

Letter from an unrecognised Melillan

26.08.2022

Hello everyone,

My name is Ikram B., I am from Melilla and I'm 21 years old, I am the third of 4 children, two older brothers and a little sister.

My story is very similar to that of many, I was born in a city riddled with racism and no privileges. I classify myself as "an unrecognised Melillan", since after all, that is who I am. Despite speaking perfect Spanish (because it is MY language) and being born in Melilla, I am not Spanish enough for X people. For this reason and because Melilla is a border city, today I am in an irregular situation since I have a Moroccan passport and hardly any chance of applying for residency (if you ask for it they demand documents that are impossible to obtain; to apply for residency one of the requirements is to be registered and registering is denied for having a passport... in addition to the terrible treatment in the offices).

At 21 years old I did what I could to be "normal", I studied at the only school where it was allowed to enrol with a passport, it was not a school as such since it was not endorsed by the Spanish Ministry of Education despite being in Melilla. That time was quite difficult since we didn't have the best facilities, or the best teachers, or classmates... but I was in Melilla and that was enough for me.
(PS: it wasn't enough)

In that centre Arabic was also taught, which was a plus for my parents since they wanted me to learn to speak Arabic, because, despite the fact that we have always lived in Melilla, they knew that at some point we would have to leave. My parents didn't want me to end up like my aunts or my mother, being a maid of some zarrumesht ("Christian woman")... -Your inchallah is going to get married, you're going to have your family and your children, you won't have to clean anyone's shit- this phrase was not only told to me by my mother, but also by my aunts, ALL of them, and it should be noted that I have 5.

My last year at the centre was a nightmare, it was no longer because of the bullying by my classmates, since we had made amends and were now "friends". It was because of media pressure, since at that time the teachers on that site and the methods they used were quite unorthodox. I'll give you the context; as always we went to a class, we did activities, then recess; some eat, others play and others fight... recess is over and back to class... It was Arabic class, the truth is that the teacher was never mean to me, in fact, once in a while I would have gotten a 3 or 4

as a final grade in Arabic without even knowing the alphabet. Arabic seemed a super complicated language to me and I didn't like it, so I didn't get it into my head...

We got to class and everything was normal, at that time I sat with a classmate who I thought was very "cute". We were all reciting the Koran except for one boy who was playing with his blackberry. At one point, I don't know how, everything went wrong. Suddenly the teacher was on top of my classmate beating him with a rubber hose and my other classmate was recording it. Honestly, I wasn't surprised, it wasn't just something that happened that day, those things always happened. It wasn't just in that class, or in that course, it was something that almost all the teachers did. Luckily, I never got that rubber or got along badly with that teacher... I did get along badly with the fifth-grade teacher, yes. I did get hit then, but thank God it wasn't with a rubber hose, it was a simple ruler.

It was so normal that no one thought that the next day we would be featured on all the news programmes [\[1\]](#). Those weeks were hell, cameras everywhere, journalists, our colleague told us that they harassed him to make him speak or give a headline... I don't really remember if the school closed or stayed open since I had to leave...

I remember that day as if it were yesterday, my parents and I were in the car on the way to Morocco and they were talking about what had happened at school, saying that the teacher was not bad at all, that it was okay to have a strong hand, but always with boundaries. The next thing my father did was look at me and ask me- did he ever hit you? - to which I said no, and he asked me again - sure? -I told him again no and that if he had done something to me I would have told him. Apparently, that conversation seemed like the right time for him to tell me that since that happened and since I had failed sixth grade, they were going to kick me out of that centre, that they would like me to continue studying but that since I can't because of paperwork I would have to quit, now that going back there was not an option.

The following years were a bit hard since I was in my house in Morocco, I did not go to school, I was in a dead town with hardly any houses or girls to play with. I spent my days watching TV and bothering my aunts. I was my grandfather's right eye, whenever he went to the store he brought me a cupcake, always, without fail. Sometimes when he was sitting fixing something in the open patio that was in the middle of the house, I would go to look and bother him, and he always ended up singing the "vaca lechera" to me (hahahaha). At night, at around 10pm, our favourite TV series was on: BEWITCHED. They were three sisters who lived together and fought monsters to save the world. My grandfather almost always ended up snoring in bed, and I was next to him, on the floor, watching how those three empowered women won and killed the demons that wanted to take the book of shadows from them. It seems silly but for me it was everything...

A few months ago I bought Safia's book, "Daughter of Immigrants", a book I have felt very identified with and which has led me to write this letter to you. Reading this book has been therapeutic, it removed feelings that I didn't even know I had; moments that

until I began to think more carefully, I had not even realised that I had lived, **I was surprised how I could unconsciously forget painful memories.**

Until recently, I sincerely believed that I was the problem, that the only weirdo who felt like they didn't fit in was me, that I was just unlucky. Why couldn't I be normal? I mean, what's the difference between Laura and me? If it's because of religion, then why is my cousin studying, she has friends, she does homework, she goes on excursions, she travels, and I don't?

Then I realised that the problem was not me, that there were more people like me, more people in the same situation, practically half of Melilla was like me. Far from making me happy I wasn't alone, it made me sad... thinking that more people would have gone through the same situation as me, thinking there were so many people in an irregular situation and without basic rights... I'm talking about when I was 18 years old, now I'm 21 and yet nothing has changed, and if anything changed it was by force. Thanks to COVID and because they closed the border... In my opinion, the only notable change, or one that has been like a ray of light for me, is that minors with passports can study in Spanish schools. But not everything is as easy as it sounds, there are always drawbacks.

The first year that it was possible, I found out late, I went to the Ministry and everything was a problem, it was simply not possible, they did not give me a reason. My 7-year-old sister had to go back to that "school" that I had to leave. This year with the support of Solidary Wheels, we are closer to my sister being able to have a decent education, and above all without me having to get angry every few minutes at that centre. My blood boils every time I remember it, my God, at the time of the pandemic everything collapsed and I understand that somewhat strange decisions were made, but there were a thousand applications to teach online and my sister who was in third grade at the time had class via WhatsApp. And okay, if it has been done in a different way (more professionally) I would accept it, but, in addition, the teacher only sent her an audio through a groupchat and that's it. I had to be the teacher, since my mother hadn't studied much, and there were things that I didn't even understand and we had to ask her, but it's just that, not even a miserable video call to look at the little ones' faces or try to teach them in a more personal way, more comfortable, something that would make the situation we were experiencing more bearable. And once we'd gone through it and they reopened the centre again, almost a third of the school year had gone by. One day I realised that my sister almost never did homework and I asked her - How is school? What have you done today? -And she said- we are reviewing the 3rd grade books because we don't have any new books yet.

I cannot express in words the anger that made me feel. They have lost 1 year, they missed almost a quarter more and to top it off, the girl is studying without books and without being sent homework to revise the content of the year before. Obviously, the next day I went to the school to complain, how can a school that is dedicated to educating children not have the necessary books to teach?

Despite the anger, I complained politely and with good manners, not because I wanted to do it that way, I wanted to make a fuss, my sister had told me that in fourth grade they were still studying the months of the year. I had to complain in a very meek way, because the last thing I wanted was to do my sister a disservice. It had already happened to me when I had been studying there, one day my teacher had said a bad word ("I shit on your dead") and I told it to my mother as a joke. My mother complained indignantly to the school because, why should a fourth-grade girl have to listen to that in class?

Back in school, the teacher had come in, pissed off, because of course, she had been told off. She stood in front of the class and said - yesterday someone complained saying I'd sworn in class, which is a lie... I already know who it was, but I want the person to say it - the whole class went silent, for fear of being discovered, I raised my hand, justifying myself by saying it had been a joke. But that didn't stop her from being angry. The next thing she said was not addressed to me but to the class, which scared me even more: no one is to speak to that girl, if someone speaks to her, I'll fail them - when I heard that I was in shock, after how long it had taken me and difficult it had been to make friends, after all the bullying, after all the fights, I had gone back to the same spot. Being alone.

I think that situation was the worst thing that happened to me in that school, and look, there were many bad moments. After that threat and the entire class turning around to look at me. That was it. It was that easy for the bullying, anxiety and insomnia to return... I spent a week angry with my mother for that, I blamed her, thanks to my mother I had turned into a snitch.

Life is unfair, for telling the truth I was the one to be blamed, for defending her daughter I blamed my mother, and today the teacher continues to teach at that school, at the same school my sister studies. **I hate that school with all my heart and I don't want my sister to be there, but what I hate more is that my sister was left without an education. I wouldn't forgive myself if tomorrow she found herself in my position, at 21 years old and without having finished primary school.** My sister is little, she is not yet mature enough to decide for herself if she wants to study or not, and to be honest, even if she didn't want to, I wouldn't let her drop out. She is MY responsibility, I can swear to you wellah that I will do everything I can and more to give her everything I didn't have.

I swear to you that I will not allow her to depend on anyone, for anyone to speak for her, or decide for her. She will have her own voice, her own strength, her own path, her life is hers and I don't know what she wants to do with it, but that will depend only on HER.

I know that I do not lead by example, I have many times let them yell at me, step over me, treat me like a fool. **But when the system has been telling you your entire life**

that you are different, that you are not normal, that it doesn't matter who you are and what you do, there will always be a difference, it is very difficult to have the courage and perseverance to say NO, and go against the current.

Maybe I'm doing something wrong, I don't know. I realize that my sister, when she's playing with other girls the same thing happens to her when I react, and it's not normal, you can be an introvert and have a voice. Sometimes in the park she prefers to sit on the bench with me than go play with the girls or socialize, she tells me that they are very immature, very different. She doesn't feel like a girl and that she is! I don't want her to mature yet, she's too young. **I don't want her to bear any responsibility or exclude herself. It's a disgusting feeling, it ALWAYS happens to me, it's very frustrating to be walking down the street and constantly comparing yourself to this girl or that one; thinking if you are well dressed; whether you are normal or not; if you look Moorish or European. And it's not just on the street anymore, I meet very good people, friends, even boyfriends... I always compared myself, I wondered if they were with me out of pity, for being easy, for fun? Having the option to be with a "normal" girl why would they want to be with me?**

I've always felt this way and yet I've never talked about it with anyone, I don't know if it is out of shame or because I didn't want to be pitied, or both. I mentioned it a few days ago to my friend from Solidary Wheels, it is assumed that we were both born in Spain, we are both in our early 20s, we both knew Solidary, she because of her vocation and I because of my need. What I can't get rid of today is the feeling of pity, every person who approaches me, I think they do it out of pity; if they invite me to something, it's out of pity; If I'm dating someone and he leaves me, it's because I'm not normal, and if he doesn't leave me, it's because of pity. Imagine being with that thought always for so many years, it is very tiring.

Love issues are quite normal, but for me it was pretty hard... and like everything in life, it is related to paperwork, (or so I think) I was with my ex for 1 year. He was an important part of me, he gave me support and affection. Everything was going perfect, my family knew it, his family knew it too, and we decided to formalize it by going to visit them on Eid (the little Passover), I thought they would not judge me since his mother was in a similar situation to mine. But they did... I found out a few weeks later that his family just didn't see us together. What I had feared so much was happening, they were judging me, leaving me, rejecting me and breaking my heart.

Today I come to the conclusion that it was because of my paperwork, because maybe they thought I only wanted to be with him for the papers, maybe they thought I wanted to take advantage of him. They don't know that I had to repeat a thousand times to each lawyer I went to, that I am NOT interested in getting married, that it was NOT an option, that if I got married it would NOT be with that intention. Of course they didn't know, because they didn't know me, nor did they give me that opportunity. Getting married to get papers has become so normalised that straightaway if you are undocumented and dating someone with documentation it can only be out of interest. **This happens because the system does not offer another way of regularisation** and many people are forced to opt for options of the type.

This happens to many women who are in the same situation as me, I don't know them, they don't know me, we only have our paperwork situation in common, but even so I feel that we are united, because of the similarities in how we live, united by the racism and the traumas it causes. I go to sleep with a broken heart, but with a clear conscience.

It seems unfair to me and it angers me that I, even though I'm just the same as anybody else, have to make twice as much effort, it pisses me off that I'm struggling right now because of all this. I can't stop having anxiety attacks, crying, eating and losing weight, I can't even work anymore... I've gone from sewing 3 "canduras" a day to one a month because every time I think about sewing I get overwhelmed, I don't know what the reason is, but I can't allow it to happen, I can't depend on my mother again, I can't be a burden to her. The thing is, I try to be fine but I can't either, so I get more stressed and I end up sinking... I guess now all that's left is for things to get better little by little. But hey... as Nathy Peluso said: I had to learn what I didn't deserve.

Yes you can, even if everyone tells you otherwise.

From an unrecognised Melillan,

For you

Ikram B.

Sharing meals, a way of occupying public space

19.08.2022

Reflecting on how to occupy public space in Melilla is a challenge, somewhat complex and not obvious. These spaces are a manifestation of the paradox of the system in which we live. If you look at it superficially you will find a well-kept city, places of work and leisure where people come together to swim at the beach, drink a beer or eat with friends. Also near Plaza España you will see green parks and police who watch the traffic and on the seafront you will find beaches and bars with music.

On the other hand, if you look carefully you will notice that in the parking area of Plaza España there will always be a guy cleaning cars, at certain times of the day in the port there will be a young Moroccan hiding trying to do "risky" and in the Rastro neighbourhood you will find some guys on the steps of the supermarket (Dia) eating

what the neighbours have given them or what they have got after helping out in the local shops.

However, you won't see these same boys in the discos in the port, on the terraces of the bars in the Plaza de las Culturas or on the football pitches or beaches, as they are neither welcome nor accepted in these places.

Public space is a place of conflict; many collectives are denied it, aporophobia and racism relegate them to the invisible margins. They are not legitimised to occupy and pass through public space because they are considered dangerous in the sense that they do not fit in with the decorum of the city: "Security itself has become a political ideology that can be defined as securitarianism: this ideology replaces the principles of legal and penal guarantees, becoming a tool that is used to the detriment of certain undesirable subjectivities". [\[1\]](#)

The institutional discourse therefore develops around the theme of "security", understood as the militarisation of the streets and public space. Real security, on the other hand, is made up of housing, health, wages, social and civil rights. Therefore, camera installations are implemented and security policies are tightened, to the detriment of welfare and a logic that refers the deepest causes of social unrest to the lack of basic civil rights.

At Solidary Wheels we promote the reclaiming of these spaces, in support of the children who arrive in this city and who are made invisible every day. Apart from our meeting spots in the skatepark and the beach, which also promote "occupying public space", two days a week we distribute food to emphasise their right to occupy that space and give it the form that suits them, as well as to denounce the lack of resources in the city.[\[2\]](#) There is no canteen or public service that caters for the young Moroccans who are forced to live on the streets, many of them while waiting for their asylum applications to be processed.

Therefore, the decision to share food, which is a basic need, in a public space is both a social and a political resolution. The right to the city is embedded in the right to freedom, to individualisation in socialisation, to habitat and to inhabit, and must be guaranteed to everyone, regardless of their documentation, legal and economic situation.

[1] "La stessa sicurezza è diventata un'ideologia politica definibile come securitarismo: tale ideologia sostituisce i principi del garantismo giuridico e penale trasformandosi in strumento da utilizzare a scapito di alcune soggettività indesiderabili" Simone A. (2010) *I corpi del reato. Sessualità e sicurezza nella società del rischio*, Milano - Udine, Mimesis Edizioni.

[2] "Vivienda: Los indicadores MIPEX-R no relevan ni medidas ni programas específicos por parte del gobierno regional para favorecer el acceso a la vivienda del colectivo de personas extranjeras, sean

ayudas en forma de asesoramiento o de apoyo económico. Asimismo, preocupa la falta de políticas que aborden la situación de segregación en los barrios más desfavorecidos del territorio.” Francesco Pasetti y Carlota Cumella de Montserrat, investigadores, CIDOB (2022) [*MIPEX-R: la gobernanza de la integración en seis regiones españolas*](#). CIDOB Briefings 37.

NEITHER FORGIVENESS NOR REPARATION

A brief reflection by Solidary Wheels volunteers in Melilla

One month after the massacre that took place on the 24th of June 2022, at the fence between Nador and Melilla, **there has still been no reparation for the victims and their families, no clarification of the facts, and no accountability.** Not even a few heartfelt words were spoken from the most democratically progressive president in Spanish history, denouncing the fact that more than 30 people lost their lives in this bloody action, **coordinated between Spain and Morocco, to stop the entry of asylum seekers into Melilla.**

One month after the massacre, we still do not know the true extent of the brutality exercised at the Melilla border on the 24th of June. **No further explanations have been given by the executive, and the investigations initiated by the Attorney General's Office and the Ombudsman's Office have yet to provide more information on what happened.** On the Moroccan side, there has also been a generalised silence until 13 July, [when the president of the Moroccan National Human Rights Council \(CNDH\) condemned the Spanish authorities for failing to help the migrants who died in the attempt to jump the fence.](#)

There have been several instances from which the clarification of the facts has been requested. An example of this is Dunja Mijatović, Commissioner for Human Rights of the Council of Europe, who, on 13 July, [requested information from the Minister of the Interior, Fernando Grande-Marlaska](#), regarding the role played by the Spanish security forces. More specifically, that there are already two investigations underway in this regard (the two mentioned above). Likewise, five experts from the United Nations' International Mechanism of Independent Experts (MIEI) **asked both the Moroccan and Spanish governments for accountability and detailed information on the incident, especially on the investigations underway.**

Likewise, multiple social and humanitarian organisations have mobilised to denounce what happened, launching communiqués and organising public demonstrations to make visible their disagreement with the violations of rights that occurred not only on the 24th of June, but every day at the Southern Border: denouncing the border architecture, the migratory business between Spain and Morocco and the externalisation of the Spanish and European border that puts the lives of migrants and applicants for

international protection at risk. Thus, on Monday 25th of July, a letter was sent to the President of the Spanish Government and to different parliamentarians, on behalf of the 1,084 collectives and 5,975 citizens who signed the unified communiqué, **to demand that they promote and support the commission of enquiry in Congress.**

Today, 29th of July, **we still have no answers, no accountability, no forgiveness and no reparation.** However, [despite the Moroccan authorities' tactics of silencing activists and journalists](#), the work of various human rights organisations has allowed us to shed some light on the facts. According to data published by [AMDH](#), at [least 64 people of Sudanese origin are still missing](#) (*Annex I [1]*) and, in its latest report published on the matter, **it highlights that the action carried out by the Moroccan authorities, with the support and consent of Spain, put the lives of the people at risk, and that there may even have been more than 40 deaths [2]**, a figure that the association [Walking Borders confirms, through different testimonies](#).

The massacre of the 24th of June began to take shape long before that day. As has already been exposed in multiple press releases and media, [the violence exercised by the Moroccan authorities](#) increased exponentially in the days prior to the attempted jump with continuous raids and forced displacements. This fact is strictly related to the improvement of relations between Spain and Morocco.

For years, Spain and Morocco have maintained a tense and calm relationship. This tension has increased as of lately as the so-called "Fortress Europe" has been externalising its borders, giving Morocco a leading role in controlling them. With Spain's entry into NATO in 1982 and the EU in 1986, the first patera arrived on the coast of Cádiz in 1988; with the signing of the Barcelona Process in 1995, the Ceuta Fence (1996) and the Melilla Fence (1998) were built; with Morocco's promotion to the status of main non-NATO ally in 2004, the height of the Melilla fence was increased in 2005.

There have been many agreements between the two countries that have had a direct impact on both border architecture and the control and treatment of border crossings, and none of them include guarantees of respect for human rights. The closest example was the treaty that Spain and Morocco signed at the end of March this year to reinforce cooperation in the area of migration (with the installation of so-called "combs" on top of the last fence to make it even more difficult for people to jump, among other things).

The consequences of the latter treaty are clear when comparing the nature and treatment of the March attempts of jumping the border and this latest one in June. As AMDH reports, in the first months of the year, with relations between Spain and

Morocco still strained by the diplomatic crisis between the two countries throughout the year 2021, there were hardly any attacks on the settlements of Mount Gurugú and several attempted jumps; however, following the restoration of friendly relations between the two executives in mid-March, and especially in the months of April, May and June, attacks increased and attempted jumps decreased. In fact, in just three months, **31 attacks were carried out in the area, equivalent to the number of attacks in the whole of last year.**

Focusing more on the nature of the March and June jumps, we see that during the freezing of relations, **in the March jump, more than 2,500 migrants participated and no deaths have been confirmed** (although some witnesses who managed to reach Melilla believe that there may have been deaths in this jump as well), the number of wounded was lower and 900 people managed to enter the Autonomous City (Melilla) despite the violence exercised by the Moroccan and Spanish authorities. In contrast, in this last jump, with the geopolitical climate calmer, **dozens of deaths and injuries have been documented, and only 133 people managed to enter in Melilla[3]. Is this purely coincidental?**

Moreover, as has already been stated in previous communiqués, this latest massacre occurred a few **days before the NATO summit held in Madrid on 28 June (another coincidence?)**, where, far from the Spanish authorities' self-criticism of the situation and their actions, what happened was used as an argument in favour of continuing to militarise, control and close the southern European border even further.

As a result of this latest jump, **the multiple human rights violations suffered by migrants and applicants for international protection have once again become evident.** Survivors of the massacre shared at one of the rallies in Melilla that many of the people who tried to jump the fence **had already expressed their intention to apply for asylum at the UNHCR offices in Morocco**, and, even so, some of them were [illegally returned to their countries of origin](#). The document issued by UNHCR in reference to their asylum application is a useless paper in Morocco, it ends up being confiscated or destroyed and does not protect them in any way. The neighbouring country denies them the right to housing (even prohibiting them from renting a house on Moroccan territory), to physical integrity and to life. Meanwhile, Spain sways in the direction of congratulating and supporting their acts.

Likewise, the 133 people who managed to reach Melilla and entered the CETI (Temporary Stay Centre for Immigrants) were illegally detained for up to six days after their arrival (from Friday to Wednesday). This isolation was based on an alleged COVID-19 quarantine, even though they had all been tested for antigens with negative results, thus violating their right to freedom of movement and expression, preventing contact with the outside world and the possibility of mourning for their murdered comrades. **This quarantine was applied arbitrarily and rigorously to the detriment of people's rights; they could not leave to denounce what had happened or to call their families, but they could go to the police station and, in some cases, receive**

proposals for their return. All of them applied for asylum and in the end the asylum procedure for territory was applied to them and not the border procedure, as was done for the [people who arrived in March](#).

On the other hand, AMDH clearly exposes in its latest report that this jump is a result of the normalisation of relations between the two governments and has resulted in dozens of **dead and injured** due to the particular actions of the Moroccan and Spanish forces: they did not disperse the people who descended from the mountain until the moment they reached the fence and subsequently rounded them up to make it impossible for them to return to the mountain, in addition to the exceptional and deadly use of tear gas and rubber bullets in a closed area. The repressive intervention on the Spanish side was undoubtedly behind the increase in the number of suffocated victims and clearly shows the level of local coordination between the two countries: **Moroccan tear gas was mixed with Spanish tear gas fired in two opposite directions to cause maximum damage and more victims.** In addition, there was a total omission of the duty to provide aid, as priority was given to transporting corpses rather than wounded people who could have survived if they had been properly treated. For almost nine hours, **no assistance was provided to the wounded by either the Moroccans or the Spaniards, who had several ambulances a few metres away, thus showing the true face of Moroccan-Spanish migration policies and cooperation, centred exclusively on security.** [4]

After what happened, the President of the Government, Pedro Sanchez, praised the work and cooperation between the authorities to deal with the "violent assault", a qualifier that he felt it necessary to emphasise on multiple occasions. It was not until days later, and after several similar statements criminalising the victims of this massacre, **when asked about his reaction and the data on the deaths already made official by Morocco, he justified his words by saying he was unaware of the deaths caused during the jump.** Statements that are far from the Pedro Sanchez of 2018 who defended the right to legal and safe channels for migration (before he was part of the executive), these words are something that could have been perfectly expected from a far-right party such as Vox.

On the other hand, the government partners have posted individual complaints. An example of this is Serigne Mbaye, head of Anti-racism at Podemos and deputy of Unidas Podemos in the Madrid Assembly, who denounced from the outset the "sadness, anger and indignation" he feels that "the violent logic of the EU is once again justifying the deaths at the Melilla fences as if some deserve to live and others to die".

The latest information **on the situation of the more than 60 survivors of the massacre who were arrested on the other side of the fence is that a court in Nador has sentenced 33 of them to 11 months in prison.** Some of the detained were charged with alleged crimes of disobedience, destruction of property, possession of bladed

weapons, assault, injury with a weapon, and others with forming a criminal gang, kidnapping and arson. Finally, this group of 33 people, mainly of Sudanese origin, were sentenced to pay a fine and compensation for "facilitating and organising the clandestine entry and exit of foreigners to and from Morocco, armed agglomeration on the public highway and insulting public officials"; **without evidence and without any guarantee of their status as asylum seekers.**

24 June was neither an exception to current migration policies, nor an unavoidable natural tragedy. 24 June, like each and every one of the deaths that occurred at the southern border, is a direct consequence of European and Spanish political decisions, and as such, has those responsible. We demand accountability, information on ongoing investigations and reparation for the families of the victims.

These are decisions, not coincidences; there are no coincidences in politics.

[1] ANNEX I. Names of the 64 people missing in the 24 June jumping attempt

Qusai Ismail Abdel Qader (Sudán), Marwan Mohiuddin (Sudán), Muhammad Abdullah Abdul Rahman (Sudán), Jalal Abdul Shakour (Sudán), Mustafa abkar yahya (Sudán), Muhammad Yaghioub Abdel Rasoul (Sudán), Muhannad Mamoun Issa (Sudán), Abdullah Omar (Sudán), Mustafa Aber (Sudán), Al-zubair Mursal (Sudán), Ibrahim Othman (Sudán), Adel Youssef (Sudán), **Pararse en Ali** (Sudán), Ahmed Al Mahdi (Sudán), Bakri Saleh (Sudán), Khaled Abkar (Sudán), Ahmed Al-Hajj (Sudán), Muhammad Haroun (Sudán), Nabil Abkar (Sudán), Ahmad Adam (Sudán), Ibrahim Sedik (Sudán), Yasser Elias (Sudán), Ahmed Al-Tom (Sudán), Ibrahim Al-Tijani (Sudán), Saleh Kamal (Sudán), Core William, alias Jedou o Gedo (Sudán del Sur), Adel Abdul Rahman (Sudán), Tariq Ibrahim (Sudán), Abdul Razzaq Ibrahim (Sudán), Youssef Abdullah (Sudán), Othman Abdul Rahim (Sudán), Saddam Ahmed (Sudán), Hassan Youssef (Sudán), Abazar Salah (Sudán del Sur), Abdullah Omar (Sudán), Ibrahim Mohamed (Sudán), Omar Ahmed (Sudán), Farouk Saleh (Sudán), Abdulaziz Mohammed (Sudán), Mohamed Salah (Sudán), Ahmed Muhammadin Ahmed (Sudán), Moatasem Adam Abdel-Bashir (Sudán), Jalal Abdul Shakour Yahya (Sudán), Mohamed Wad Angeli (Sudán), Isaac Issa (Sudán), Ibrahim Ali Muhammad (Sudán), Mahdi Muhammad (Sudán), **Imam de herencia** (Sudán), Abdullah Omar (Sudán), Bagdad Hussein (Sudán), Wali al -din Muhammad Ali (Sudán), Abdul Basit Muhammad Ishaq (Sudán), Nasruddin Abkar Khamis (Sudán), Abdul Rahim Abdul Latif Ali Ibrahim, apodado 'Haneen' (Nostalgia) (Sudán), Ahmed Babiker Mohammed (Sudán) (visto por última vez en el hospital de Nador), Bechara Ibrahim Idris (Sudán), Mazen Daffa Allah (Sudán), Adam Khamis Ahmed (Sudán), Hamed Youssef (Sudán), Abu Bakr Hussein (Sudán), Ibrahim Al-Helou (Sudán), Suleiman Abkar Haroun (Sudán), Adam Mustafa Harin (Sudán), Abdel Aziz Yaqoub, apodado 'Anwar' (Sudán) (tres testimonios confirman su muerte).

[2] *"La tragédie au poste frontalier de Barrio Chino"*, Association Marocaine des Droits Humains - Section Nador, 20/07/2022.

[3] *"La tragédie au poste frontalier de Barrio Chino"*, Association Marocaine des Droits Humains - Section Nador, 20/07/2022: pg.9

[4] *"La tragédie au poste frontalier de Barrio Chino"*, Association Marocaine des Droits Humains - Section Nador, 20/07/2022.

World Refugee Day

20.06.2022

Today, June 20th, is World Refugee Day, a date that the United Nations designates to honour refugees and displaced persons. It is sad that we have to select one day a year to empathize with the millions of people who are forced to abandon everything in the face of conflict, misery and persecution. Even so, from Solidary Wheels we take this day to reflect, once again, on a reality that we see in Melilla, in Europe and practically in the entire world.

The war in Ukraine and the displacement of millions of its citizens have highlighted Europe's capacity, when it chooses to, to respond and welcome those who flee. This is a solidarity that we applaud, but at the same time, we question why it is not extended to people who come from other regions. They told us that there were no resources, that we had no space. It is clear that the only thing missing was political will. [Frontex](#), the European Border and Coast Guard Agency, is the agency with the largest budget in the EU, more than the [European Medicines Agency](#), even after two years of pandemic. More than the [Fundamental Rights Agency](#), despite the multitude of European countries with legal deficiencies. The Agency's funding and mandate have been steadily increasing since its founding. The fact that it was involved in extremely worrying cases of abuse was not enough to encourage the Union to rethink its system of border management. On the contrary, we have reinforced this cruel, racist and dehumanizing system.

It is important to look at things in perspective. We are used to talking about the "migration crisis" in Europe, but this is an inaccurate and deeply misleading term that legitimizes and justifies insufficient responses by European governments. In 2019, 120.000 people arrived in the EU through "irregular" routes. In the same year, an average of 90.137 passengers travelled daily through Dublin Airport. Yes, we are dealing with a refugee crisis, but the crisis is about the blatant abandonment of human life. It is about the intensification of border control and the securitisation of EU borders. It is not a crisis of numbers, lack of space or lack of financial resources. If Pakistan can host 1.5 million refugees with a GDP vastly inferior to that of the EU, we can do more. Perhaps the EU should take from the nearly €200 billion spent on

defence and put it towards promoting the protection of human rights, fulfilling its obligations and preserving human life.

Yes, we are dealing with a refugee crisis, but the crisis is about the blatant abandonment of human life.

Real measures are urgently needed to ensure that refugees not only survive but can have a dignified life and access to opportunities. We must reject the constant dehumanisation of those who are displaced, ensure that their lives are not reduced to numbers or to leverage for political negotiations. On World Refugee Day, like any other day, we would like to emphasise that the welcoming of those who seek refuge cannot depend on geopolitical interests or the colour of their skin.

World Day Against Child Labor

14.06.2022

Yesterday, June 12th, was the World Day Against Child Labor, an unfortunate reality in the city of Melilla. Below we analyze publications, news and daily events in the city that generate situations of child labor and exploitation.

In January of this year, CIDOB (Center for International Relations of Barcelona) published an analysis comparing the management of migration in different Spanish regions, including the Autonomous City of Melilla. It confirms something already felt by our volunteers on the ground, which is that the city does not have an integration model, does not have clear objectives or a coordinating structure and that no specific actions are being taken to reduce the inequality between migrants and nationals.

In addition, the regulatory framework hinders access to the most basic rights of children, such as administrative barriers blocking access to the census or long waits to access social services. This means that minors in transit and minors who were born in Melilla but whose situation has not been regularized find themselves in an administrative limbo. Without access to basic rights such as education, they often have no option but to work from a young age.

Many of the unschooled minors are under the care of the Autonomous City of Melilla in various reception centers in the city, including La Purísima.

This is a center for minors located on the outskirts of Melilla, 200 meters off the border fence. The building was a military fort until 2001, when it became a facility for minors.

The lack of decent conditions, of schooling and of integration efforts, as well as the treatment received, results in minors under guardianship deciding to go off to the streets to "make a living", even before reaching the legal age to be able to work (according to article 6 of the workers' statutes, in which "The admission to work of

minors under sixteen years of age is prohibited."). Thus, they have no other path other than unregulated and precarious work, where neither the conditions nor the salary are decent. Many opt to leave the shelter for good and live on the street, where they remain invisible in the eyes of government administrations and associations.

"The center is no good. I make my own living, the street"

Testimony of a minor in "street situation", June 2nd, 2022, Melilla.

There are children who get relatively constant jobs, such as accompanying a merchant, selling their products or preparing and collecting stalls in the city's markets. Others must resign themselves to cleaning or parking cars, delivering groceries, etc. in exchange for a few euros, which they sometimes never receive.

Last week, different media outlets published a news article titled "[The Civil Guard dismantles in Melilla an organization that used minors under guardianship in the center of La Purisima for drug trafficking](#)".

This is yet another example of the deficiencies in the Spanish system for receiving unaccompanied minors.

From Solidary Wheels we demand the protection and integration of minors, the need to guarantee their rights and to offer support in their transition into adulthood. Policies and actions that promote the criminalization of these children must be eliminated through concrete norms that take into account that being a minor takes precedence over being an irregular migrant.

We denounce the institutional abandonment and the inability of the current social policies to respond to the needs of children. These practices endanger the physical and moral integrity of the minors subjected to this type of work. Mostly through coercion and manipulation (taking advantage of their misinformation or naivety), minors are made to participate in illegal and unsafe work. It is a clear example of how the capitalist system capitalizes on human poverty and exploits those in vulnerable situations.

Once again, we demand the right to be a child, for all of them, anywhere in the world!

The Melilla border

15.05.2022

It has been more than 2 years since Covid19 came to stay and that has changed many things forever. One of them is the border relationship between Spain and

Morocco. The land border between these two countries closed in March 2020, and it seems that it will reopen **tomorrow at dawn, May 17, 2022**.

During these last weeks, before the possible opening, many stories have been heard around the fence. Memories and commentaries mixed with uncertainty about what will happen in the near future:

"It is the first time in the history of the fence that it is closed for so long".

"I still remember seeing the mules arrive alone with the load, the traders would take it and the mule would return alone to Beni Enzar, where the owner was waiting for him."

"I remember once in 1975, with the green march, a lot of tanks were arranged around the border perimeter that surrounds Melilla, there if we felt fear".

"We want them to open because goods and foodstuffs that we don't have now are going to arrive".

Many people speak of the evolution of what was and what is now the fence, that separating element, designed in the key of closure and closure, both to protect and contain, and to prevent the passage of people, goods or undesirable goods.

"The Melilla fence was built in 1998, before that it was a simple school fence. It was a one-meter-high fence separating Africa from Europe," say the neighbors.

"Before all this existed (referring to the control systems that are in place and those that are being implemented with artificial intelligence) we worked with our eyes, everything was more human."

"There has always been a lot of trade between the two continents through this border, and now they want to end it suddenly. Leaving thousands of people without jobs and options."

It is curious the nostalgia that is perceived in the words of the people in relation to the fence and the border. Contradictory reflections, ambiguous feelings and more uncertainty. However, it should not be forgotten that it is an element that emphasizes the national character, tightens the control of entry, transit and exit. In addition to opening a **debate between migration and mobility**, and cross-border or cross-borderness in the context of a border region or zone.

Finally, we would like to share our last reflection: "trafficking, migration and drug trafficking are not going to disappear even if they put up eight 20-meter fences. It is something that has always existed and real policies are needed and not more walls."

How right this neighbor is. There are dynamics that will always continue to occur because the problems are not of the people who cross the borders, the problems are structural, caused by the interests of other people who push the most vulnerable to cross borders and fences without caring about the consequences.

MELILLA, ONE MONTH LATER

MIGRATION AS A POLITICAL WEAPON

11.05.2022

WHAT HAS HAPPENED SINCE THE ARRIVAL OF ALMOST 900 PEOPLE AFTER THE JUMPS FROM MELILLA'S TRIPLE FENCE?

Today, April 8, 2022, marks one month since the attempts by thousands of people to enter the Spanish enclave of Melilla, during which the Moroccan and Spanish authorities took violent action contrary to human rights. This action is part of **a racist system that plays with the lives of people for the benefit of its own political and economic interests** (1). The vast majority of the people who tried to cross are from different sub-Saharan African countries and are forced to live for long periods on Mount Gourougou in Moroccan territory, about 2 kilometers from the fence that separates Africa from Europe. On this mountain, the people live in settlements without conditions of habitability or security (2). Moreover, they are continuously besieged by the Moroccan authorities, waiting to be able to cross the border and have decent living conditions.

During March 2, 3, 4 and 8, there were attempts to jump the triple fence of Melilla (3), for a total of almost 6,000 attempts. According to official data, of the four attempts to cross the fence, **a total of 871 people** succeeded during the first two days (4). Many of them had to be hospitalized because of injuries sustained on the way and other recent and serious injuries as a result of the violence exercised by the Spanish authorities. This violence, with video evidence collected by RTVE Melilla (5), has been condemned by various entities and human rights defenders, demanding an investigation and real reparation, to ensure a dignified treatment and in accordance with the law. However, **one month after the occurrence, no investigation has been initiated, nor have responsibilities been clarified.**

While it is true that only about 900 people are in Melilla, of the thousands who tried, the reality is that others arrived in Spanish territory but were subsequently returned illegally. This is evidenced by the videos and images made by the Solidary Wheels (6) team on the ground of returns produced without guarantees and with total impunity. The Spanish security forces did not pay any attention to particularly vulnerable people, an obligation stated by the Constitutional Court (7). They did not take into account whether among the people returned there could be **minors, people in a situation of vulnerability, or potential applicants for international protection**. Nor does it seem that the state of health of the persons who arrived in Spanish territory was taken into account, nor the possible physical sequels derived from the jump itself and which could entail serious dangers to their health and integrity when they were returned to Morocco. The returns were carried out immediately and with total indifference.

The action carried out by the Spanish authorities was **incompatible with a procedure that guarantees the basic rights of individuals**, such as legal assistance, medical assistance or the attention of an interpreter. Human rights organizations in Melilla denounced these rejections at the border and demanded an investigation and reparation in accordance with the law. However, there are many difficulties in denouncing the

refoulements that have taken place due to the lack of information on the persons returned to Morocco (there is no contact and their whereabouts are unknown). Regarding what happened on the other side of the fence, it is known that **some 30 people were injured on the first day and several of them had to be admitted to the Hassani hospital** in the border city of Nador (8).

On the morning of March 3, the Solidary Wheels field team witnessed a group of more than 100 people being held at gunpoint by Moroccan authorities and forced to lie on the ground. They also witnessed the arrival of more than 10 buses in which they loaded the people (9). Multiple videos published by a media outlet in Nador (10), confirm these facts showing **the dehumanizing and violent treatment by the Moroccan authorities**. Other human rights organizations in Nador have reported that during the days in which there were attempts to jump, they received many people with injuries and with serious health conditions, they also noted that the people held by Morocco were transferred to the south in the aforementioned buses. Testimonies reported by different media confirm that among the people who did not manage to cross the Melilla fence were minors (11).

The people who managed to stay in Spanish territory and accessed the CETI (Centro de Estancia Temporal de Inmigrantes), come from different countries including **Ivory Coast, Mali, Gambia, Senegal, South Sudan, Burkina Faso, Guinea, Chad, Cameroon, Libya and Benin**. Some of these countries are conflict-affected areas and therefore people from these countries could be eligible for international protection (12). In addition, **more than thirty of the people who entered are minors** and are currently in the "La Purísima" minors' center. These data show that it is very likely that the aforementioned returns took place in violation of the rights of minors and persons eligible for international protection.

All the people who entered the CETI expressed their intention to apply for asylum. After three days in quarantine, they were taken to the police station for fingerprinting. During this procedure, the Solidary Wheels team kept a close eye on the situation, because after the action of the authorities during the jumps, there were fears of possible refoulement. The application procedure for international protection that was applied to the people who arrived on March 2 and 3 was the expedited procedure. Despite what multiple media and extreme right-wing politicians try to make believe, this procedure is not an express asylum nor does it encourage the call effect, nor is it extremely beneficial for the migrants. **On the contrary, this procedure, which has been done quickly and without the guarantees required by international law, is not beneficial for those who have been forced to follow it in order to safeguard their lives and avoid refoulement.**

The **accelerated asylum application procedure** (13) applies to persons who apply for asylum at a border post or in a CIE (Centro de Internamiento de Extranjeros). Unlike the normal asylum procedure, which is applied when the person is already in Spanish territory, as was the case of the persons who arrived, this is a special procedure with reduced time limits. In border procedures, it is mandatory to have legal assistance. It can

be requested free of charge or through NGOs that provide legal advice, or by hiring a private lawyer. However, **there were many difficulties encountered in accessing legal assistance, a basic right that must be guaranteed.**

More than 700 asylum interviews were conducted within a week of the entries on March 2 and 3. As a result, applicants for international protection had **no more than two or three days to prepare for the interview.** The interviews were of very short duration and people were, without the possibility of preparation, urged to tell the story of why they fled their country and how they arrived in Spain, which for many may have taken years of travel. **The asylum interview is the most important step in the procedure,** so it is essential that the applicant's story is as complete as possible, understandable and without omissions or contradictions. This can be difficult as memories and recollections of traumatic events are often blocked as a safety tool to move forward ([14](#)). Therefore, in a short interview, without having done previous work, it is difficult to offer a concrete account adapted to the situation of each person.

After the interview, the authorities have **four days** to decide whether to **admit the application for processing.** In case of inadmissibility, there is a two-day period to appeal and request a reexamination, for which the authorities have two days to respond. The question of why the accelerated procedure was applied in this case remains unclear and human rights organizations demand a procedure with guarantees. However, it is to be welcomed that **all the applications have been admitted for processing and the individuals will remain in Spain and will be able to move freely within the territory.**

This accelerated procedure has also hindered the already precarious situation of **young homeless Maghrebi asylum seekers,** a target group with whom the Solidary Wheels field team shares spaces for intervention and socio-legal accompaniment. During the last few weeks, several young people have shared the difficulties they have encountered when applying for asylum and formalizing their application. On the one hand, waiting times for asylum applications have increased. They report having to go to the international protection office every day and wait many hours to be able to file their application. **They have received postponements of up to one month.** They also say that **they have been treated unfavorably by the authorities** at the Beni Enzar border, where asylum applications and interviews are conducted.

The delay of the interview also means delaying their departure from Melilla, where, due to lack of resources and discrimination, they are forced to live on the streets. Meanwhile, **people of North African origin are denied access to the CETI.** This discrimination against migrants according to their nationality shows, once again, that this is a totally opaque institution. On multiple occasions explanations have been requested for this discriminatory treatment but there has never been an answer. The situation of the last jumps highlights the differential treatment of the administration with respect to this group. It shows that resources such as the CETI have had sufficient capacity to accommodate people of Moroccan origin and yet their access has been systematically blocked, thus violating their rights.

The Solidary Wheels intervention team has perceived the great frustration and the feeling of inequality that this situation generates in the young people. **It is valued that there is a lack of transparency and differential treatment in the administrative processes they face.** In addition, these situations promote rumors and misinformation among the migrant group. It is thus confirmed that the Moroccan group continues to be at the bottom of the asylum procedure and the Spanish reception system.

The situation in Melilla is further proof that we live in a racist society in which **people with the same rights receive differentiated and discriminatory treatment according to their country of origin.** Applicants for international protection who enjoy the same rights under the law, in reality do not receive the same protection, recognition and guarantee. Both the people who arrived in Melilla on March 2 and 3, 2022, as well as the young Moroccans living on the streets, are applicants for international protection and their rights should be protected and recognized in the same way as, for example, applicants for international protection from Ukraine ([15](#)). **The case of Ukraine has shown that if there is political will, the reception of migrants can be managed and legal and safe channels can be created.**

However, instead of guaranteeing these legal and safe routes, the recent agreement of the Spanish government aims to reinforce the security of the fence, which has already entered phase three of its fortification, and that after the placement of all the combs, will proceed to the phase of digitization through artificial intelligence ([16](#)). As the sociologist Tadeu Augusto Matheus states, **the Spanish strategy highlights racism and xenophobia as the structural basis of immigration policies that criminalize African refugees** ([17](#)).

Solidary Wheels wonders when there will be accountability for the violence and violations of rights against people who arrived in Melilla and those who were returned. **When will political negotiations at the expense of people's lives cease?** Migrants cannot be used as a political weapon in negotiations between countries according to their interests. Finally, it should be emphasized that all people have the right to seek a better life, in dignified conditions, free from violence, and therefore, **all types of migration must be protected and guaranteed** ([18](#)).

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Everyone has the right to liberty of movement and freedom to choose his residence within the territory of a State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

return to his country.

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Melilla: the absence of an integration model

21.02.2022

Just a month ago, the [CIDOB](#) (Centre for International Relations of Barcelona) within the REGIN programme (Regions for the Integration of Migrants and Refugees), which is a biannual European project (2019-2021), published a comparative analysis of the management of migration between different regions of the European Union, including the Autonomous City of Melilla.

This report aims to show how the administrations and institutions are working towards the integration of migrants and asylum seekers. For this reason, it is no mere coincidence that a city such as Melilla is analysed: the first door to seek refuge, a city of transit for many, but also a city of permanence and construction of a future for others. The results of this analysis are not positive for the city. Despite being the only region in Spain analysed that uses national funds to implement its integration actions for migrants and asylum seekers, it is the region with the lowest score in all the aspects analysed. Firstly, it confirms something that many of us already knew, which is that the **city has no integration model**, no objectives or coordination structure, and no actions designed to reduce inequality between migrants and nationals. This is despite the fact that the city has all the necessary competences to be able to do so and has access to sufficient budget. Secondly, **the regulatory framework for integration is completely perverse**, hindering people's access to the most basic rights, with meaningless administrative obstacles such as blocking access to the census, or long waiting times to access social services.

The precarious system of integration that exists urgently needs actions that promote structural change in order to respond to the special needs of migrants. There are no policies for labour insertion, education, health or access to housing. Thus reproducing inequality.

This report also criticises the fact that the regional government only has constant contacts, only grants subsidies and only draws up agreements with those entities and NGOs that work with migrants in a regular situation, totally neglecting those entities that accompany people with an irregular immigration status.

In conclusion, despite the fact that Melilla has the necessary economic resources for the integration of migrants and asylum seekers, up to now, it has not been able to provide the necessary financial resources for the integration of migrants and asylum seekers:

- There has been no dedicated integration strategy, which alongside an exclusionary and discriminatory regulatory framework means that the city's migrant population lives for generations segregated and without access to the most basic rights, and that those in transit risk their lives in order to reach another region where they can build their future.
- Nor have concrete plans and actions been developed to improve the situation of migrants, showing little political will to uphold human rights.

The absence of human rights is a political decision to violate them.

People of Moroccan origin have the denial of access to the CETI

20.01.2022

Two weeks ago, we told you about a great injustice being committed by the Spanish Government's "Temporary Stay Centre for Immigrants" in Melilla (the CETI) towards people on the move.

Many of the people we are currently accompanying on the ground are of Moroccan origin and are homeless. These people are denied access to the CETI unless their application for international protection has been accepted, at which point they can travel legally to the mainland. The difference is that people from Central and West Africa can enter and stay overnight even if they have not applied for asylum. This is a very normalised discrimination in Melilla, access to a centre depends on the nationality of the person on the move.



This injustice is even more striking when on the 13th January the government delegate, Sabrina Moh, declared that the CETI currently holds under 250 people, the lowest figure in years. Moh pointed out that the residents of the CETI are mostly 'sub-Saharan', without explaining why that is the case.

Discrimination against people on the move of Moroccan origin is notorious and in no way justified by law.

We understand that these people are in the city of Melilla as a transit point in their migratory process; if they have the option of travelling legally, they will do so as soon as possible, provided they have the financial means to pay for a ferry ticket to the mainland. Until that time arrives, they find themselves on the streets. Both the management responsible for the CETI and the government delegate in Melilla are aware of all this and have not yet provided any justification.

We denounce this de facto discrimination which has no basis in Spanish or international law.

Update from Melilla 30/10/2021

An update from our team in [#Melilla](#) (Spain): over the last two weeks, we have continued to carry out our project of social intervention with people on the move living in the street here.

We use the Skate Park as a common space to offer recreational activities, playing games of Jenga and football, and sharing positive interactions with the guys. Meanwhile, the migratory situation here on the ground remains unchanged.

And the Guardia Civil admits as much: when the sound of sirens and a helicopter alerted us to their activities along the fence with Morocco just last week, as we tried to get closer to properly observe, a Guardia Civil stopped us, claiming that this was just 'business as normal'.

'Business as normal' consists of a deadly combination of racial and economic inequality, police violence, and inhumane border policy, which forces people on the move to risk their lives.

It is what forced the older brother of a 16-year-old boy in the Skate Park - just as it did him - to risk his life, swimming for hours to get to Melilla from Morocco. He drowned in the sea, and the boy is left scrolling through the photos and stories posted by grieving friends and family members on Facebook and Instagram.

Have you read our report? || Update on developments in Melilla

27.10.2021

Considering the impacts of the episodes of extreme border violence during May 2021 and placing this in a historical context of illegal migrant pushbacks and human rights violations from the Spanish enclaves to Morocco, [we have published a report on the](#)

[situation in Ceuta and Melilla, looking at the continued and increasing state repression of people on the move.](#) This report was researched and written by the Disinfaux Collective, No Name Kitchen and Solidary Wheels, and published by the Border Violence Monitoring Network.

The report examines the context of the enclaves as places of transit, analysing developments around the fence, sea crossings and local border mobility. Combining first-hand accounts of people subjected to violent returns, as well as an overview of the actors and surveillance technologies involved, it outlines the constitution of the enclaves as a tool of deterrence and abuse.

The report focuses primarily on the events of May 2021 and beyond, when thousands of sub-Saharan and people from neighbouring Moroccan cities crossed into Ceuta and Melilla by land and sea. The way in which the Spanish and Moroccan authorities dealt with this large-scale transit reveals existing patterns of collective expulsions and police brutality.

Despite the fact that these regions are internationally accepted as Spanish, and therefore part of the European Union, people on the move there are treated differently, creating a legal pretext for forced expulsions, and the subsequent violence inherent to these processes. A recent example is what happened on 13 August when Spain and Morocco initiated a mass pushback operation, ultimately resulting in 54 minors being returned from Ceuta (and 2 minors from Melilla), in violation of Spanish child protection law and international law too.

Additionally, the pandemic and the closure of the border for a year and a half have affected the situation in Ceuta and Melilla, in terms of the mobility of people entering from Morocco, and the use of racist violence to control it and repress it, showing an escalation and expansion of violence carried out using racial profiling.

Regarding pushbacks (also known as hot returns), after the expulsion of 4 people (including 2 minors) on 26 July, AMDH reported the return of another 2 on 28 July. During the month of August, these unlawful express returns were repeated.

More recently, in the period of August and September, entries by sea were intensified: 125 people arrived at Vélez de la Gomera on 20 September, 41 people at Isla de Tierra on 21 August and 2 people at the Chafarinas Islands on 18 September. All these people have been returned to Morocco, although many had requested

international protection. On Isla de Tierra, the anti-riot unit and the Guardia Civil used violence against the arriving migrants, with tear gas and batons. At least 10 migrants have died in the sea off Melilla this year, either having fallen in while crossing the border or trying to board the ferry to mainland Spain. The arrival of bodies at the port of Melilla is not uncommon. The last two deaths were on 10 August and 21 September.

In recent months the tension at Melilla's borders has persisted, due to the increase in mass crossings. The available record, where many entries are not counted, indicates that during the period from 17 August to 30 September there were at least 1,294 attempts to enter the city of Melilla from Morocco, mostly by attempting to jump but also by swimming all the way (which can take from 6 to 8 hours). The vast majority of these attempts were prevented by the Moroccan and Spanish police, who collaborate in the control of the Spanish borders (externalisation of European and Spanish borders) through excessive police violence, among other tactics that violate the human rights of migrants.

However, we do have some good news this week: the Spanish government has passed a new law, which will help facilitate the obtention of documents, and speed up the regularisation process in the long term.

VIDEO DOWNLOADED

The Criminalisation of Solidarity: the biggest obstacle for human rights activists

2.10.2021

When I decided to travel to Melilla to work on the ground with the Solidary Wheels team of volunteers, I expected many things.

I expected everything that someone who has worked in migrant social work can expect from a border territory.

Hostility, violence.

The sight of a paralysed life, waiting for the day when it will simply be time to stop waiting.

Waiting for your human rights to become effective in the eyes of the world.

For the bodies and lives of so many people to stop being invisible.

I imagined what it would be like to deal with injustice.

To carry out legal accompaniment work, or social intervention with minors, young people and families, who are part of the most essential fabric of a city that turns its back on them in so many ways.

But what I didn't imagine, or at least I never visualised it so explicitly, was that in the course of this work in defence of human rights, I would find myself so vulnerable. So criticised.

So targeted, so violated.

We volunteers (specifically those of us who are part of the Solidary Wheels team) are witnesses every day to the physical, psychological and administrative violence that is exercised against all the people in transit and racialised people who live in the Autonomous City.

Of the tactics of humiliation and aggression on the part of the police force.

Of the bureaucratic labyrinth, and the administrative violence that is caused by the long waits and procedures of each administration.

Of the strategies of fraud and manipulation by some citizens who take advantage of the vulnerability of the young people in exile.

Our job is to accompany these people.

So we could say that this secondhand violence that we experience is part of the emotional impact of the work that we do as activists.

Because when you work on the ground in defence of people's rights, you find out that violence, intimidation and social pressure are also personally directed at you.

This, I discovered, is known as the criminalisation of solidarity.

And it is a concept that should be more often part of the conversation within social groups, in activism, in the culture of organisations and in any holistic education that we as citizens believe we need to build a more just future.

The UN "Declaration on Human Rights Defenders" states that everyone (individually or organised in association) has the right to promote human rights and fundamental freedom and to seek and receive resources for that purpose. The state has the responsibility to provide an enabling environment to implement these activities and "the state must take all necessary measures to ensure the protection of all against any violence, threats, reprisals, discrimination or arbitrary action against the exercise of their rights".

Far from the fulfilment and consideration of this UN Declaration, those of us who work in activism, whether in a border territory such as Melilla or in any other cause for the defence of rights, feel unprotected, by the laws and the security forces, by the administrations and also by civil society.

We face continuous social judgement as well as lawsuits.

We are identified by the authorities while doing our work.

We receive threats, fines and police persecution.

In Melilla, accompanying someone to the border to carry out a consultation on their legal situation, in the exercise of your duties, may entail the risk of facing the arbitrary aggressiveness of people who treat you as if your presence there, in addition to being a threat, were some kind of crime.

Tasks such as assisting and delivering food to people living on the streets are criminalised.

It seems that we, activists and workers of an Association, have invented, shaped and been the creators of the so-called "Call Effect".

One day, we had to stop and listen to the claim that our presence in a certain place in the city was a call upon these people to be on the streets.

Dealing with the incomprehension of an unjust society, which not only looks the other way, but seeks to blame and condemn those who work in the field of solidarity, seems to have become one of the core elements of this work.

In Paris and Calais, French authorities and police try to deter humanitarian assistance to migrants through administrative means (e.g. by issuing car tickets, preventing food distribution) and through violence, harassment, intimidation, arrest and prosecution. An investigation identified 600 incidents of intimidation and violence by the police against volunteers between November 2017 and July 2018 in the Calais region.

In Spain, after a failed criminal investigation against her, Spanish journalist and human rights activist Helena Maleno was taken to court in Morocco on the grounds of allegedly collaborating with human traffickers due to her work to protect migrants in the Mediterranean Sea between Morocco and Spain. She was finally absolved in April 2019 due to lack of evidence.

NGOs carrying out search and rescue operations in the Mediterranean Sea are also being accused of scheming with smugglers and creating "pull factors" that some claim would attract migrants to Europe. In particular, following the release of the film "Mediterraneo", some political groups are accusing the founders of Open Arms of being "mafia traffickers".

Recently, Domenico Lucano, has been sentenced to thirteen years in prison for alleged offences in the reception of migrants, which was carried out in his village, Riace, in Italy, which was known for its model of hosting which assisted hundreds of people and families.

These are some examples of the materialisation of this criminalisation of solidarity.

But there are daily threats that intimidate the everyday work of volunteers and activists in the city of Melilla. People who are often citizens of the Autonomous City.

It is necessary to raise awareness and make people aware of this issue, because in order to defend human rights, we also have to protect ourselves.

To feel supported, or simply free.

THE ITCH OF HELPLESSNESS

2.09.2021

"My name is Rachid and I am 19 years old. I remember that night - before I woke up in the morning - I dreamt that I was back home in Morocco. We were in the living room with the whole family. Laughter and the smell of tea was all around the house. We were chatting, everything was so calm, when suddenly I woke up. I came back to reality, I was in my shack. I could still feel the memory of the smell of tea in my dream. But seeing that I was not with my family and that I could not go back to them, made the pressure in my chest that has been with me every day since I arrived in this hell called Melilla come back immediately.

Right next to me was my friend. We built our shack and our lives in Melilla together. He was sitting with a blank stare and scratching between his fingers. That whole area

was full of wounds and he was scratching as if he wanted to tear his skin off. Eventually, I also started to feel an intense itch - especially at night - in my hands and I would scratch until I bled.

I don't remember exactly when and how, but suddenly this intense itch spread all over my body. I scratched between my legs, arms, armpits and even my private parts. It hurt and itched so much that I was full of wounds that bled when I scratched. One day I went to the hospital out of desperation, as I still had this horrible, sharp itch all over my body, and I felt very weak and had a severe headache.

The doctor who attended me told me that I had scabies and to cure me I had to take a shower before and after applying a special cream for it. I also had to wash my clothes and sheets every day. While he was telling me all this, I thought about how to do this while living on the street, without being able to have a shower or wash my clothes, only having those that I was wearing. Finally, he gave me an injection that made my headache go away and he gave me the prescription for the cream, which I couldn't afford since I only had one euro in my pocket, that a lady had given me yesterday for cleaning her car.

Every week that goes by, the itching gets worse and worse and more and more sores appear. Sometimes, just sometimes, in order not to feel the pain, I try to remember that smell of tea that brings me back for a moment to my home and in turn, the memory of those dear people who make it up."

This story is fictitious but it is inspired by the experiences of the children themselves in this situation.

From Solidary Wheels we want to denounce the bad conditions in which migrants live in the streets of Melilla. Due to the lack of sanitation there is an increase of people with scabies and their condition can get worse.

The Public Health Department should take responsibility for this problem, since article 19 of the European Union directive 2013/33, states that member states must ensure health care and provide the necessary treatment for asylum seekers who suffer from any disease. However, in Melilla, no one is receiving any treatment, nor for scabies. Besides, this law does not apply to undocumented migrants, so they are completely helpless and forgotten.

Welcoming people fleeing their countries

28.08.2021

"Refugees are people fleeing conflict and persecution. Their status and protection are defined by international law, and they should not be expelled or returned to situations where their lives and freedoms would be at risk.

This is how UNHCR defines refugees on its website.

Six days ago, a boat with 41 people arrived at Isla de la Tierra, under Spanish sovereignty; 20 women, three of them pregnant and six children. Many of these women asked for urgent international protection when the Spanish authorities arrived on the island. The response to these requests was a tear gas attack. Hours later they were expelled to Morocco with no knowledge of their exact whereabouts among their contacts. Two days ago, the fate of these people was still unknown.

In recent weeks we have witnessed the deportation of minors who had arrived in Ceuta several months ago. They were children fleeing their homes because their lives and liberties were at risk. Many were expelled without being heard and had their rights violated. Lawyers and activists succeeded in stopping these illegal deportations.

At the same time, Afghanistan is again in the media spotlight following the arrival of the Taliban in Kabul, taking de facto control of the whole country. Thousands of people have been fleeing ever since. Social networks have been filled with messages of support and solidarity. Politicians are also showing their support for the people who are fleeing and opening the doors of their countries to welcome them.

At this point we cannot stop asking ourselves, is it that the lives of all people are not worth the same? Is it that some people deserve to be heard and welcomed with dignity more than others? Have we normalised the arrival of people to our country through the Southern Border to such an extent that their lives no longer matter? Focusing on the media spotlight as if the reality around us were not true (young people sleeping and living badly on the streets or in industrial warehouses, 4 and 5 months waiting list to enter a public shelter, segregated shelters for certain nationalities, etc), lets us see the type of people who form the government of the Spanish state, of Europe and of the cities where we live.

We demand [#legalpathways](#) and [#safereception](#) conditions for ALL people who arrive, and have arrived in our country fleeing places where their lives and freedoms were at risk, and not only those of the media-friendly nationalities of the moment.

To describe the undescrivable

12.08.2022

"This is my stress, this is my life, this is who I am," said Mohammed as he described his painting. He had not hesitated for a second to take the paper and fill it with lines and spots of different colours. Besides the result, watching him paint was hypnotic. The strokes seemed to be ready in his mind before his hand had even laid them on the white background. His body was suddenly only the instrument that expressed the intelligibility of the thoughts ruminating in his mind.

Such an extremely hostile environment is a barrier to a young person's emotional development. Surviving another day is the only goal. Getting food, not thinking too much, and every night taking the gamble to sneak onto a ferry on what they call "doing risky", risking, indeed, beatings and fatal accidents.

The European dream becomes a nightmare once they set foot on Spanish soil. Time stands still, there is no growth, no development, nothing beyond learning to cope with the despair of being locked up, despised and mistreated. There is no childhood or adolescence because they cannot afford it. They are alone, full of cuts from the barbed wire, marks from being hit by police batons, from punches, sprains. However, they are brave despite their fear, they have no other choice, they organise themselves to sleep in shacks they build hidden around the city, they share strategies and contacts of people who can help them. But everything they want, is out of their control. They are victims of racist policies that only puts obstacles in their way.

What do they do with this suffering? Communicating is not so easy. They might talk to each other, or they might hide their emotions as a form of self-protection. The language barrier creates a distance between us and them, but even if it didn't, words would fall short.

However, the body always speaks and lets out what cannot be verbalised. **Art** is a way of communicating without concepts, without terms, without the objectivity of oral language. Art is not made with the aim of being understood, but to channel the inner maelstrom of emotions.

We began to bring painting materials to our meetings with the guys on the beach, and suddenly many of them began to speak through colours. They painted, like Mohammed, their own minds, they painted what they missed, like their homes or their football team, they painted what they most wanted, the ferry, a plane, they painted what they wanted, without rules.

Some of them moved away to escape the noise while they painted, or so that no one could see what they wanted to paint. There was silence among those who worked

absorbed in their papers. There was the calm of doing something just for the pleasure of doing it.

The times on the beach are strategic for maintaining direct contact with them, making quick cures, answering doubts about their administrative processes or lending them a mobile phone with which they can call their families. But these times are also spaces for leisure, for disconnection, where they can play ball, board games, jumping rope or, now, painting. In short, the kind of activities that kids their age should be able to do carefree.

Mohammed painted, in a matter of minutes, what he has not been able to convey in words for as long as we have known him. And thanks to his representation, we can get an idea of what he wanted to tell us.

There is still a lot to fight for people on the move to have a dignified life, but while we dedicate ourselves to constantly reporting these human rights violations, we also enjoy seeing how these moments are small patches in the mental health of the young people we work with on a daily basis.

UNLAWFUL DOESN'T MEAN RIGHTLESS

UNLAWFUL DOESN'T MEAN RIGHTLESS

2.08.2021

Last week [El Faro de Melilla](#) wrote that four people had been illegally expelled from Melilla, after having entered Spanish territory through the city's North Dock.

According to information from the Moroccan Association of Human Rights ([AMDH](#)) of Nador, the Spanish authorities have intercepted four young people, two of them minors, of Moroccan origin in Spanish territory. They transferred them later to the border perimeter to force their return into Moroccan territory where, according to the AMDH, they have been detained for 24 hours by the Moroccan forces.

Pretty arrogantly, the *Delegación de Gobierno* justifies its actions by referring to the decision of the European Court of Human Rights (ECHR) of February last year and "invites" the associations that believe that certain human rights have been violated to file a complaint against its agents. Easy, isn't it?

Trying not to be blinded by anger, frustration and concern for these people, we want to reflect (perhaps prior to such an invitation to file a complaint) on what this return and the response of the Spanish authorities to the public opinion entails. Ethically it

would be easy to answer why Spain's action is not correct (once again), but there are also very strong legal arguments that support this position.

First of all, pushbacks are [a violation of both fundamental rights recognized in the Spanish Constitution](#), as well as in international law, which includes, among others, **the non-refoulement principle**, an absolute and non-derogable principle that prevents returning an individual to a territory where his or her life or freedom would be in danger.

Moreover, such refoulement is a potential act of **torture**. The European Committee for the Prevention of Torture (CPT) states in a [report](#) addressed to the Spanish government in 2014: *"taking into account the risk of abuse inflicted by members of the Moroccan auxiliary forces on irregular migrants returned to Morocco, the CPT recommends that the Spanish authorities ensure that no person is handed over to them."*

The decision of the ECHR that according to the *Delegación de Gobierno* supports executing pushbacks needs to be nuanced. Although the Grand Chamber of the ECHR put the legitimate right of defense of the Spanish State before the respect of the human rights of the sub-Saharan migrants returned in the heat of the moment (and this has been [discussed by numerous jurists and human rights organisations](#)), this judgment is not a blank check for the Spanish forces to return people at the border with impunity. Neither the nationality of the returnees nor the way of attempting to enter the country coincides in last week's case with that of the sentence, so it seems difficult to apply it to cases such as swimming entries.

Of course, the judgment does not include the possibility of returning persons appearing or claiming to be **minors and/or asylum or subsidiary protection seekers**, which, moreover, contravenes international child protection and international protection law, respectively.

In addition, [the Grand Chamber takes for granted the argument that the migrants did not exhaust all options before jumping the fence](#) **without assessing that these options, in practice, do not exist**. It is evident that this argument has lost all its value since Morocco totally closed the border crossings with Ceuta and Melilla in March 2020, making it absolutely impossible for people trying to reach Spain through these cities to have been able to access "other channels" of legal entry.

Despite the "legalisation" of the concept of **rejection at the border**, performed by Law 4/2015 (known as the *Ley Mordaza*, or Gag Law), it's good to know that [this concept has its origin in the idea of "flexible border", implemented by the former Minister of Interior Fernandez Diaz \(Partido Popular - People's Party\)](#). The idea of a

flexible border implies that Spanish soil doesn't begin at the foot of the Spanish-Moroccan fence, but that its beginning would be linked to the imaginary line formed by the agents of the *Guardía Civil*, so that migrants would not have entered Spain despite crossing the border fences. This imaginative attempt to circumvent the law has had, unfortunately, not only a legal embodiment in the aforementioned law, but this provision has also been endorsed by the Constitutional Court (although with very important nuances, which we point out below).

This legislative setback in terms of Human Rights cannot and should not be used by the Spanish government to reject any person who has entered Spanish territory through the cities of Ceuta and Melilla ([as our colleagues from No Name Kitchen in Ceuta have been reporting over the last months](#)). In fact, one could question the application of both the provision of the law and the decision of the constitution to this specific case, since they are cases in which third country nationals intend to enter Spanish territory by **swimming** (and not overcoming the border containment elements, i.e., the fence), since in such a situation **there are no such containment elements**, they have not jumped any fence.

Finally, the ruling of the Constitutional Court very clearly states [the need to ensure that these border rejections are carried out with three guarantees](#): **individualized application, preservation of full judicial control and compliance with international obligations on asylum and human rights**. However, these guarantees are difficult to ensure in situations of rejection at the border, as stated by Judge María Luisa Balaguer Callejón in her dissenting opinion to the judgment, where she points out that the provision of *"paying special attention to the categories of particularly vulnerable persons is clearly insufficient since it is not explained how compliance with these obligations can be made effective in the absence of a procedure developed with minimum essential guarantees"*, highlighting the *"ignorance of the situations experienced at the southern border"* of her colleagues in this judgment.

In conclusion, it can only be maintained that the **return** and transfer *ipso facto* to the Moroccan authorities that was carried out last week by the Spanish Civil Guard, **without the slightest intention of carrying out the required individualised examination of the migrants (including two minors) and without any kind of procedure**, once they were in Spanish territory, **lacks legal support and is a breach of the most essential rules of international human rights law**. It is another example of the intensification of migration control in Europe that we are witnessing in Ceuta and Melilla, where the rights of migrants are being subjected to serious violations.

International Day against Human Trafficking

30.07.2021

When we talk about human trafficking, we are possibly facing one of the most clandestine crimes in our society, being a reality all over the world, including countries of origin, transit and destination. We must bear in mind that the main structural factors that are part of trafficking are capitalism, the feminization of poverty, migration and racism, among others.

Different organizations advocate for improved detection, and comprehensive and specialized care for people who suffer from trafficking in all its forms. This is needed especially for women and girls, since, in much more extreme situations, as in the case of forced migration, gender inequality is aggravated, and causes most women to end up as victims of machista violence and/or trafficking for sexual exploitation. Lack of opportunities and resources, and the responsibilities they feel and have towards their families mean that economically and socio-culturally disadvantaged women and girls face a greater risk of being exploited by others. The UN Office on Drugs and Crime (UNODC) estimates that there are at least 2.5 million victims of human trafficking and according to the same source, approximately 79% of all human trafficking has the purpose of sexual exploitation.

According to the latest Global Report on Human Trafficking 2020, female representation has been increasing: out of every ten victims detected worldwide, about five are adult women and two are girls. However, we are facing a serious lack of visibility of the female collective in these circumstances and we are facing a socio-cultural naturalization of violence against women, which causes trafficking for sexual exploitation purposes to remain a taboo crime even at the border.

In the case of Melilla and Ceuta, the number of women who jump the fence is negligible, as they tend to be very exceptional cases. So how do these women get to the border from their countries? We must think about the alternatives they have to resort to in order to migrate, and about situations of forced violence they may find themselves in just because they are women, which adds to their vulnerability. The probability of dying at sea, with their children in their arms, is so high that many women join the trafficking networks knowing what awaits them, being aware that this is the only way to reach the destination country alive. But there is a clear problem, as journalist Patricia Simón mentioned in 2019 during her visit to Melilla:

"Administrations are much more focused on generating discourse against trafficking and prostitution than on fighting its causes: inequality, racism, colonialism and borders".

What is observed at the Spanish border is mainly a denial of trafficking, and a lack of coordination between institutions, organizations and the UCRIF (Central Unit for Illegal Immigration Networks and Documentary Forgery - unit of the National Police) to actually detect and identify human trafficking. This work at the border should be done by specialized and well trained units to prevent the women from continuing in the trafficking networks when they are transferred to the mainland. Women who are in real danger should be transferred urgently and with comprehensive care by specialized organizations. Common misperception is thinking that women manage to

escape the trafficking network by paying their debt. The reality is that women flee without the slightest protection, risking their lives and physical integrity (and that of their children, if there are any). For this reason, it is crucial to provide specific training to the different border professionals who work on migration issues, since we are talking about women, and sometimes about girls who are totally unprotected and in a situation of extreme vulnerability. We should not forget that the victims of trafficking arrive with traumatic experiences that often cause them to remain in a spiral of fear, to the point of not identifying themselves as victims of trafficking or not even being aware of it.

Some of them do initiate complaint procedures to obtain asylum, but in many cases they end up withdrawing it. And it is at this point that an exhaustive follow-up should begin, as it means that the woman is likely to continue to be coerced and in direct contact with the traffickers. Prostitution in Ceuta and Melilla is another reality that can lead us to identify this type of cases, together with the indicators managed by the organizations and through the follow-up of consumers.

There is also something that plays against providing a solution to this situation. The most characteristic arguments regarding the tightening of laws and border control policies is precisely the need to fight against human trafficking mafias. But it is these same laws that, according to the United Nations, mean more profits for traffickers, even more so in times of the covid-19 pandemic and border closures. The excuse of human trafficking and smuggling to tighten immigration control is something that is too integrated into the political discourse and is undeniably making an impact on public opinion. If we continue with dehumanizing migration policies, increasing security measures at borders, all lacking a cross-cutting gender perspective, the fight against this illicit business will be increasingly difficult, complicating detection and thus complicating giving women and girls the opportunity for a dignified life.

ASYLUM SEEKERS WITHOUT PASSPORT: new blockage to freedom of movement in Melilla

9.07.2021

The Law regulating the Right of Asylum and Subsidiary Protection, known as asylum, recognised in Article 13.4 of the Spanish Constitution, is the protection provided by Spain to non-EU nationals or stateless persons who are recognised as refugees in accordance with this Law, the Geneva Convention of 1951 and the New York Protocol of 1967.

To access this protection in the city of Melilla there are numerous obstacles, many of them at the administrative and/or police level, which effectively prevent the exercise of many of the rights associated with the status of asylum seeker. One of these rights is freedom of movement. Until February of this year, the **tarjetas rojas** ("red cards", which is the document accrediting the status of asylum seeker) issued in Ceuta and Melilla included **an inscription limiting their validity to the territory of these Autonomous Cities**, which prevented them from moving to the rest of Spanish territory.

However, **the Supreme Court, in its judgment no. 173/2021**, established the following:

"Any foreign citizen who has applied for international protection or asylum in the Autonomous Cities of Ceuta and Melilla has the right to freedom of movement, and to take up residence in any other city in the national territory, without this right being limited by the Administration due to his or her status as an applicant for international protection and always with the obligation of the applicant to inform the Administration of this change of address".

Although the border and port authorities, especially in the city of Melilla, have resisted the application of this ruling (which, coming from the High Court, is directly binding), alleged mobility restrictions derived from the state of alarm, it seems clear that asylum seekers cannot continue to be prevented from moving freely around our country.

Hopes of being able to leave this city-prison and cross to the mainland were growing for many people, who would not need to wait for the famous "official departures" from the CETI (centre of temporary residence for immigrants) in which the people who could pass to the mainland were chosen without any clear or motivated criteria. Unfortunately, many have encountered a frontal barrier to their wishes: **the Policía Nacional is withholding their passports**, confiscated at the time of the asylum interview, without which they cannot cross the Schengen border that separates Melilla from Europe. As an entity that legally accompanies many of these cases, we wonder what legal basis the Documentation Unit of Spaniards and Foreigners (la Unidad de Documentación de Españoles y Extranjeros - UDEYE) of the Policía Nacional has to carry out these actions.

At the European level, **Directive 2013/32/EU** on common procedures for granting and withdrawing international protection includes, in Article 13.2, the possibility for Member States to require *"applicants to submit documents relevant to the examination of the application, such as passports, for example"*. This "for example" should be interpreted,

we understand, as a sample of the documents that may be required for the examination of the application, but in no case does it indicate the obligation to claim the originals and, much less, to refuse to return them at the request of their holders.

On the other hand, **Spanish asylum law** establishes, as one of the obligations of applicants, that of *"presenting, as soon as possible, all those elements which, together with their own declaration, contribute to substantiating their application. Among others, they may submit any documentation they have on their age, background - including that of relatives -, identity, nationality or nationalities, places of previous residence, previous applications for international protection, travel itineraries, travel documents and reasons for seeking protection"*. This requirement continues with the optional nature of such documentation.

These two legal regulations are important for two reasons: firstly, because **they do not establish the obligation to provide a passport when applying for asylum**, an excuse for which many undocumented people are finding it impossible to formalise their asylum application, so that they never gain access to the status of applicant and the rights that this entails. Secondly, because **in no case does it enable the Policía Nacional to confiscate documentation *sine die* from those who do provide it**.

In fact, the possession of a valid passport has a purely circumstantial character that does not directly influence the substantive question of the determination of refugee status. This means that such possession can be considered as a very important piece of evidence to determine the actual nationality of the applicant for international protection, i.e. **it has important evidentiary effects**. But such effects would be just as valid if, instead of confiscating the original passport, the police would, for example, make a certified photocopy of it at the time of the interview.

It is true that most of the details of these procedures end up being done more or less intuitively or through instructions from the police themselves. The uncertainty that this generates is rooted in **the absence of a regulation that develops the provisions of the Asylum Law**, which we have been waiting for since its approval in 2009. There is no doubt that many of these problems would be solved if there were a clear regulatory provision that would put an end to these disagreements in administrative practice.

In any case, even in cases where passports have been confiscated, in our opinion unnecessarily, asylum seekers should have the option of retrieving them immediately upon request, and this is not happening in Melilla. On the contrary, **the administrative-police practice is based on the mere possibility that the asylum law offers the applicants (that of providing documentation accrediting their identity, nationality and circumstances justifying their application, which may indeed include a**

passport), to unlawfully deny the rights of these people, such as freedom of movement.

All this, of course, through "unorthodox" means to demonstrate once again **the bureaucratic violence that migrants suffer from in the Spanish state**. To begin with, applicants are not allowed to enter police stations, creating separate queues between nationals or residents and foreigners or undocumented migrants. They always have to wait outside the police station much longer than other people, having to hear the excuse of the UDEYE being understaffed and, in most cases, unsuccessfully, as they are often not attended to under the pretext of needing an appointment to gain access. However, getting this appointment, which is not given in person, is very complicated for people who do not know the language and often do not have a telephone or email. The entities that accompany them do not have it easy either: daily emails that go unanswered and calls that do not even get through are the most frequent result of our attempts to get an appointment.

For this reason, many of these people choose to go to the police station day after day, hoping that one day their documents will be returned to them. Many of them reside in the CETI, where they are often not well informed about the procedure to get their documents back and they go crazy from going back and forth between the CETI and the police station asking for their passports. Many others live on the streets, which makes it even more complicated to assert their status as asylum seekers. All of this generates **psychological exhaustion that turns into tension, despair and anger at the denial of their human rights**.

In addition to all this, of course, is the treatment they receive at the doors of this police station. **The verbal, structural and symbolic violence** of being kept apart, in the full sun during the hot summer in Melilla, in front of the door of the police station, unable to move from there, unable to approach an officer to ask a question, or getting a "you have to wait" as the most polite response. The message sent is clear: "you are not welcome", and these people wonder how this passport can have more power than the fact that they already have legal residence in Spain by the mere fact of being asylum seekers.

From a human rights perspective, this administrative and police practice is not only wrong, it is a violation of human rights. And from a purely human point of view, what these people experience on a daily basis is insane. Solidary Wheels calls for clarification of this situation and an immediate end to this practice which, without a clear legal basis, is leaving many people in an unjust and demoralising wait.

June 16. International Day of the African Child

Omar is 8 years old.

He's not even 1,5 meter and already has risked his life several times, aspiring a life with dignity.

First, lacking [#safepassage](#), he felt the need to jump into the sea and swim with all the strength he had from Beni Enzar to [#Melilla](#). It's only a few kilometres that separates the one sea shore from the other, but it's at least six hours swimming through this sea to avoid to be seen by the security forces.

Once there, injured but alive, he decided not to enter one of the centres for minors in the city. Omar is just a child but well informed, and in the streets of Melilla, where he lives, he tells us that he heard from relatives and friends that stay(ed) in those centres that there is a lot of administrative violence: minors living there have to leave the centre the day they turn 18 without having had the opportunity to process their documents which would have enabled them to legalise their situation in Europe.

Only being 8 years old Omar lives on the street, sleeps on the street, eats on the street. He grows up on the street.... and at night, without having access to legal pathways, he goes to the harbour, looks at the ferries, looks for positions, options, corners, and tries to make himself invisible. Until he succeeds. Other children have lost their lives trying.

We don't know how many times he tried to hide in one of the ferries that depart from Melilla to reach the peninsula unseen, if he arrived injured, if he went alone, if he was scared.

It's called "risky". For many children on the move living in Melilla it seems to be the only viable option to reach human rights, dignity and a future on the Iberic peninsula. Even though it is an incredibly dangerous and unsafe practice. Even though it has cost so many lives.

We think about Omar. How an 8 year old child, hidden in a boat for hours, feels. In the dark.

We think about the worries his family must have, about the difficult decision he made to leave... just for himself or also thinking of his own community.

We think about the situation he lived in at home, which made Omar jump into the sea, first swimming, then hiding, trying to find a better life, without any guarantees however, and, probably, trying to support his family. Some day.

Omar is an 8 year old child.

Do you remember yourself at that age?
Think about a memory of those times.
Then, think about Omar.
What do you feel?

TOT SCRIPTS 24 + VIDEO REPORT