

# MOROCCO

## SUBMISSION TO THE UN COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES 36<sup>TH</sup> SESSION, 27 FEBRUARY – 6 APRIL 2023

Amnesty International would like to bring to your attention a recent report we published on the human rights violations committed by Moroccan and Spanish authorities at the border crossing between Nador and Melilla in June 2022, in advance of the 36th session by the UN Committee on the protection of the rights of all migrant workers and members of their families. *Morocco: "They beat him in the head, to check if he was dead": Evidence of crimes under international law by Morocco and Spain at the Melilla border* documents how the methods used by Moroccan and Spanish authorities against people on the move at the border crossing known as "Barrio Chino" on 24 June 2022, which included the use of anti-riot equipment and less-lethal weapons such as tear gas, batons and rubber bullets, contributed to the deaths of at least 37 people and to injuries to dozens more. The fate and whereabouts of at least 77 people who tried to make the crossing that day remain unknown and Moroccan authorities have refused to cooperate fully with those searching for the missing or help to return the dead to their loved ones for burial.

This report reflects many of the human rights challenges which result from Europe's harmful policies and efforts to externalize the control of migration and containment of people outside Europe's borders.

## MIGRANTS AND REFUGEES SUBJECTED TO VIOLENCE, BELONGINGS AND FOOD DESTROYED PRIOR TO 24 JUNE

Amnesty International has documented violations of human rights in the Ceuta and Melilla region on a number of previous occasions. The UN has also expressed concerns about the situation of migrants and refugees, and specifically Black people in this region for over a decade. The Spanish authorities have frequently asserted that official channels to apply for asylum are a realistic option for people seeking international protection. This claim has been shown to be unfounded, exposing the fact that avenues to seek asylum are in effect blocked at every turn, and that in reality, there is no meaningful possibility for people from sub-Saharan Africa to get access to Spanish officials to ask to be let in and seek asylum at the Beni Enzar border post, the only official international crossing point into Melilla.

The report shows that in the months and days prior to 24 June, refugees and migrants living in informal housing in and around Nador, the Moroccan region adjacent to Melilla, were subjected to increased attacks by the Moroccan security forces, many having their belongings burned and destroyed. One person interviewed by Amnesty International told how around three days before 24 June, Moroccan police and security forces raided the camp where they were staying with 24 other people, burned their belongings and threw teargas bombs and stones. He shared how they spent the next two days without eating or drinking as the police and security forces had destroyed all their food. They then joined other groups on 24 June to walk to the border with Melilla to try to cross.

## TORTURE AND OTHER ILL-TREATMENT

Moroccan authorities have asserted that the people who tried to cross on the 24 June were armed with sticks, machetes, stones and knives and attacked Moroccan security forces, injuring 140 and hospitalizing one. The Moroccan Ambassador also expressed the view that Moroccan law enforcement officials had demonstrated a "high level of control and professionalism." However, the statements of witnesses and survivors, as well as other evidence reviewed, depict a scene of widespread use of unlawful force by Moroccan and Spanish security forces. Less lethal weapons were deployed by officials in ways contrary to the international standards that govern their use, and law enforcement officials continued to use them even after people were under police control and posed no threat to the officials or third parties.

The testimonies collected indicate that both Spanish and Moroccan police and border guards used batons, rubber bullets and rubber balls and conducted actions such as beating and kicking people who were already restrained or unresponsive due to injury, and repeatedly used tear gas against people who had no way of escape and were in a confined space.

In addition to using unlawful force, both Moroccan and Spanish police subsequently failed to ensure the provision of emergency medical care to people injured and in need of assistance. Indeed, injured people were left unattended in the full glare of the sun for up to eight hours without even basic first aid being provided. Medical attention to injured people was not prompt and, in some cases, denied entirely, causing pain and suffering that may have also heightened the risk of death. Medical staff in Morocco only began providing assistance to injured people nearly two hours after the end of the border authorities' operation to suppress the crossing attempt, and authorities prioritized moving corpses and treating Moroccan security officials above treating injured migrants and refugees. These are all acts which may amount to breaches of the right to be free from torture and other ill-treatment, as well as the right to the highest attainable standard of health and the right to life.

One 17-year-old Sudanese boy reported being taken by Moroccan police to prison on the night of 24 June, before being forcibly taken away by bus. Other people reported being taken away in buses directly from the border and dispersed in locations around Morocco, up to over 1000km away from Nador, and being abandoned on the side of the road outside of towns, without any medical care for those injured or support in finding shelter.

The Spanish police did not permit the Red Cross to access the area and there was no public health response at the scene attending to injured people neither during the attempted border crossing and police operation, nor in their aftermath. Spanish authorities did not assist in any way the injured people who were left on the ground in Spanish territory after the police operation ended, violating their rights in multiple ways including their right to adequate health and to be free from torture and other ill-treatment. The failure to provide emergency assistance not only manifested cruelty: it also placed Spain and Morocco in breach of their obligations to protect the right to life.

## **ENFORCED DISAPPEARANCES**

International standards also set out the authorities' obligation to provide information to the families of people killed, injured or held by the security forces at the earliest possible opportunity. However, the families and friends of at least 77 people who they believe to be missing since 24 June have not received any information about the fate and whereabouts of their loved ones since they were last seen in the custody of state authorities on that day. The Moroccan authorities have failed to investigate allegations of enforced disappearances and to take all appropriate measures to determine where these missing people are. Moreover, they have refused assistance to expert organisations conducting this important work on behalf of families searching for their loved ones. At least two NGOs in Morocco were prevented from visiting hospitals in the days following 24 June and were not permitted to look at the corpses of people to identify them in morgues. Human rights organization AMDH (Association Marocaine des Droits Humains) said that, while the authorities usually cooperate with them to look for disappeared people, they have not done so for those missing from 24 June.

## **LACK OF ACCOUNTABILITY**

Torture, enforced disappearances and deaths which may be due to unlawful use of force constitute crimes under international law and must be urgently investigated. What is clear six months on is that transparency and accountability are profoundly lacking and that no single official, Moroccan or Spanish, has been brought to justice for the violations that led to the deaths, injuries and disappearance of so many people. At the time of writing, the Spanish and Moroccan authorities had yet to make public any findings from inquiries clarifying what happened on 24 June and what steps will be taken to prevent such human rights violations from recurring. Moroccan authorities have not responded to Amnesty International's requests for information about the status and mandate of any investigation into what happened. To this date the Minister of Interior in Spain has yet to provide all the official footage requested by the Prosecutor for her office to review. What has so far been shared contains time gaps that impede obtaining a clear understanding of the entire sequence of events. The lack of official information about what happened to people on 24 June and subsequently is deeply concerning and causing ongoing harm and distress to the families of people who have not been seen since that day, breaching their rights to truth, justice and reparation. Importantly, none of the investigations have as part of their mandate to analyse the role racism against Black and racialised people and the pre-existing concerns about their rights being at risk in this location played in the violations of their human rights occurring prior to, during and after 24 June.

Ultimately, the report shows how Spain's (and Europe's) harmful policies and their efforts to externalize the control of migration and containment of people outside Europe's borders have had lethal consequences in Melilla. Black people were subjected to deadly violence, torture and other ill-treatment, abuse, refolement, forcible transfer, enforced disappearances, amongst other egregious violations of their human rights at the hand of Moroccan and Spanish border guards. The relatives of those killed are also not treated with a shred of humanity as they are impeded rather than supported in the search for their loved ones. Finally, the lack of effective investigations into all allegations of crimes under international law and other serious human rights violations on 24 June not only breaches human rights obligations, but also manifests the lack of interest by the Spanish and Moroccan authorities in taking action to ensure no more people are killed and harmed at that border.

Amnesty International is deeply concerned at the treatment of migrants and refugees in the Ceuta-Melilla border region by both Spanish and Moroccan police and border officials and the ongoing risk they face of serious violations of their human rights in that location. Considering the above, Amnesty International is making the following urgent recommendations:

## RECOMMENDATIONS:

In this context, Amnesty International has made a comprehensive set of recommendations for the Moroccan authorities. The full list appears at the end of the report; and some key recommendations include:

1. Ensure that independent and impartial investigations are carried out into the deaths and injuries that occurred on 24 June in order to bring officials responsible for unlawful use of force, acts which may amount to torture and other ill-treatment, summary expulsions, refoulement, forcible transfer, and enforced disappearances, including where appropriate those with chain of command responsibility, to justice; and to help ensure non-repetition of the human rights violations and crimes under international law detailed in this report. Any inquiry into the events of 24 June should include a mandate to investigate concerns of racism and discrimination as part of the spectrum of potential human rights violations and breaches of international law occurring on 24 June 2022 and should cover the ongoing concerns about enforced disappearances since that day.
2. Initiate, independent and impartial investigations into the failure by the Moroccan and Spanish authorities to provide prompt and adequate medical assistance to the injured in order to hold those responsible to account and inform guidelines and regulations to prevent such violations from recurring.
3. Ensure that victims and their families have timely access to information about these investigations; and fulfil the obligation to investigate and establish the fate and whereabouts of their loved ones, as well as to justice and comprehensive reparation for the harm inflicted. Authorities must also cooperate with each other and with organisations conducting this important work to search for the missing and ensure the repatriation of the bodies of those killed in accordance with their families wishes.
4. Collaborate with the EU to develop a human rights compliant approach to migration that puts the protection of migrants' and refugees' lives and rights at the centre and increases access to safe and legal pathways for refugees and migrants. Ensure that policies and practices protect, respect and fulfil the right to life of refugees and migrants and publicly reject cooperation arrangements, policies and practices that result in or tolerate the arbitrary deprivation of the lives of refugees and migrants.
5. Ensure that law enforcement officials continue to receive training on international standards and regulations on the use of force and firearms, including less lethal weapons, and on human rights standards regarding refugee protection and that monitoring systems are put in place to ensure compliance and the implementation of the reforms necessary to achieve this.
6. Comply with and implement UN treaty monitoring body recommendations regarding the protection of human rights of migrants and refugees, particularly of people from sub-Saharan Africa in Ceuta and Melilla, including those that relate to the need to ensure effective access by all people seeking protection to official procedures to make a claim for asylum, specifically removing existing barriers to people from sub-Saharan Africa.