sub-Saharan African migrants had been dispersed to illegal places of confinement, without any legal oversight and without respect for any legal procedures.

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<sup>87</sup> <http://www.amdh.org.ma/fr/communiqués/amdh-solidaire-migrants-17-2-15>

<sup>88</sup> <http://www.elmundo.es/solidaridad/2015/02/19/54e59b6c268e3e7d408b456d.html>

<sup>89</sup> <http://diasporaenligne.net/evacuation-de-migrants-vivant-dans-la-foret-de-gourougou-ministere-de-linterieur/>



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After these events many human rights organizations and NGOs denounced the illegal nature of the measures taken by the Moroccan government, in relation to inhuman practices which violate international human rights agreements. Additionally, these events took place after the resumption of negotiations between Morocco and the European Union for a Readmission Agreement, which would consist in facilitating the forced return of irregular immigrants.

We do not consider that migration readmission policies are an appropriate solution for the control of illegal migration flows. Amongst the most obvious nightmares to which the Sub-Saharan migrants were subjected (as reported by Gadem<sup>91</sup>) are: deprivation of liberty without any legal proceedings, forced displacement against their will, the detention of minors and asylum seekers in contravention of the stipulations of Law no. 02-03, which protects all these people against deportation and expulsion. Actions that took place with enormous violence and in inhuman conditions.

We are faced with readmission policies that are justified by security concerns. Obviously, security does not mean depriving other people of their liberty. However, what is required is cooperation on issues of migration, within the agreements of the European Union, and governance based on the principle of shared responsibility amongst all the actors involved, that is to say, countries of origin, transit and destination.

<sup>90</sup> [http://www.gadem-asso.org/IMG/pdf/20150219 - NoteCCSM\\_GADEM\\_detention\\_migrants-VF.pdf](http://www.gadem-asso.org/IMG/pdf/20150219 - NoteCCSM_GADEM_detention_migrants-VF.pdf)

<sup>91</sup> <http://www.gadem-asso.org/Fin-brutale-de-l-operation>

#### 4. Some final conclusions

In summary, we can conclude that the situation of the Sub-Saharan migrant population in Morocco is increasingly more precarious because of the growing difficulty of getting to Europe, which results in many of these people having to remain in Morocco for lengthy periods of time against their will.

The increase in Sub-Saharan Africans stuck in Morocco, along with the growing poverty and lack of future for Moroccan youth, is creating situations of racism and confrontation between Sub-Saharans and Moroccans, especially in outlying districts such as Boukhalef. We believe that what is necessary are long-term integration policies. However, the Moroccan government suddenly terminated the regularization process. And it did not only abruptly stop the regularization of people who could have complied with the requirements, but it also began the process of mass detention of immigrants.

It is, therefore, imperative that Morocco not only takes responsibility for the Sub-Saharan migrants in its territory, but that procedures to facilitate regulated immigration into Europe are set in motion, as has been advocated by human rights organizations<sup>92</sup>. The pro-security argument of the Moroccan government to justify the mass detention of immigrants is subordinated to European policies, their fears and their inability to deal with the migratory flows from the South in a generous, efficient and humane manner.

The migrants, especially the Sub-Saharans, are living in Morocco today, not only in a discriminatory environment but in a genuine state of persecution. As mentioned above, they are in real danger. Europe needs to stop looking the other way, to stop giving in to hypothetical security issues, to give up policies of closing the borders and the criminalization of immigrants and in the first instance has to pressurize Morocco into respecting human rights in principle and in practice.

But this is extremely complex. Morocco is neither a country that is going to respect human rights without profound democratic change, nor, from a human rights standpoint, does it have the ability to manage the migratory flows arriving from the South. Therefore, it is important that the European Union and Spain forcefully demand that Morocco respects human rights. In the meantime, the essential priority is for a profound change in the European Union's migration policies, allowing for regular immigration, prioritising respect for human rights.

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<sup>92</sup> <https://docs.google.com/file/d/0B8Ebhp0CxdjX1VSMlp3UEpWREk/edit?pli=1>



## Between raids and regularization: the situation of Sub-Saharan migrants in Morocco

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Monday 9th February 2015 marked the end of the “extraordinary” regularization program for migrants in an irregular administrative situation and the beginning of the dismantling of the encampments in the north of Morocco. Only a few hours after the Interior Minister’s press conference, his announcements were being put into action. From two o’clock in the morning of the 10th February, search and arrest operations were undertaken in the encampments in Gourougou (outside Melilla), during which 1,200 people were arrested. These people were taken to various cities in the south of Morocco, where they were detained arbitrarily in improvised locations (such as schools, social centres, sports complexes) without any due process.

Did the government want to conduct mass deportations? One cannot be sure, but in any case this was how it “cleansed” the northern border of these “undesirables” - certainly with the idea of pleasing its Spanish neighbour and more generally carrying out its role of policing the external borders of the European Union.

Some 400 people still remain imprisoned, while the rest of the immigrants were set free, many of whom went to Fez, the “little Gourougou”, while others went to Meknes and Rabat. According to local organizations some have returned to Nador with the intention of getting closer to Gourougou which despite the dangers and difficult living conditions, represents a place of hope because of its proximity to Spain, the gateway to Europe. Despite the impossibility of setting up camp again in the same location where the raids took place and where the military and police presence continues, they reconstructed encampments in the surrounding woods (Afra, Selouane, Bolingo, etc...). Nevertheless the repression continues there too; local activists regularly report arrests of women (sometimes regardless of the fact that their papers are in order and they have permission to stay) and the destruction of the encampments.

Is this compatible with the Royal Declaration of September 2013, declaring a “new migration policy” based on a “global and humane” vision, “in accordance with international law”<sup>93</sup>? Even if the “extraordinary” regularization process has until now provided 18,000 foreigners who were in an irregular situation with the benefits of permission to stay, their rights are not always respected and the justifications given by the Ministry to justify the raids are incoherent<sup>94</sup>: people cannot be freed by locking them up, nor can they become integrated while discriminating against them. Indeed the situation of the Sub-Saharan migrants in Morocco does not appear to have improved. Despite the expression of political intentions regarding foreigners and their rights, the daily life of the Sub-Saharan migrants in Morocco is always challenging because access to work, to housing, to health care, to education is not guaranteed in reality, and racism is pervasive.

Accordingly, the Union of Sub-Saharan Refugees in Morocco recently reported, during a sit-in in Rabat, that the legal vacuum that surrounds the question of asylum and the difficulties for those living in this everyday context of physical aggression and racist acts, foster a sense of permanent insecurity.

Regardless of their administrative status, Sub-Saharan Africans in Morocco continue to be heavily stigmatized, resulting in the violation of their most fundamental rights. A “detail” that does not appear to have hindered cooperation between the European Union and the Kingdom, which appears prepared to prevent these immigrants reaching European borders at any costs.

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<sup>93</sup> Communiqué from the Royal Cabinet, 9th September 2013.

<sup>94</sup> Press release of 11th February 2015 from the Ministry of the Interior “the freeing of a number of migrants, particularly women and children, who had been forced to live in the woods by gangs of smugglers and people traffickers”.

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