AMNESTY INTERNATIONAL
PUBLIC STATEMENT

Morocco/Western Sahara: Open investigation in migrant's killing

Amnesty International today calls on the Moroccan authorities to open a thorough, independent and impartial investigation into the death of a migrant killed at the border between Northern Morocco and Melilla, a Spanish enclave. The organization also called for the respect of the rights of migrants who are often ill-treated and summarily expelled from Morocco. The calls follow the killing of 29 year-old migrant from Cameroon, known as Alino and the arrest and arbitrary expulsion of 14 other migrants at the beginning of January 2009.

In the morning of 1 January 2009, at least 50 migrants from Sub-Saharan Africa tried to reach the fence between Morocco and the enclave of Melilla. According to accounts given to Amnesty International, Moroccan law enforcement officials fired once in the air but following shots were directed at the migrants to prevent them from crossing the border. Alino, one of the migrants, was reportedly hit by the second shot and died during his transportation to Nador hospital.

During this incident, 14 other migrants were reportedly arrested and beaten up, and brought to the gendarmerie of Beni N'sar where they were photographed and their possessions confiscated. They were then taken to the city of Nador and from there taken and dumped at the border with Algeria near the city of Oujda, in what appears to be an arbitrary and collective expulsion.

Amnesty International calls on the Moroccan authorities to establish an investigation to examine the behaviour of security forces at the border and the circumstances surrounding the killing of a migrant with a view to determining whether excessive force was used by the Moroccan security forces. An independent post-mortem examination should also be conducted in accordance with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. In the case that the investigation concludes that excessive force was used, it should make recommendations to hold accountable those responsible, compensation for the victims and measures to prevent any recurrence of such use of excessive force. The findings of this investigation should be made public.

The Moroccan authorities must also ensure that the fundamental rights of all individuals intercepted at the border are protected. In line with international standards such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, law enforcement officials should "use force only when strictly necessary and to the extend required for the performance of their duty".

In addition, Amnesty International calls on the Moroccan authorities to ensure that no individual is forcibly returned to a country where he or she faces a risk of serious human rights abuses, in accordance with Morocco's obligations under international law, including the 1951 Convention relating to the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Morocco must provide access to full and fair asylum procedures to all those fleeing persecution. Any decision to deport asylum-seekers found not to be

in need of international protection must include adequate procedural safeguards, including the ability to challenge deportation decisions.

BACKGROUND
In 2005 and 2006, Amnesty International has documented serious human rights violations against migrants and asylum-seekers trying to cross the border between Morocco and Spain at the Spanish enclaves of Ceuta and Melilla, including killings, use of excessive force by law enforcement officials, collective expulsions and violations of the principle of *non-refoulement*.

The Moroccan authorities have opened investigations into migrants' deaths in Ceuta and Melilla in 2005, in Western Sahara in 2007 and near the port of Al Hoceima, but to Amnesty International's knowledge, they have not been completed nor their results made public.

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Public Document
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