

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** [\(18\)](#).

REFERENCIAS y ACLARACIONES

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(2) For more information:

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(3) For more information:

- Rojas, A. (2022). Shots fired in the air, hot returns and 20 hospitalized after two days of jumps to the Melilla fence. *El Salto*. <https://www.elsaltodiario.com/melilla/disparos-aire-devoluciones-caliente-20-hospitalizados-dos-dias-saltos-valla-melilla>
- López Macías, J. (2022). The reasons that have led to an unprecedented triple assault on the Melilla fence. *20 minutos*. <https://www.20minutos.es/noticia/4966305/0/interior-busca-motivos-triple-salto-valla-melilla/>

(4) According to information published by the Government Delegation in the City of Melilla:

- 491 people on the first day State Security Forces and Corps contain the attempted entry of more than 2,000 migrants to Melilla (2022), *Ministry of Territorial Policy*. https://www.mptfp.gob.es/portal/delegaciones_gobierno/delegaciones/melilla/actualidad/notas_de_prensa/notas/2022/03/2022-03-02.html
- 380 people on the second day One hundred civil guards and national police reinforce security at the border (2022), *Ministry of Territorial Policy*. https://www.mptfp.gob.es/portal/delegaciones_gobierno/delegaciones/melilla/actualidad/notas_de_prensa/notas/2022/03/2022-03-03.html

(5) Images recorded on March 02 and 03 during the first two attempts to jump by *RTVE Melilla*:

<https://twitter.com/rtvemelilla/status/1499475809987350534>

(6) For more information:

- Post published on the Instagram of *Solidary Wheels*:
https://www.instagram.com/p/Cam6UFWq-a0/?utm_source=ig_web_copy_link /
<https://www.elsaltodiario.com/melilla/disparos-aire-devoluciones-caliente-20-hospitalizados-dos-dias-saltos-valla-melilla>

(7) Obligations included in *European Human Rights Law* and in *STC 172/2020*, of November 19: <https://www.boe.es/buscar/doc.php?id=BOE-A-2020-16819>.

(8) According to information shared by the *Moroccan Association for Human Rights (AMDH)* in "Melilla: Thousands of migrants attempt to scale fence into Spanish enclave". (2022). *InfoMigrants*.

<https://www.infomigrants.net/en/post/38932/melilla-thousands-of-migrants-attempt-to-scale-fence-into-spanish-enclave>

Benargane, Y. (2022). Migration : L'AMDH-Nador dénonce l'arrestation de 240 migrants à la frontière avec Melilla. *Yabiladi*.

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(9) For more information:

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https://www.instagram.com/p/CapHmW_KrAU/?utm_source=ig_web_copy_link

(10) Videos posted by *NadorCity.com*:

- <https://www.youtube.com/watch?v=cA91UkNDg-0&t=54s>
- <https://www.youtube.com/watch?v=TMRpybQ7WKw>

(11) Morocco: Upsurge in migrant crossings at Melilla border fence (2022), *Africanews*.

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(12) See detailed information by country on the UNHCR website:

- <https://data2.unhcr.org/en/countries/>

(13) Asylum applications at border crossings and in Detention Centers for Foreigners ("CIEs"). *UNHCR, The UN Refugee Agency*. <https://help.unhcr.org/spain/solicitar-asilo-en-espana/solicitud-de-asilo-en-puestos-fronterizos-y-en-centros-de-internamiento-de-extranjeros-cies/>

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(14) Comissió Catalana D'Ajuda al Refugiat (2019), *Interpretation in an asylum interview. Consequences of post-traumatic stress and requirements to interpreters*. <https://www.ccar.cat/wp-content/uploads/2019/06/La-interpretaci%C3%B3n-en-una-entrevista-de-asilo.pdf>

(15) Casielles, L. (2022). Monographic of international information with Revista 5W and chronicle from the Ukrainian border. *El Diario*.

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(16) For more information: Approved a PNL to avoid bias and promote transparency in the use of biometric systems at the southern border. *AlgoRace*.

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(17) Guimarães, J. (2022). Espanha cria estratégia ilegal para barrar refugiados africanos. *Alma Preta*. <https://almapreta.com/sessao/africa-diaspora/refugiados-espanha>

(18) It is worth highlighting Article 13 of the Universal Declaration of Human Rights: "1. Everyone has the right to liberty of movement and freedom to choose his residence within the territory of a State.

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.

<https://www.corteidh.or.cr/tablas/r33203.pdf>