

PUBLIC

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Fear for safety

SPAIN / MOROCCO

Hundreds of migrants from sub-Saharan Africa

The lives of hundreds of migrants from sub-Saharan Africa may be in danger if they try to cross the border from Morocco into the neighbouring Spanish enclaves of Ceuta and Melilla in the coming days. This follows the deaths of five men of sub-Saharan origin reportedly shot dead by law enforcement officials at the border between Ceuta and Morocco on the night of 28 September.

Thousands of migrants, many of them from sub-Saharan Africa, try to cross into the Spanish enclaves each year. Their numbers have been increasing in recent months. There are currently hundreds of migrants, mainly from sub-Saharan Africa, living in northern Morocco. Some 700 tried to cross into Melilla today and hundreds more are believed to be preparing to try to cross the same border or that between Morocco and Ceuta. Meanwhile, raids by the Moroccan security forces in the last three days on makeshift camps near the Spanish territories have reportedly led to the arrests of over 400 migrants, apparently for being in the country illegally, and the destruction of their shelters.

The number of migrants killed or seriously injured as the alleged result of ill-treatment or use of excessive force by the Spanish or Moroccan security forces has risen sharply over the last few months. In the latest and most serious incident, five men of sub-Saharan origin died and several others were seriously injured during the night of 28 September, when several hundred people tried to enter Spanish territory by climbing over two razor-wire fences separating Ceuta from Morocco and were confronted by law enforcement officials from both countries. The bodies of two of the five men killed were reportedly found on the Spanish side of the fence, while those of the other three were said to have been found on the Moroccan side. Although all five men allegedly sustained bullet wounds, it is still not clear what kind of ammunition was used; nor has it been ascertained whether the shots were fired by Spanish or Moroccan law enforcement officials, or by both. The Spanish and Moroccan authorities have announced a joint investigation into the incidents.

On 28-29 August 2005, two Cameroonian nationals died after allegedly being shot by rubber bullets at close distance by the Spanish *Guardia Civil*. They were among a group of several hundred individuals reportedly trying to climb over the first of two fences separating Melilla and Morocco.

On 29 September, the Spanish government deployed nearly 500 members of the Legión, a special military force, in Ceuta and Melilla to patrol the borders with Morocco. The Moroccan authorities have announced that they are sending an extra 1,600 security force agents to patrol the other side of these same borders. Amnesty International is concerned that both Spain and Morocco may be sending law enforcement officials to the area who do not have the necessary training for dealing with crowd-control situations, thus putting the lives of more migrants at risk.

BACKGROUND INFORMATION

Amnesty International acknowledges that states have the right to regulate entry of foreigners into their territory. However, the measures taken must not neglect or violate internationally recognized human rights principles and rights. According to international standards such as the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, security force officers should use force in line with the principles of necessity and proportionality and should only employ firearms if lives are in danger and there is no other means to respond to that danger.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible. Please write to both the Spanish authorities (in Spanish or your own language) and the Moroccan authorities (in Arabic, French or your own language):

- expressing concern for the safety of hundreds of migrants, mainly from sub-Saharan Africa, who are believed to be preparing to try to cross the border from Morocco to the Spanish enclaves of Ceuta and Melilla;
- calling on the authorities to take immediate action to ensure that all law enforcement officials stationed on the borders separating Ceuta and Melilla, on the one hand, and Morocco, on the other, use force strictly in line with international human rights standards; in particular that they adhere to the principles of necessity and proportionality and only employ firearms if lives are in danger and there is no other means to respond to that danger;
- welcoming the commitment by both the Spanish and the Moroccan authorities to investigate the deaths of five men at the border between Ceuta and Morocco on the night of 28 September, and calling for the investigation to be prompt, impartial, thorough and independent, with the results made public, and those responsible for the killings brought to justice according to international standards for fair trial;
- calling on both authorities to investigate the death of two Cameroonian nationals on the border between Morocco and Melilla on 28-29 August 2005 and to ensure that the investigations are prompt, comprehensive, independent and impartial, with the results made public and those responsible for the killings brought to justice according to international standards for fair trial.

APPEALS TO:

Spain

Prime Minister of Spain

Excmo. Sr. D. José Luis Rodríguez Zapatero

Presidente de Gobierno

Complejo de la Moncloa

28071 Madrid, Spain

Fax: +34 91 3214150

Email: jlzapatero@presidencia.gob.es

Salutation: Excelentísimo Sr. / Your Excellency

COPIES TO: Diplomatic representatives of Spain accredited to your country.

Morocco

Prime Minister of Morocco

Mr Driss Jettou

Prime Minister

Palais Royal

Touarga

Rabat, Morocco

Fax: +212 37 76 99 95 / 76 17 77

Email: courrier@pm.gov.ma

Salutation: Monsieur le Premier Ministre / Your Excellency

COPIES TO: diplomatic representatives of Morocco accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 14 November 2005.