



MARHABA

POLICE VIOLENCE AS A PRODUCT OF SYSTEMATIC
VIOLENCE IN MELILLA
(2020-2022)



Issam Miri, a young artist who passed by Melilla, created the illustration on the cover page. He focuses on the networks of support that young people create in a situation of homelessness when they pass by the city. These networks are fundamental to confront the violence they are faced with. Between themselves, they encourage and support each other when the cold and the sadness impede them from moving forward. The policeman, with an open eye and a closed eye, describes the irresponsibility and the incoherent judgement of seeing only what he wants to see.

Marhaba, welcome in Arabic, transmits the warmth with which a person is welcome in a new space, such as a city or a house. In Melilla, the young migrant population is, on many occasions, welcomed with violence. We use this word in our report to revindicate the right to migrate and be a child anywhere in the world.

ACKNOWLEDGEMENTS

This report would not have been possible without the collaboration of the boys, girls, youngsters, men, and women who have given their testimonies to Solidary Wheels to realise this project. Thank you for the trust.

We would also like to thank all the volunteers who have participated and are participating in Solidary Wheels for their effort, dedication and perseverance.

Thank you to the other entities that are present in Melilla with whom we work together day after day.

Finally, we would like to thank the Fons Català de Cooperació for their trust and support of Solidary Wheels and to all the people who have collaborated selflessly to ensure this research project could be made possible.

MARHABA

POLICE VIOLENCE AS A PRODUCT OF SYSTEMATIC VIOLENCE IN MELILLA

This report has been written by the Solidary Wheels Documentation Group in coordination with the other working groups of the association.

AUTHOR: Solidary Wheels

WRITING: Matilde Colombo, Anna Peñarroya, Mar Soriano, Alba Dosta, Raquel Sierra, Alba Diez and María Araiz.

REALISATION OF INTERVIEWS: Martina Roca and Philomena Wills.

COLLABORATORS: all the volunteers in the field during 2020 and 2022.

PROOFREADING, DESIGN AND LAYOUT: Aina Burgell, Maria Guillamet, Elena Manjon and Sara Landa.

PHOTOGRAPHS: Solidary Wheels

COVER PAGE: Issam Miri

RECOMMENDED CITATION: Solidary Wheels (2023). Marhaba, Police violence as a product of systematic violence in Melilla (2020-2022).

Any form of reproduction, distribution, public communication or transformation of this work may only be carried out with the author's authorisation.



Published in Barcelona. April 2023.

TABLE OF CONTENTS

- 1 Who are we? 7**

- 2 Contextualisation 9**
 - Melilla: Border City 9
 - Legal Framework: the practice of refoulement and other violations of rights 11
 - The map of violence in Melilla 12
 - Police forces 14
 - Approximation to the concept of violence: the triangle of violence 18
 - Intersectionality 19

- 3 Objectives 21**

- 4 Methodology 23**

- 5 Report 31**
 - Entry 32**
 - Beni Ensar 32
 - The sewers 38
 - Other points of entry and rights violations 39
 - In the Autonomous City 40**
 - Public spaces 40
 - Settlements 46
 - Centres for minors 50
 - Places of non-acceptance: Bullring 52
 - Exit 56**
 - Risky* 56

- 6 Other migratory routes that pass by Melilla 63**
 - 24th of June, chronicle of a massacre foretold 68

- 7 Conclusions 75**

- 8 Requirements 87**

- 9 Bibliography 89**

- 10 Annex: Calendar of interviews 91**

KAA I. MAD FARAN X
NADIE ES İLEGAL



1. WHO ARE WE?

Solidary Wheels arrived in Melilla at the beginning of 2020, having to experience its work being paralysed within a few weeks due to the national lockdown that resulted from the COVID-19 health crisis. The team progressively consolidated itself in the following months, at the same time as it established its position in the Autonomous City. Since then, a holistic and multidisciplinary project has been developed around the support and accompaniment of migrant people, especially young Moroccans forced into homelessness in the city.

In the context of violence, social exclusion, marginalisation, and exceptionalism, as in the city of Melilla, we aim to achieve our objective by informing and advising on the rights of the migrant population, accompaniment in administrative and police procedures, networking with other entities to support individual cases and to generate reports and complaints at the local and national level, and the participation in political advocacy campaigns to achieve legal and regulatory changes and therefore ensure the greater respect for the rights of migrants in the Autonomous City.



**SOLIDARY WHEELS
NO BORDERS FOR HUMAN
RIGHTS**

MELILLA
ESPAÑOLA
Y
RIFEÑA
NUNCA MARROQUÍ

2. CONTEXTUALISATION

Melilla: Border City

Melilla is an autonomous Spanish city that is composed of 82,820 registered inhabitants¹. However, it is estimated that around 20,000² more people live in the city³ on top of those individuals who pass through it. Situated in the Rif⁴ region, a large part of Melilla's population has a strong Amazigh but also Spanish and European identity. These often interlock and complement each other, Melillita, ná má.

On the 13th of March 2020, with the outbreak of the COVID-19 pandemic, Morocco decided to close the border on its land, sea and air fronts. They justified this measure by appealing to health reasons, and it became a strategic asset for the Alawite government⁵. To understand its enormous impact on the city's life, it is enough to consider that 20,000 and 30,000 people crossed it daily before the border was closed⁶.

Many of these were Moroccan women from the immediately adjacent cities, cross-border workers, with an authorisation that allowed them to enter

Melilla during the day but not to spend the night, meaning they had to return daily. We could go so far as to say that, in economic and social terms, this has marked a before and after for the Autonomous City, the effects of which are still being assimilated and, therefore, continue to transform the functioning, social dynamics and even the very essence of this place

On 18 May 2022, the border reopened⁷ on its landfront, although its permeability has changed considerably⁸.

Together with Ceuta, it is the only **European territory that shares a land border with Africa**. Even so, 470 km separates one city from the other. It must be said that, although it has settled quite quickly into the collective imagination, the current border infrastructure is relatively recent and, in fact, is constantly changing and being reinforced⁹.



Image 1: Rif map.⁴

1: Data INE, 01.07.2022 <https://rb.gy/rmhx4d>

2: Público, La odisea de las melillenses "sin papeles" para conseguir los documentos de sus hijos, 05.01.2021 <https://rb.gy/lb2rso>

3: Solidary Wheels, Carta de una melillense no reconocida, 26.08.2022 <https://rb.gy/krnwwa>

4: La aventura de la historia, el protectorado en Marruecos durante la II República. <https://rb.gy/qfuuah>

5: 20 minutos, Los 16 puntos acordados con Marruecos: apertura gradual de fronteras, cambio sobre el Sahara y sin mención a la integridad territorial, 08.04.2022 <https://rb.gy/wutyql>

6: Rebelión, Melilla la realidad que supera la ficción, 05.08.2014 <https://rb.gy/c5jeod>

7: Solidary Wheels, La frontera de Melilla, 16.05.2022 <https://rb.gy/iw8jes>

8: La Moncloa, El gobierno reabrirá las fronteras terrestres con Marruecos el próximo 17 de mayo, 12.05.2022 <https://rb.gy/zvcogg>

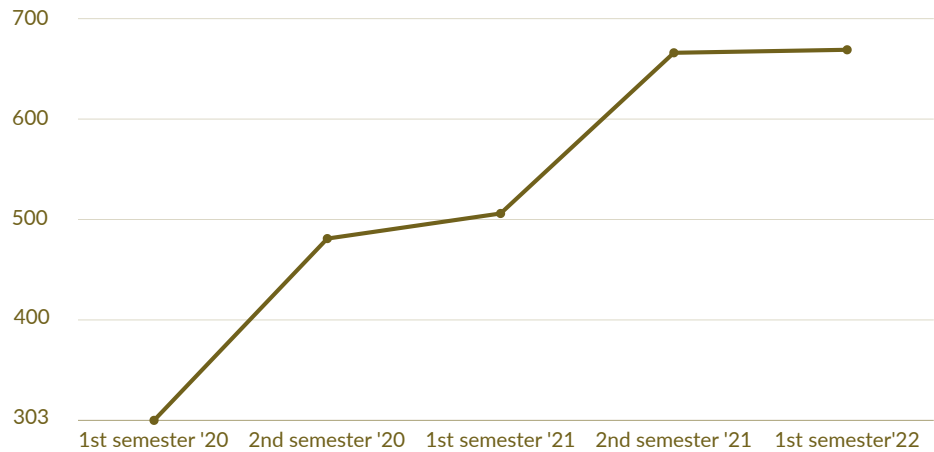
9: Solidary Wheels, La Valla de Melilla: El precio humano de la securitización, 11.2022 <https://rb.gy/2hxfv>

Melilla is one of the entry points to Europe, and it is here that the Western Mediterranean migratory route ends in African territory before making its way into European territory. Moreover, the cities of Ceuta and Melilla have a specific regime of restrictive exceptionality within the Schengen Agreement, the area of free movement of people, goods and capital.

The state and the security forces, far from providing legal and safe ways of movement that guarantee

dignified conditions and protect the right to migrate, perpetrate and legitimise physical and symbolic violence against the bodies of migrants. For this reason, this report aims to centre the attention on how this violence affects and cuts across all spheres of life of people on the move, sometimes to the extreme end of causing their death, as in the recent massacre in Melilla on the 24th of June 2022.

Table 1: Immigration flow from abroad to Melilla by semester: from the second semester of 2020 to the first semester of 2022.¹⁰



This violence results from a clear policy of externalisation and securitisation of borders by the European Union (EU), which is materialised in various agreements with neighbouring countries, such as Morocco or other countries that are protagonists in migratory routes, such as Mauritania. These policies convert the cities of Melilla and Ceuta into cities of exceptionality, which act as a continuation of the strategies used by Morocco and third-party countries in an attempt to contain and select migration towards Spain and the EU

Securitisation of migration¹¹

The deployment of all available measures (economic, political, military) to combat an alleged threat to the integrity and security of a state. This is the European Union's response to a complex situation such as migration, which it sees as a security problem rather than a humanitarian issue, managing it by deploying militarisation, privatisation and control of migratory flows.

Border externalisation¹²

Those practices carried out by states to shift borders to any place that can be decisive in impeding the arrival of people who migrate. While political borders have practically disappeared in the countries of the Global North, these same countries invest large amounts of money through agreements and pacts so that countries in the Global South create, draw and intensify the control of people at existing borders along migratory routes.¹³

10: The data correspond to those of the National Institute of Statistics. A better approximation to reality can be obtained by taking into account that the number of applicants for international protection in Melilla was 3277 people in 2021, of which 1687 came from Morocco, according to the report of the Asylum and Refuge Office of the Ministry of the Interior.

11: Migración y Desarrollo, Debate actual sobre migración y seguridad, 2005 <https://rb.gy/pbsjhw>

12: Instituto Español de Estudios Estratégicos, La externalización de las fronteras en el ámbito de la Unión Europea, 06.07.2018 <https://rb.gy/c7hilp>

13: Centre Delàs, Nuevo mapa interactivo sobre la construcción de muros a las fronteras y en territorios ocupados, 07.04.2021 <https://rb.gy/saeyjb>

Legal Framework: the practice of refoulement and other rights violations

On multiple occasions, **the Spanish state violates the law and the rights of migrants**, carrying out so-called "push backs",¹⁴ expulsions of migrants or refugees without access to due process and effective remedy, i.e. without due protection and guarantees. In these cases, there is no proper identification and assessment of the particular circumstances of the person trying to enter the city. This process is particularly grave when the persons affected are minors, victims of trafficking or asylum seekers for whom specific legislative treatment exists.

The refoulement of minors breaches the Convention on the Rights of the Child, which Spain ratified in 1990. Despite the Committee's judgement against Spain, which condemns these illegal practices of 'returning' minors without guaranteeing their

welfare, the State security forces have continued to use them.¹⁵

Recently, a ruling condemned the Government Delegation of Ceuta for the illegal return of 57 minors. These minors were faced without procedure, without an individualised assessment of each case, violating their right to the minor's best interests to be heard and not to be returned.¹⁶

Faced with the impossibility of accessing legal and safe channels, there are several ways in which people in transit try to enter Melilla. In the last few years of the pandemic, the most common ways have been swimming at sea, crossing the sewers or jumping the fence.

14: Amnistía Internacional, ¿Qué son las devoluciones en caliente? 7 claves para entenderlas, 01.07.2022 <https://rb.gy/a9n8q9>

15: Abogacía Española, La abogacía exige que se cumpla la sentencia del juzgado de Ceuta para el retorno a España de los menores repatriados a Marruecos, 25.02.2022 <https://rb.gy/krrgw9>

16: El Salto, 36 organizaciones piden la dimisión de Marlaska por las devoluciones ilegales de menores en Ceuta, 20.08.2021 <https://rb.gy/0qj6mk>



A cartography of violence in Melilla

Settlements of migrants experiencing homelessness in the city

The settlements of people without alternative housing are scattered throughout the city. They constitute a crucial focus in our analysis because, as we will see below, they are one of the places where the rights of people on the move are violated.

Bullring

Until the pandemic, this facility was used in the Autonomous City for different "recreational-festive" activities. Since the health crisis, it has been transformed into what the authorities defined as a "housing resource for people living on the streets". As its name suggests, this space is a bullring where young people in exile, women in different circumstances, asylum seekers, street children, etc., lived in conditions of inexistent liveability and without sanitary measures. The bullring remained active from April 2020 until June 2022, when it was vacated without prior notice.

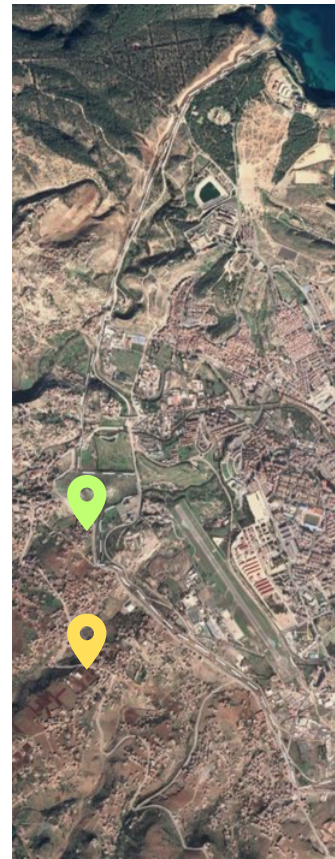
CETI

The CETI (Centre for the Temporary Stay of Immigrants in Melilla) of Melilla was opened in 1999 as a reception centre for migrants arriving in the city. There are only two CETIs, one in Melilla and the other in Ceuta; they operate under the Ministry of Inclusion, Social Security and Migration, and are regulated by articles 264, 255 and 266 of the Royal Decree 557/2011. There are no clear and transparent protocols for their functioning.

La Purísima Centre for minors

Managed by Arquisocial S.L. from September 2022, the La Purísima Centre is intended for unaccompanied foreign male minors from the age of 12. The centre is divided into five modules, one of them for first reception and the rest for long-stay reception. It has a capacity for approximately 350 people but has housed more than 900 young people. This last number was registered before the border was closed, at a time that did not go unnoticed, as countless images of the terrible conditions in which they lived there were leaked.¹⁸ Since the closure of the land border in 2020,¹⁹ fewer children have entered Melilla, and this centre currently houses around 100 minors.

The centre is located in the Purísima Concepción Fort, built to defend the city of Melilla in 1873. Subsequently, it became the first headquarters of the Regulares Corps (Fort of Sidi-Guariach), and, finally, the reception centre it is today.



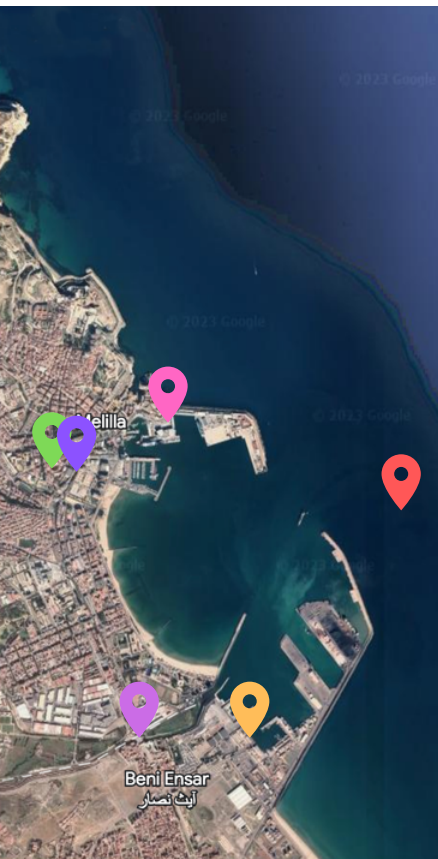
Finally, and as a tool for understanding what will be presented in the following section, we present a map of the city of Melilla created by one of the association's members.¹⁷ It shows the focus areas where violence against the migrant population is most frequently exerted, so it is helpful to locate and detail them in order to understand better the circumstances we will describe:

Sea

The sea and its beaches constitute the point of arrival for those who access Melilla by swimming from Morocco. For this reason, the border coasts are controlled and monitored by both the Spanish and Moroccan forces of law and order. Thus, when a person is intercepted during the sea crossing, police nautical devices are deployed in the water.

Beni Ensar Port

Beni Ensar is a port city in northeastern Morocco, a few kilometres from the Algerian border. It belongs to the province of Nador and the Rif region, and the predominant language is Tamazight. Adjacent to the Autonomous City of Melilla, they are separated by the only border crossing currently in use (since the reopening of the land border in May 2022). The port of Beni Ensar has direct passenger connections with Almeria, Motril and France, although it is mainly used for trade and storing hydrocarbons. It has a geographical position adjacent to the port of Melilla, which is why it has become, especially after the closure of the borders due to the COVID-19 pandemic, one of the main entry routes to the Autonomous City.



Border Office

The border office is where migrants can apply for international protection and undergo the respective asylum interviews.

National Police Headquarters

This is where people are transferred to when detained on city streets or in settlements.

Port of Melilla

The term *risky* refers to the life-threatening travel techniques used to travel from one place to another in the absence of alternative safe routes. In the case of Melilla, two main ways of *risky* travel can be identified: by swimming (from Morocco to Melilla) and by boat (from Melilla or from Morocco to the mainland). Given its dangerousness, *risky* practices highlight the importance of legal and safe travel routes. In the port of Melilla, people practise *risky* by trying to board trucks to enter ferries to reach the mainland. As a result, the city's port has become one of the main sites of migratory routes and one of the places where violence against people on the move is most prevalent.

17: The map has been constructed based on a Google Earth image.

18: Cadena SER, Melilla lleva ante la Fiscalía la "catástrofe humanitaria" del centro de menores La Purísima, 31.12.2019 <https://rb.gy/1pbahb>

19: Europa Press, El centro de menores La Purísima de Melilla pasa de 900 a 235 desde que cerró la frontera en marzo de 2020 por el Covid, 30.09.2021 <https://rb.gy/v0dzel>

Police forces

In Melilla, there are different State Security Forces and Corps (FCSE), and it is essential to know each unit, their differences, and their specific responsibilities to determine the actions they are responsible for. The police presence in Melilla is very high. According to the latest data published by the Ministry of the Interior, **there are a total of 1,193 National Police and Civil Guard personnel**. This is the highest figure in the last ten years, thanks to the 2.1 per cent increase in the number of personnel promoted by this Ministry.²⁰ Even so, the Unified Police Union and the Unified Grouping of Civil Guards demand more troops.

The Civil Guard (GC)

The Civil Guard is a Spanish national security force of a military nature. It is the responsibility of the Ministry of the Interior and the Ministry of Defence. It is the police force with the most significant number of officers in Spain and the most diverse competencies in police matters. One of its primary and most relevant responsibilities in Melilla is the custody of land communication routes, coasts, borders, ports, airports, and centres and facilities that may require them due to their interest,²¹ i.e. **border control**. Thus, in both Ceuta and Melilla they are in charge of controlling the land border and the sea border. There are also Civil Guard agents in the port. Currently, 650 Civil Guard agents are **deployed in Melilla, of which 595 are active**.

GRS

Within the Civil Guard is a **Reserve and Security Group (GRS)**, which are the "elite" officers of the force. They provide support for the different units throughout Spain, and **there are currently 90 in Melilla**. Their missions are diverse and range from preventing looting in evacuated areas, as has happened due to the eruption of the volcano on La Palma, to ensuring security at a nuclear power plant. Their security tasks at the Melilla fence also stand out in civil protection work. The GRS do not have a fixed duty station and go to Melilla, as they do to Ceuta, for set periods, rotating every 35 days. Unlike the generic green of the Civil Guard, their uniform is black, and they wear a beret.

USECIC

In case of emergency and on a temporary basis, the Guardia Civil can also count on the **Citizen Security Units of Comandancia (USECIC)**. These are **reserve units at the provincial level**, trained to provide operational support to the Companies and Territorial Posts in the prevention, maintenance and restoration of public safety. USECIC unit members, like the GRS, are highly trained and are a kind of 'elite' police. They participated, for example, in the illegal returns in Ceuta in May 2021, resulting in a very violent action. Following the events of the 24th of June 2022 in Melilla, the Spanish Association of Civil Guards (AEGC) has called for an increase of 200 officers in the Autonomous City to create a Citizen Security Unit of its own Command (USECIC) not to have to depend on reinforcements arriving from the mainland.²²

20: Ministerio de política territorial, Melilla alcanza los 1193 agentes de Policía Nacional y Guardia Civil gracias al aumento del 2,1% en las plantillas, 02.09.2022 <https://rb.gy/awaywg>

21: Guardia Civil, Información Institucional; cuando dirigirse a la Guardia Civil. <https://rb.gy/5k7omh>

22: Diario de Sevilla, Los guardias civiles piden 200 agentes más en Melilla, 25.06.2022 <https://rb.gy/60pybg>



National Police Corps

One of Spain's two national security forces is the CNP, an armed institute of a civilian nature that depends on the Ministry of the Interior. There are currently a total of **573 national police officers in Melilla**.

Concerning migration matters, they have the following functions assigned to them on an exclusive basis:

- Issuance of ID cards and passports
- Control of entry and exit of Spanish and foreign nationals into and out of the national territory
- Functions provided for in legislation on **foreigners, refuge and asylum, extradition, expulsion, emigration and immigration.**

This body controls three critical areas in the city of Melilla, which are useful to see in the systematic violation of migrants' rights that we will be reporting on. These are: **the border perimeter, the offices and the port.**

BORDER PERIMETER

When an attempt is made to jump the Melilla fence, the National Police acts jointly with the Civil Guard, sometimes carrying out returns contrary to international law. An example of this was the manoeuvres carried out during the attempted jumps on the 2nd and 3rd of March 2022,²³ to which multiple videos published by different media bear witness. During these operations, both the National Police and the Civil Guard are obliged to wear their identification numbers visibly, although on occasions, they have failed to do so.²⁴ In these actions, national police from the UIP (Intervention Units), or Anti-riot Police, i.e. mobile public security bodies with the mission to act throughout the national territory, mainly in cases of prevention and imminent danger or severe disruption of public safety, are also usually involved.

OFFICES

A specialised unit of the National Police conducts asylum interviews at the Asylum and Refugee Office at the Beni Ensar border.

The National Police is also in charge of foreigners' procedures, such as proposals for refoulement and expulsion. Almost all procedures are conducted at the National Police Headquarters, where arrests are also made.

PORT

In the port, the Port Police are responsible for this. However, the Port of Melilla and the National Police Headquarters (CNP) signed a collaboration²⁵ agreement last February 2022 to "reinforce the surveillance and protection" of port infrastructures, "detect possible intrusions and avoid the presence of unauthorised persons in the port facilities". The priority is controlling the presence of unaccompanied minors, as the increase in the Port Police staff has not been sufficient to alleviate a problem that exceeds and escapes the ordinary competencies. The agreement establishes the assignment of up to five premises in the Maritime Station for the public service provided by the National Police Corps in the Port of Melilla. They are also in charge of checking the documentation of asylum seekers on their way to the ship.

23: ElDiario, Agentes policiales propinan una brutal paliza a un joven migrante cuando se descolgaba de la valla de Melilla, 04.03.2022 <https://rb.gy/7bwbsx>

24: Solidary Wheels, Comunicado de denuncia. Violencia policial española y marroquí en la valla de Melilla, 24.06.2022 <https://rb.gy/mzlv6>

25: Melilla hoy, Autoridad Portuaria y Policía Nacional firman un acuerdo de colaboración para evitar intrusos en el puerto, 01.02.2022 <https://rb.gy/3ny5p0>



Military (General Command of Melilla)

The General Command of Melilla is a group of small units located in the city whose main task is to prepare to form operational organisations. In addition, its units carry out presence missions on the Spanish sovereign islands and rocks under the responsibility of the Melilla General Command: Chafarinas Archipelago, Velez de la Gomera Rock and Al Hoceima Rock and Islands. Melilla has a sizeable military deployment, and it is normal to find tanks practising military strategy. The Melilla General Command has no competence in the area of migration.

Port Authority of Melilla (Port Police)

Special administrative police force under the authority of the Autonomous City. Among other basic competencies, its spheres of action focus on the port's interior and surroundings.

Local Police

Civilian police force, whose provisions are dictated by the Autonomous City. In Melilla, they are responsible for the general surveillance of the city, so one of their functions is supervising public spaces.

FRONTEX

Every year, during the summer months, several Frontex (European Border and Coast Guard Agency) agents are deployed to support border controls. Even when the border was closed, Frontex agents were at the borders and the port. In June 2021, Frontex agents were also deployed in Beni Ensar.²⁶

26: El faro de Melilla, Frontex en Melilla, 17.06.2021 <https://rb.gy/qvnbbi>

Private security (CLECE and EULEN companies)

The report "Fronteras SA", carried out by the Fundación porCausa and published in El Confidencial, highlights the money these two giant companies receive from the state for carrying out various functions related to the border business.²⁷ **CLECE** is a large private company of the ACS Group, owned by Florentino Pérez. This Ibx 35 company is in charge of everything from private security in immigration offices to maintenance and cleaning in detention centres for foreigners and at border posts. In Melilla, for example, it is in charge of security at the city's Temporary Stay Centre for Immigrants. It is worth noting that on the 31st of May 2022, a group of residents of the CETI demonstrated in front of the centre to denounce the violence exercised by the security agents of this company after the aggression suffered by one of the residents.²⁸

On the other hand, **EULEN** is also a Spanish company mainly focused on managing detention centres for foreigners. In Melilla, they had an extensive presence with the control of COVID-19 certificates at the Beni Ensar border, and they are also in charge of surveillance in the minors' centres. In this regard, it is worth mentioning that in January 2022, there was a severe altercation at one of the city's centres for minors, and a security guard brutally assaulted a minor.²⁹

The private security guards of these two companies are present in all the offices of the administration where, on many occasions, they exceed their security competencies and give their opinion on the procedures and documentation of the people who go to the different offices to carry out administrative procedures, leading to misinformation.

MOROCCO

It is also relevant to know and be aware of the Moroccan security forces and bodies, especially with regard to the port of Beni Ensar and the vicinity of the fence on the Moroccan side, which are our object of study. These include, first and foremost, the **Border Police**, which is responsible for border security and immigration matters and which is the division of the Sûreté Nationale (Moroccan National Police).

There is also the **Royal Moroccan Gendarmerie**, a civilian, administrative and military police force, and the **Royal Moroccan Navy**, a branch of the national army that carries out naval and coastguard operations. The latter is also involved in surveillance and law enforcement in the Mediterranean and the Strait of Gibraltar, including the return of groups in transit to the coast.

27: El Confidencial, Fronteras SA: la industria del control migratorio. <https://rb.gy/rpe5f>

28: El Salto, Denuncian agresiones por parte de los agentes de seguridad privada en el CETI de Melilla, 03.06.2022 <https://rb.gy/y0qnyd>

29: Although there are no news reports that objectively report the facts, we have learned about it thanks to several testimonies, both from some of the children in the center and from some of the workers.

Approaching the concept of violence: the triangle of violence

A violent system can be interpreted from various perspectives³⁰. The definition of the concept of "violence" on which we base our report is based on Johan Galtung's theory. According to the sociologist, the oppression that defines a violent system of domination is perpetuated by a combination of three types of violence (direct violence, cultural violence and structural violence). Police violence, depending on its manifestation, could fall into at least two of these three typologies. But before categorising it, it is necessary to define the classification:

- **Direct violence:** the most visible and identifiable. It refers to all physical and verbal violence that stems from human behaviour.

- **Cultural or symbolic violence:** that which legitimises the other forms of violence. It is articulated through discourse and ideology.

- **Structural violence:** its own violence that operates from the system that sustains it. Oppressive legislation could be identified as such.

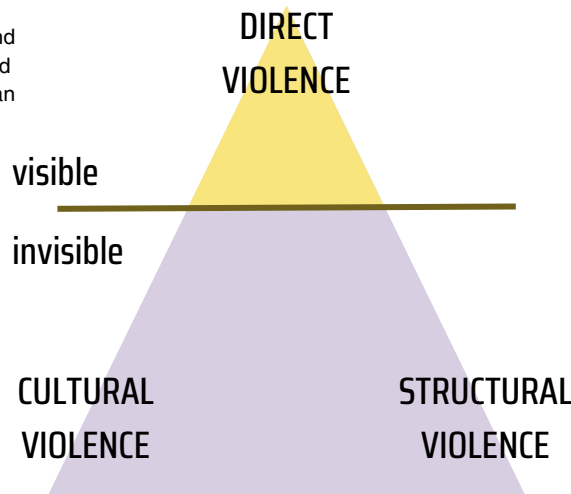


Image 2: The triangle of violence according to Galtung ³¹

A kick in the knee when trying to jump the fence, a blow with a baton when saying goodbye to a friend who is travelling to the Peninsula, shoving, threats, intimidation, etc., are examples of **direct violence exercised by the State Security Forces and Corps in the border context of Melilla**. Still, the origin and basis of these actions are not casual.

Underlying all of this, there is a racist system that not only validates but also supports, through migration necropolitics and legislation, these types of abuses. The negotiations between Morocco and Spain materialised in four packages of 30 million euros from 2018 to 2022 to "cover the costs of operational deployments" at the border (La Moncloa, 2022), as well as the 32 million euros within the "Plan for the Reinforcement and Modernisation of the Land Border Protection System in Ceuta and Melilla" (La Moncloa, 2019), are some of the many examples of **structural violence**.



Cut as a consequence of practicing risky at the port of Melilla. Julio de 2022.

30: Some theories suggest that violence in a society occurs when the rules of the prevailing belief system in that society are broken. (David Suárez-Rivero, 2021). This article does not stop to define what this belief system is, because it considers Galtung's reference to cultural violence as a tool to manipulate and/or orient the belief system in an arbitrary way.

31: Source: Unidad de Apoyo para el Aprendizaje, Acerca de la violencia y su conceptualización, 2021 <https://rb.gy/5l2zrq>



Push backs³² constitute a hybrid between these two types of violence (direct and structural), as this practice occurs regularly, which is evidence of the systematic way of proceeding on the part of the State Security Forces and Corps.

As for cultural or symbolic violence, hate speeches, especially by the extreme right towards migrants, correspond to this typology. The use of the politics of fear is another representation of this type of violence, as we can see in the 2021 electoral propaganda in which Vox stated: "A 'mena' 4,700 €/month; your grandmother, 426 €/month".³³

Intersectionality

In addition to this classification, a component runs transversally through the analysis: **the intersectionality**³⁴ of violence.

The bodies of oppressed people are violated according to the social categories³⁵ they represent: gender, sexual orientation, ethnicity, religion, national origin, disability and socio-economic status, establishing a new kind of violence that is greater than the sum of its parts. **Intersectionality unmasks the multifaceted nature of oppression and helps to see how social segregation is not a one-dimensional phenomenon.** Discriminations can intersect and multiply so that each individual can experience more than one simultaneously.

In Melilla, people who suffer violence experience it in a specific way according to these social labels. Intersectionality affects how this violence is analysed, which should not establish hierarchies but rather study how the combination of these manifests itself.

This comparative classification of violence (on paper cold and detached from its context) is severely and cruelly reproduced on the bodies of the migrants who suffer it. As a consequence, it also impacts psychologically and emotionally on their mental development and their relationship with their environment, identifying it as a hostile environment that does not respond to their condition as subjects of human rights.

32: Solidary Wheels, *Violencia fronteriza, devoluciones en caliente y retención en Ceuta y Melilla*, 2021 <https://rb.gy/lv74xb>

33: El Mira, *PSOE pretende llevar al Tribunal Constitucional el cartel de Vox de los menas*, 02.05.2021 <https://rb.gy/hh3lk2>

34: A term coined by the academic and professor Kimberlé Williams Crenshaw in 1989, who, in her study "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics", cited cases in which, faced with a discrimination claim, courts must analyze the case "to ascertain whether it states a case for race discrimination, sex discrimination, or either in the alternative, but not a combination of the two." (Kimberlé Crenshaw. 1989).

35: They are social categories in the sense that they are socially constructed and assigned, i.e., outside our social system they would lose their meaning and do not exist outside it.



3. OBJECTIVES

General Objective

Identify the situations and modalities in which people in transit in the city of Melilla are subjected to violence by the State security forces, trying to determine the **systematic nature** of these phenomena.

Specific Objectives

The specific objectives of this report are listed below:

- To learn about the different ways in which institutional violence against people on the move materialises.
- To understand how structural racism justifies such violence and contributes to the perpetuation of human rights violations.
- To generate a space for reflection and understanding of how the securitisation and militarisation of borders impact people's lives in transit.
- To understand how systematic violence affects migrants socially and emotionally, specifically children and young people who face it without having the necessary social and emotional tools to manage it.
- To insist on the responsibility of the Spanish State and the European Union in creating the social substratum that makes the reproduction of these episodes possible and hinders the protection of human rights.



جنگا®

جنگا®

Jenga®

Jenga®

Jenga®

جنگا®

Jenga®

Jenga®

4. METHODOLOGY

The methodology we have based the fieldwork on that has given rise to this report follows the qualitative, or interpretative, paradigm. Both the instruments and the objectives align with the need to describe a specific social context: the migratory context of Melilla and the violence that runs through it.

This method aims to give visibility to silenced voices to obtain a reading that allows us to empathise with and interpret individual experiences, thus **humanising and dignifying the experiences of migrants and understanding them as the active and political subjects they are**. The aim is to achieve this objective by capturing the stories and histories of the victims of such violence.

This report results from **two years of work** in a border city's social and political context, together with the exceptional nature of a state on health alert. This fact has aggravated the violence exercised in the Autonomous City, which has been legitimised, accepted and justified under the pretext of health security.

BEFORE STARTING...

As you read, the structure you will find follows a **temporal timeline** that represents the different stages that people in transit face in the city: **entry, stay and exit**. At the same time, many chapters of the report consist first of a fictional account created from the most widespread real experiences and continue with a scientific approach to these realities through some fragments of the testimonies and the authentic voices of people who are victims of violence by the State Security Forces and Corps in Melilla. The latter are also collected together with the testimonial voices interviewed. For the fictional account at the beginning of the sections, we have chosen to tell the story of a boy called Zuir. This invented character, nevertheless, embodies the experience of most migrant children and young people and represents them.

Instruments

The information presented in this report has been collected through two instruments: **interviews and field observation**.

The interviews were carried out in Melilla's territory between **October 2020 and June 2022**. The languages employed were: Spanish, English, French and Arabic (for which the support of an interpreter was requested). They were carried out in different areas of the city where the children live and where the violence they suffer occurs: the port, the bullring, the offices, and the street itself (see the section "The map of violence in Melilla"). They were also carried out in the places where Solidary Wheels volunteers meet with young people living in the city.

The methodology of the interviews has changed according to the moment, as the reality in which we work is very changeable. Thus, while most of the interviews followed a **semi-structured model**, following the pattern of a series of questions or addressing a specific topic or event, others were conducted in an open-ended manner.

Interviews have been conducted on a **one-to-one basis**, this being the most respectful modality with the person's intimacy. However, sometimes, this was not

possible, and, by choice of the interviewees or by contingency, the interviews were carried out in groups. On some occasions, and depending on the length of the interview, pauses were taken during the interview. In addition, some of these, on occasion, may have taken up more than one day. Before beginning each interview, the following points were made clear: who Solidary Wheels is (although in most cases, there was prior knowledge of the organisation), and **the purpose for which the data was collected and what it was used for**. Consent was also sought to transfer data, and interviewees were informed of their right to interrupt the interview at any time.

A total of 27 interviews were carried out, of which 23 were conducted individually and 4 in a group. The frequency of the interviews can be found in the calendar in the "Annex". To protect their identity, all of them have fictitious names. It is worth noting that one of these interviews is made up of a subject who does not belong to the sample environment: it is the testimony of an event of violence seen outside the port.



In addition, the Secretary General of the Unified Police Union (SUP) was interviewed on 28 November 2022, and the Secretary General of the Unified Association of Civil Guards (AUGS) was interviewed on 31 November 2022, in their capacity as general secretaries of the trade unions. These meetings aimed to communicate certain situations which, according to the testimonies, could involve malpractice on the part of these bodies and the violation of fundamental rights.

On the other hand, part of the knowledge presented in this report is the result of the **observation work** of the people who have participated in the project in the field. These people have been accompanying people on the move daily as they pass through the city of Melilla and getting involved and working to denounce the violence that is exercised with impunity in this city. This information was collected throughout these two years using a field diary. It was codified with the same categories of analysis as the interviews to reach a common systematisation of the data..

Sample

The interviews and field observation were mainly aimed at people in transit who are homeless in Melilla. Due to their particular vulnerability, Solidary Wheels has focused its attention since the beginning of its activity in Melilla on this group, with whom it carries out intervention work and socio-legal accompaniment. **The number of homeless people targeted by the organisation varies according to migratory flows and entry into the city and is seasonal but typically fluctuates between 30 and 150.** Most homeless migrants are young men of Moroccan nationality who enter the city by swimming from Beni Ensar.

27 INTERVIEWS

- 23 ONE-TO-ONE
- 4 GROUP-BASED

The Secretary General of the Unified Police Union and the Unified Association of Civil Guards were interviewed.

Interviews and field observation were mainly directed at people in transit who are homeless in Melilla.

Why do they mainly swim in?

Beni Ensar is, for many people, the last stage of their migratory route before entering Spanish territory. They stay here temporarily, waiting for the moment to cross to the other side.

The migratory routes that converge in Beni Ensar are diverse: some originate in countries hundreds of kilometres away, while others start in Morocco. The destinations from now on also differ.

Many young people from different parts of Morocco come to Beni Ensar, where they live in irregularly rented accommodation, in unhealthy conditions or on the streets, gathering in groups of hundreds of people. On the other hand, black people from other African countries suffer great marginalisation and discrimination in Morocco, being forced to live on the outskirts of the city and living on Mount Gourougou. Because of these conditions, they have major difficulties moving internally through Morocco.³⁶

We can conclude, simplifying a complex situation to make it understandable even for those unfamiliar with the migratory dynamics and characteristics of the North African border, that for reasons of route and distance and discriminatory reasons, people in transit enter Melilla in different ways. **Most people coming from Morocco are inclined to follow individual routes, so they try to reach Melilla by sea and mainly at night, trying to avoid being seen. While most people from other African countries, such as Mali, Burkina Faso and Sudan, opt for group routes, so they try to reach Melilla through the fence.** It is worth noting that the increase in swim arrivals results from the closures of land border posts due to the pandemic.

36: This does not mean that internal displacement is easy for people from Morocco, as we will see throughout the report.



Why do they find themselves in a situation of homelessness in Melilla?

Persons of legal age who apply for international protection must access the reception system, which, in the case of Melilla, means being received in the CETI. However, in practice, this does not happen, as discrimination based on nationality is exercised against Moroccans, who are currently banned from entering.³⁷ Moreover, due to Melilla's Schengen exceptionality, once the application for international protection has been made, applicants cannot exercise their right to free movement until one month and a day after the application (when it is admitted for processing by administrative silence). This situation, therefore, means that **mainly people from Morocco** live on the streets of Melilla.

Many minors have also found themselves in a street situation in Melilla. Although the law forbids it,³⁸ this happens especially in the cities of Ceuta and Melilla for various reasons. In many cases, inadequate conditions in the centres for minors have been the cause of minors preferring to live on the street³⁹ due to situations of violence, neglect, lack of information, no guarantee of access to their right to documentation, lack of resources and specialised care, and almost total lack of referrals to other centres.

Another reason that leads minors to inhabit the streets is the situation of chronic drug use. Many of them live for a long time in the Beni Ensar area trying to cross into Melilla, and, to cope with the violence they suffer from the authorities; they start using psychoactive substances, which leads to addictions. The reality is that **in Melilla, there is no specialised centre for the treatment of addictions, which makes it even more difficult for them to receive adequate care.** Finally, it should be noted that for many, Melilla is only a place of transit, their final destination being the mainland or other European Union countries...

For all of the above reasons, many minors and young people are forced into a situation of homelessness and *risky* behaviour (see the "*Risky*" section) in the hope of reaching the mainland and finding better conditions. Living on the street has severe repercussions on the physical and mental health of these children and adolescents. **Almost all of them report having been physically and verbally assaulted by the Guardia Civil, the National Police and other state security forces.** Raids in areas where they usually live are frequent, such as in parks or on the seafront.

Although it is true that nowadays, most minors are documented in the city of Melilla, this was only the usual practice once the reform of the Regulation on foreigners was published as Royal Decree 903/2021, of 19 October. **Many young people left the centre with expired documentation after being under guardianship for years or without documentation** (neither a registration certificate nor a valid residence permit). Although the right of access to documentation is currently being complied with, in most cases, other rights are still being violated, which, as minors, and given that this status should take precedence over that of foreigners, should be protected. Some of these rights are, among others, the best interests of the minor, the right to be informed, the right to schooling, effective census registration or access to nationality for those minors who have been under guardianship for more than two years.⁴⁰ All this violation and non-compliance with the duties of the administrations, who are the guardians and responsible for looking after the interests and rights of these young people, has meant that many of them continue to perceive their entry into the centres as an insecurity for their future administrative situation, which they prefer to avoid.

37: Although this is the regulation that is applied daily in the city of Melilla, there are no legal reasons to support it, so we limit ourselves to denounce it as a factual fact. Faced with this discrimination on grounds of nationality, the legal team of Solidary Wheels has filed multiple complaints with the Ombudsman.

38: Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal. Artículo 232.

39: Asociación Harraga, De niños en peligro a niños peligrosos, 2016 <https://rb.gy/n4mw9r>

40: The law indicates that minors who have been under guardianship for two years will have the right to access nationality, however, this procedure, which must be initiated by the institutions, in practice has not been carried out for any young person in the city, even in cases where they have been under the guardianship of the city for more than five years..



These girls and women are also susceptible to violence by law enforcement agencies.

Where are the girls and women?

Due to the fact that during the pandemic, the influx of women has been reduced and has changed modalities,⁴¹ the majority of people interviewed have been young men. For this reason, the language used in the report is primarily masculine. **Although female migration also exists, it has its peculiarities and violence since it is intertwined with the dictates of patriarchy.** However, we feel it is important to highlight that in the city of Melilla, before the pandemic, many women and girls were using this route to Europe. Most of them crossed the border using the documentation of **cross-border** workers, who had a special permit that allowed them to enter the city to work.

Based on the testimonies of the young girls hosted in the centre for minors and women hosted in the CETI, we realise that in many cases, there is a **total lack of accompaniment with a gender perspective.** These girls and women are also susceptible to the violence exercised by the State security forces. However, it is true that due to gender issues, they are not as present in public spaces and, therefore, are not as visible. They continue to be sheltered in the same resources as men and are exposed in the same way to the violence exercised in these spaces.

41: La Vanguardia, Denuncian la devolución en caliente de 40 inmigrantes que llegaron en patera a las islas Chafarinas, 03.01.2020 <https://rb.gy/lguggr>

Having given this overview of Melilla's migratory context and clarified the position of Solidary Wheels' work, it can be affirmed that the report's sample is mainly composed of **men of North African origin between 15 and 30 years of age**. Their stay in the city usually corresponds to a stage in their migratory trajectory rather than a destination where they want to stay. It, therefore, usually lasts from a month and a half to three or four years, depending on the socio-administrative conditions that vary from moment to moment.

Due to the above conditions, most are **originally from Morocco** and come mainly from **Oujda, Casablanca, Rabat, Marrakech and Agadir**. Although the sample consisted of adults and minors, **all were over 16 during the interview**.

Criteria of Research Validity

All the criteria of research validity (internal validity, credibility, confirmability and reliability) have been met in this study, first of all, thanks to the instruments used, and the approach adopted, which allowed the participants' point of view to be brought to the fore, in line with the objectives set.

The instruments, the interviews and the observation were carried out simultaneously and over a sufficiently long period to gather varied and repeated responses. Moreover, during the interviews, which were semi-structured and open-ended, **there was always someone present who did not participate either as interviewee or interviewer**. The phenomena described in the field diary are public: other people outside Solidary Wheels can observe them in the city streets.

In conclusion, both the advocacy and data analysis methods provide us with accurate information because, as can be seen in the case of the interviews, not all sections of the research were carried out by the same people. Still, it was a joint effort by the entire Solidary Wheels team.

the report's sample is mainly composed of men of North African origin between 15 and 30 years of ages.

The phenomena described in the field diary are public: other people outside Solidary Wheels can observe them in the city streets.



5. REPORT



The yellow box is the testimony of Zuir, the fictitious character who represents many migrant children and young people who pass through the city of Melilla.

The blue box contains the real testimonies and voices of the victims of police violence as well as the people from the State Security Forces and Corps in Melilla who were interviewed.

The pink box shows the field diary collected by the Solidary Wheels team in the field.

ENTRY



Beni Ensar

When I arrived in Beni Ensar, I was 17 years old. My days there were all the same. During the day, I begged, worked carrying boxes of vegetables, ate and went to the open field to sleep with the other boys. I was always hungry and dirty and missed my family.

From the open field, we could see the harbour, and we would see the Moroccan police moving in their cars in the streets around the harbour. We watched them every night while they guarded those who tried to enter the port.

After six months of doing the same thing every day, I found myself ready to enter the sea with a jerry can tied to my foot and try, at last, to reach Melilla. All I had to do was swim for four hours. My friends had told me that I had to swim one hour into the sea, then two hours to the left; they alerted me to keep sight of the lights on the coast and then another hour to get out of the sea.

That night, we left Beni Ensar with five guys.

When we had been swimming for an hour or two, I don't know, a light from a Guardia Civil boat illuminated us. I thought that, at last, I wouldn't have to swim any more. I was too tired, but to my surprise, they moved away. After a while, another boat arrived, this time from the Moroccan police. I was so tired that I just wanted to be put on the boat and taken back to the city to sleep. But I saw the police forcing three friends to swim back to Beni Ensar while the boat was behind, and the police were insulting them, laughing at them and throwing things at them. So, realising that I could not rest and only had the option of continuing to swim, I gathered my strength and kept going. I was lucky; the boat didn't see me.

After an hour or two, I don't know, I arrived at Melilla Beach. I recognised it because I saw a McDonald's, just as some of my friends from Beni Ensar had told me. It was summer and hot; that night, I slept on the beach, and I slept very well (Zuir).



As we have seen, **many people who enter Melilla do so by sea, swimming.** In 2021, according to local media, 10 corpses⁴² were found on Melilla's coasts, and in 2022, 7⁴³ were counted. However, **these figures published by the local press are not very accurate, because, based on the testimonies of the young people we met, the number of dead and missing people could be much higher.** Before embarking on their journey by swimming, during their stay in the border towns of Beni Ensar and Nador, the young migrants live under constant pressure. They are persecuted by the Moroccan security forces, who try to catch them and put them on buses or trucks to forcibly transfer them from the border area to more distant lands such as Casablanca.⁴⁴

I(interviewer): Are there problems with the police in Nador?

A: Yes, a lot of problems.

I: With the Moroccan Gendarmerie?

A: Police running around, chasing the harragas (migrant kids or kids on the move), they take them to Casablanca, closed in a centre.

H: When they see you near the fence they beat you a lot.

I: In a prison?

A: No, during Corona, they locked the kids up in a centre, we don't eat well, the Moroccan soldiers beat us a lot.

I: Before the Corona, the harraga kids from Nador were taken to Casablanca?

A: To Casablanca, yes.

I: Why Casablanca?

A: Because it is far away.

H: Every day a bus leaves from Nador, picks up all the harragas in a bus and leaves them in Casablanca.

- 11.2020

42: Público, The seventh drowned migrant to appear in Melilla in a month and a half was a young man in exile, expelled on his 18th birthday, 09.04.2021 <https://rb.gy/w1wici>

43: Europa Press, Second body of a North African man found on the coast of Melilla after trying to reach the Spanish city by sea, 24.09.2021 <https://rb.gy/gpwqcv>

44: Swiss Info, Morocco detains 275 migrants in the north to keep them away from the border, 05.11.2022 <https://rb.gy/xtwlq>





In the port of Beni Ensar, Moroccan forces use dogs as a deterrent and violent weapon with the specific objective of injuring minors and young people who try to swim to Melilla.

As this testimony indicates, when these minors and young people flee from the Moroccan gendarmerie, they do so not only to **escape forced internal displacement to cities in central and southern Morocco but also, on many occasions, to escape physical violence against them.** Since February 2022, it has been observed that in the port of Beni Ensar, Moroccan forces have been using dogs as a deterrent and violent weapon with the specific aim of injuring minors and young people who try to swim to Melilla. These testimonies are confirmed by the injuries we often observe, especially in people recently arriving in Melilla. When these wounds are detected, they are often over-infected or in a course of evolution that is not adequate, due to the conditions in which the young people find themselves in Beni Ensar and the lack of health care for a prolonged period. As a result, they have to be treated by volunteers from our team, health professionals, or they have to be accompanied to the emergency services.⁴⁵ **This violence, aimed at preventing young people from accessing the city, is one of the many consequences of the externalisation of European borders.**

"New arrivals: one of the boys tells of an attack by a Moroccan army dog that was released with the precise intent to attack, while he was going to swim".

*- Field Diary,
07.03.2022*



45: A first-aid kit is available in the intervention areas of the field team to cover small emergencies and especially for basic treatment that requires follow-up. Always under the strict supervision of a health professional, most of the injuries treated are the result of frustrated attempts to continue a migratory route that leads to the use of unsafe routes, of police violence perpetrated especially in the port after these attempts to board the ferry and also as a result of life on the street (colds, trauma and minor lacerations mostly).



The people interviewed affirm that **they make between two or three attempts before reaching the beaches of the city of Melilla, and the journey takes an average of six hours.** Six hours of swimming without help or solely using floating objects to facilitate the journey, such as empty jerry cans. Most of the time, these attempts are intercepted by boats belonging to the Civil Guard or the Moroccan Gendarmerie, which is the one that usually carries out the returns, according to the testimonies gathered. If the Civil Guard intercepts them, the latter notifies the Gendarmerie so that they can return them to Moroccan territory. **This is evidence of the high level of coordination and fluid communication between the different security forces of the neighbouring countries.**

The Secretary of the Unified Association of Civil Guards himself states that the objectives to be achieved in carrying out devolution are the following:

- Prevent people from entering.
- Encourage people to return voluntarily, through dialogue.
- If the person is in danger, either because they are injured or drowning, bring them closer to Spanish territory and call an ambulance.

*"This summer 2022 we have made up to 80 border rejections of 80 swimmers".
- Secretary General of the Unified Association of Civil Guards,
31.11.2022*

Most of the time, these attempts are intercepted by boats of the Guardia Civil or the Moroccan Gendarmerie, which is the one that usually carries out the returns, according to the testimonies gathered

Prevent people from entering



23 testimonies of people who have been direct victims of physical and verbal violence by Moroccan and Spanish forces of law and order in their attempt to reach Melilla, either in the port of Beni Ensar or on the journey by sea.

According to the testimonies we have collected, the security forces, whether Spanish or Moroccan, often use violence against the people they intercept at sea, through blows, insults and intimidation. **During the returns to Moroccan territory by sea, authorities often humiliate and harass.** Thanks to our advocacy work on the ground, Solidary Wheels has been able to collect 23 testimonies of people who have been direct victims of physical and verbal violence on the part of Moroccan and Spanish forces of law and order in their attempt to reach Melilla, either in the port of Beni Ensar or on the journey by sea. At least half of these 23 young people claim to know at least one person who, having passed through the same migratory route, has had a similar experience.



I: Who makes the decisions in these situations?

A: The people in the team at the time.

- Secretary General of the Unified Association of Civil Guards,

31.11.2022

Based on the data collected, several **testimonies state that during the returns to Moroccan territory, people are forced to swim while being chased and verbally assaulted. Others are forcibly returned through one of the gates of the fence.** Witnesses testify that racist comments, insults and mockery of all kinds are frequent, while they are forced to swim back. These actions by Moroccan and Spanish security forces constitute tactics of humiliation and even torture. **As they are committed at sea, it is impossible to have evidence to denounce what has happened.** These actions by Moroccan and Spanish security forces constitute tactics of humiliation and even torture. Since it is committed at sea, it is impossible to have evidence to be able to denounce what happened.

These actions by Moroccan and Spanish security forces constitute tactics of humiliation and even torture.

The interviewee tells of trying to swim across from Morocco and being stopped by the Guardia Civil. The Guardia Civil returned him to Nador, where he was handed over to the Moroccan army, which assaulted him, causing broken bones. They also took a photo of him and warned him that if he did it again, he would go to prison. He then spoke about his friend from Agadir named A., who was killed by the Moroccan navy. When the Guardia Civil arrested him, they did not put him on the boat but made him swim to the Moroccan side while the agents made fun of the situation.

-Field Diary,
09.11.2020

It is **relevant to highlight that the so-called 'hot' returns, which are not protected by law, occur through the Melilla fence.** The national and international legitimisation of violent border practices, together with increased spending on security infrastructure, constitute the context in which government bodies continue to prioritise "border protection" over mobility and human life. The abusive use of force to carry out systematic expulsions, among other forms of coercion and intimidation, falls outside any national or international legal framework.

Refoulements take place illegally and violently, without any relief or assistance, and due process, including the identification of minors, asylum seekers or vulnerable profiles. As we have indicated above, the LOEx (Organic Law 4/2000 on Foreigners) establishes that it is the duty of the Spanish State to guarantee the necessary conditions to carry out individualised studies of each case.

Refoulements take place illegally and violently, without any relief or assistance, and due process, including the identification of minors, asylum seekers or vulnerable profiles.



The interviewee says he and his friends got lost; it was very dark, and their knees ached after so many hours of crawling. His lungs burned every time he breathed. Suddenly he stopped hearing his friend, turned around and couldn't find him. He started to take out some rubbish and to look under the water, he found him, he had fainted, he almost drowned. After resting for a while, they continued on their way.

- Field Diary,
12.2020

The sewers

One of the lesser-known ways to access the city is **through the sewage system that, in some places, links the border town of Beni Ensar with Melilla.** This route is usually used by younger people who are aware of the existence of this network of underground tunnels through which sewage passes. **The journey takes about six hours, and during this time, the young people have to crouch or crawl because of the small size of the tunnels.** In the dark and with little chance of finding their way around, many young people have lost their way and spent hours underground. During this journey, they inhale chemical vapours that can cause dizziness and even loss of consciousness. Thanks to the testimonies given by fellow travellers and the images of rescues by the citizens themselves on the Moroccan side, we know that many have lost their lives on this route.⁴⁶ However, the exact number of victims is not yet known, as there is little or no research on the subject.

This route is not standard, but it is used because it is very difficult for border agents to trace. **It reflects well the direct consequences of the absence of legal channels for migration,** i.e. the exposure of people to more dangerous routes to try to enter European territory.



46: El Faro de Melilla, Muere un joven que intentó entrar en Melilla desde Nador por una alcantarilla, 07.06.2016 <https://rb.gy/0mztgh>

Other places of entry and rights violations

Another way to enter the city of Melilla by sea is with boats that reach the **Chafarinas Islands**, an archipelago under Spanish rule two miles off the Moroccan coast, or other Spanish enclaves in the Mediterranean (such as the Rock of Al Hoceima or the Rock of Vélez de la Gomera).

A clear example was the arrival on 31 December 2021⁴⁷ of a boat with 9 people of Algerian origin, including 4 minors, on the Isla del Congreso (Chafarinas). Despite the images they sent in asking for asylum and the need for help, the authorities allowed them to stay for more than 24 hours without access to food or water and then returned them to Moroccan⁴⁸ territory.

During these returns to Moroccan territory by sea, the authorities commit a clear abuse of power. Racist comments, humiliations, insults and harassment add to the trauma and frustration suffered by the people for not having managed to cross European soil.

47: Solidary Wheels, Comunicado sobre la situación de las personas solicitantes de asilo en la isla del congreso, 31.12.2021

<https://rb.gy/oyqvek>

48: Servicio Jesuita a Migrantes, Donde habita el olvido, 12.2022

<https://rb.gy/tyxo6f>



IN THE AUTONOMOUS CITY

Public spaces

From the beginning of the pandemic in 2020 to the present day, there have been various and changing restrictions on freedom of movement and assembly, often unjustified, based on the health crisis and medical alert. This fact has justified and encouraged the existence of a legal framework that has protected the State Security Forces from intensifying their actions and violence towards racialised and migrant communities throughout the country. In Melilla, it has been no different.

The interviewees agree that neither homelessness nor hunger is the biggest problem they face, but the Civil Guard, who continuously attack them with steel batons, seeks to cause as much damage as possible.

- 09.11.2020

We collected 28 testimonies of boys who stated that they had been victims of physical and verbal violence by the National Police, the Local Police and the Civil Guard. In most cases, the witness was in the company of a small group of people, and all of them suffered the same act of violence. They are usually groups that, having no alternative housing, live and cohabit in the streets and parks of the city. The main methods used to disperse these small groups have been increased **police presence in these places, intimidation and assaults**. Witnesses mentioned the disproportionate use of force, including as a humiliation tactic: threats, insults, beatings, and harassment. At least half of them mentioned the use of batons.



E: [I: [...]] So, how would you define your relationship with the police?

A: It's a bad relationship because 50% of the police are good and treat you well, and when you walk down the street, they greet you. But the others are racist, they don't treat migrants well, even if they have the right papers [...] Look, one night I was walking alone in Melilla and the police stopped me and searched me, they looked in my pockets, they said "What are you doing here? What are you doing here?" and they insulted me, when I wasn't doing anything, I was just walking. And then they take out the baton.

I: Did they hit you?

A: Yes, later, when I sternly look at him, he asks me why are you looking at me like that. First of all, there was no one walking in the street.

[I: And there was nobody?

A: Nobody.

I: The police stopped you, talked to you badly, searched you... Yes?

A: Yes, and then they asked me if I had documents, and I said no, and they said, "Son of a bitch", then I looked at him with a stern look, and he asked me why I was looking at him like that. Then they hit me.

I: With a baton?

A: No, with shoes harder than batons. (Laughs)

I: I'm really sorry this happened.

A: It's OK (laughs). I'm used to being beaten up.

- 28.04.2022

This episode in the public space⁴⁹ of the city of Melilla is just one example of the violence against people in transit as they pass through the city. Their status as subjects of law is also affected by sudden raids and searches by the authorities. These police actions and persecutions occur at all hours and in all parts of the city: **people in transit are usually stopped in the street, searched, and often taken to the police station for no reason. Once detained, they are searched and sometimes made to sign documents without proper legal assistance, without explanation of what they are signing, and without**

without proper interpretation. This has happened on many occasions, for example, with the obligation to sign an expulsion or refoulement order without the person knowing what it is about. The extension, without any reason, of the time required for an administrative procedure (such as recognition and taking biometric data), or unjustified detentions in prison, also constitute violence.

49: Solidary Wheels, Compartir comidas una manera de ocupar el espacio público, 17.08.2022 <https://rb.gy/sblt4t>





These methods generate greater insecurity and a continuous feeling of alertness in young people and adolescents, to the point of causing real traumas.

It cannot be overlooked that, in addition to the **fear already instilled by the police against people on the move because of their administrative situation**, these methods generate greater insecurity and a continuous feeling of alertness in young people and adolescents, **who are the majority of those who are homeless in the city**, to the point of causing real trauma. After suffering a physical assault by the Civil Guard, one of the testimonies reports that *"to this day his head hurts a lot, especially at night, especially when it is cold. [...] He finds it difficult to sleep. Last night, he woke up crying because he had nightmares. He is very afraid of the Civil Guard. He says that he would understand if he had done something, but he can't understand it like that."* (26.03.2021).

There have been numerous accompaniments⁵⁰ to the hospital for injuries caused by police violence, and many testimonies have been collected about the humiliations and insults that these young people receive daily in the city. In addition, there is a great distrust of the justice system and a constant fear of receiving an expulsion order, **which has occurred on several occasions, and which means that few people choose to report the violence they have endured.**



50: In 2022 alone, we have made at least 40 hospital accompaniments for various reasons, including police violence.



C: In Melilla the police don't say anything when you walk alone. I don't walk with a lot of people, the police don't stop you. When you are with a lot of people, they stop you. Here too, in Spain, in France, where you go, if you walk with a group and you are Moroccan or non-European, it is normal that the police stop you and ask "Where are you from?" and "What are you doing? Walking alone is good for the Moroccan without papers. [...] The problem for the foreigner is the police.

I: Why do you say this? The foreigner is afraid of the police. [...]

I: So you feel uncomfortable when dealing with the police? When you talk to them for example.

C: Yes, yes, I always have a hard time. Especially when they start asking questions like "Where are you from?" "What are you doing here?" "Do you have a passport? Before answering I think a lot, about what to say and how he can understand. [I can't talk to the police like that, you can. I can't tell the police "It's like this, it's like this, it's like this". Then they remember you and every day they have a reason not to attend to you, they take you as a target. That's why I always want to talk to the police with a lot of respect and consent to everything.

I: Yes, everyone will speak with respect.

C: No, it's not the same. If you don't talk to them with respect, they will do something, they will talk about you to the people who work at the Border and they will say "this man when he comes send him back in 3 days, in 15 days."

- 22.04.2022

Violence is also exercised when they are close to shops, leisure and restaurant areas, where **private security guards become another actor who applies⁵¹ violence**. They restrict their access to specific spaces, especially nightlife venues in the city, acting in a discriminatory manner. Many of these situations are also compounded by violence on the part of the city's neighbours, who insult, show rejection, indifference and even fear towards these young people with racist attitudes.

Many of these situations are also compounded by violence on the part of the city's neighbours

51: See "Police forces" section.



I always want to forget. Every day I charge and I can't anymore. Sometimes my heart hurts, because of stress, tension, and sadness. That's why I don't want to overthink too much about the police and what they do. [...] You know my friend was with three friends on the Concha, a beach in San Sebastian ... a Spanish woman with her son, she talks to my friend and "Why do you come here?" and "Why do you have nice clothes?" ... "My children don't have nice clothes and you do". So I told her I don't like that she looks at me jealous, why is she jealous? That she has many things that I don't have... She has papers, I don't have papers... She has trips wherever she wants, but I don't have them, I only have my clothes and my smile. So I tell her "Take it, take the clothes and the smile and give me your passport, so I can visit my family, see my mother, my father is sick... she only sees my clothes and doesn't know anything about my life and how much I have suffered.

- 04.2022

During the interview with the **Secretary General of the Unified Police Union (SUP)** of Melilla, he informed us that the first mandate of the police, **in terms of their powers to protect citizens, is to identify people when they arrive in the territory for security reasons.** He also commented that, once someone is transferred to the police station, there is a maximum time of six hours to identify someone and that there is a protocol against torture. **He said that he had no record of assaults at the police station, and recommended, in case of malpractice, to file a complaint, because otherwise, it is complicated to take action.** Despite this, the living conditions of young people in mobility in the city of Melilla do not provide the appropriate circumstances of physical and psychological tranquillity necessary to file a complaint **(especially if the same institution that is in charge of receiving the complaints is the one that has provoked the aggression).**



It is also worth highlighting the lack of access to information that young people themselves suffer in relation to their rights. The state does not fulfil this function, and the entities, as far as possible, try to cover up this misinformation and denounce what has happened, but in most cases, without consequences.

The SUP explained to us that, if, at the moment of identifying the persons, they realise that they are not duly regularised, they have to open an expulsion order. It is worth mentioning, in turn, that **in Melilla expulsion orders are not usually executed.** Thus, as we have seen and will see, it is sometimes used as a tool to **instil fear and insecurity against migrants.**





Settlements

On my first day in Melilla, I took the opportunity to walk around and see all those places I had seen in photos on Facebook of friends and acquaintances from the neighbourhood. My first stop was in the Rastro neighbourhood, where all my friends were making a living. It was my first day, and I had already earned some money by helping elderly people carry shopping bags. There, I met some of my companions who had been with me in the Beni Ensar wasteland. That night, we had dinner with vegetables given to us by some girls handing out food, and then we slept in a settlement near the border. We had old mattresses, tables, chairs and even a painting to make it pretty, and we also had a box where we kept our backpacks. There was only my passport, a pair of pants and three euros in mine. That was all I had.

It was getting light when two vans and a lorry woke us up with lights and engine noises. About ten national police came out, and with batons, they made us stand up, they hit us on our legs and arms, they also took several of my friends and put them in the vans. They didn't take me because I shouted at them that I was a minor. When they left, the truck, which was a rubbish truck, smashed what little we had, and took our mattresses, tables, chairs, and backpacks. They put all the backpacks in the truck and left. I screamed a lot; they took my passport, how could I now prove that I am a minor? After hours, the friends they had taken away in the vans came back, they all had an expulsion order. After that day, I never slept well in Melilla again (Zuir).

EXIT

IN THE
AUTONOMOUS
CITY

ENTRY

Another area where the transient homeless community suffers the most is precisely in the settlements that they build to have a safe, sheltered space where they can rest in the most dignified way possible.

The lack of access to housing resources,⁵² food, sanitation and decent living conditions drives young people to create communal spaces, where small groups spend their downtime, store their belongings, eat and rest. **The dispersal methods of these settlements are very diverse and depend on the police forces that implement them.**

Most commonly, the actions begin early in the morning, and **violence is used to wake people up and expel them from their places of stay, taking them into custody as a method of coercion.** In addition, **the forces of law and order destroy and throw away any belongings they find,** and there are even testimonies that speak of the creation of small fires to scare and disperse the group.

Often, passports and documentation have disappeared along with belongings. This is not only direct but also indirect violence: leaving these people undocumented can be a severe impediment to carrying out administrative procedures. Some children thus lose the opportunity to prove their identity and, in the specific case of minors, the opportunity to prove their minority and to be taken into care or to be kept in juvenile centres. Moreover, given that the migrant often leaves his or her entire life behind, taking away the opportunity to recognise his or her name in writing on a document can be psychologically devastating.

52: See "Sample" section.



E: I: Hi M., B. and M. Can I record, okay?
 All: Yes.
 I: Okay, thank you. Yesterday, there was an expulsion in your settlement, yes?
 All: Yes.
 I: Which police came?
 National.
 I: How many cars came?
 E: Two. Two big ones.
 I: Two trucks? Two big trucks.
 I: Okay, how many policemen, how many men?
 Six or seven of men, and two of women.
 I: What time?
 Eight o'clock, nine o'clock. At eight, eight thirty, nine.
 I: In the morning?
 I: In the morning?
 I: How many people were in the settlement?
 15 or 14.
 I: So, there were a lot of people sleeping, and the police came. And what do they do? The police, all... searched, came up truck, all, come up truck, taken to police station, all the people came out, all the people Algerians, these two Moroccans, expulsion

I: And the police, were they violent or calm?
 Yes, yes, violent.
 I: How violent?
 Baton. [...] I was sleeping, when the police came with the baton, struck it, "Get up", everything, hitting with the baton, "Get up, get up."
 [...] GS take everything, take blankets, take clothes, all, all things. GS not National.
 I: Have you seen GS doing that? Yes.
 I: When?
 Yesterday.
 I: What time?
 Yesterday, in the morning, at six or seven o'clock, the GS came. [Yesterday, the GS came, the whole settlement, all the clothes, everything.
 I: So, first the GS came, they took things, blankets, and then PN.
 Yes.
 I: And PN, get in the cars, go to the police station.
 Yes.
 I: At the police station, what happened?
 They booked him, expulsion. Calabozo. -
 26.02.2021



All these strategies of control and dispersion of the migrant population in the city, which have been accentuated and legitimised in the context of the pandemic, are intrinsic to the logic of racism, coercion and segregation. On the one hand, the population in transit is criminalised, thus legitimising police actions against them, while at the same time trying to **generate a state of fear and insecurity that hinders good coexistence and prevents the so-called "call effect"**. Likewise, the aim is to segregate an entire group of people to the outskirts of the city, to make it invisible and cover up the responsibility that the system has with respect to the conditions of vulnerability that are generated against the migrant population.

For its part, the Local Police informed us through the Secretary General of the Unified Police Union (SUP) that **expulsions from the settlements only occur once it is officially established that one cannot stay and spend the night in a particular place.** However, it does not provide more information on the discrimination criteria between one type of place and another, nor on how the boys can become informed about these data to avoid settling in prohibited places.

During his narration, he expressed some confusion about the objectives of these actions, which were ordered by the Government Delegation and agreed upon by the Operational Headquarters. At the same time, he summarises the steps of the operation as: locate, evict and identify, trying to send those involved to centres in the case of minors. During the operations, the Local Police force acts with the Civil Guard and the GRS.

"We don't know if they have a housing alternative".

*- Secretary General of the Unified Association of Civil Guards,
31.11.2022*

Therefore, and according to the data we have collected, **the police forces, when carrying out these actions, are not in coordination with any body in charge of safeguarding physical integrity or the right to housing.** In the case of minors, there does not seem to be any coordinated action with those responsible for their guardianship in order to safeguard the best interests of the minor.

I: Can you tell me what happened with the police this morning?

Police, racist, you know. Every day they come to McDonald's, we sleep, baton.

I: How many cops come?

Four.

I: Which police is it?

Local.

I: Local? And how many cars?

Two.

I: Two cars. And what do they say when they arrive?

"Get out of here, shit, get out, you son of a bitch".

I: They say insults, bad things?

I: OK. And they touch you? Every day, with the baton, there.

I: Ok. How long have you, you sleep in McDonald's. Long time?

A long time, seven months sleeping McDonald's.

I: Seven months? Okay. And before, you told me it was the woman who works at McDonald's who called the police?

YES. Every day, she comes to McDonald's to work, talk to the police, come. ... Take my clothes and my blanket to the [unintelligible]

I: Ok, and they put it in the rubbish?

Yes, in the rubbish.

- 24.02.2021





Centres for minors

After our settlements were destroyed, I spent several days sleeping on the beach, in a park, one day, I even slept in a tree. But sleeping in the street is a ruin. There are always fights over who sleeps in the best place; the kids steal what little they have from each other, and I couldn't take it anymore.

I decided to go to the police to be taken to the centre for minors, in the centre of La Purísima, when I entered the police station they told me to wait, maybe I waited 2 or 3 hours, I'm not sure, but I was starving.

Finally, two policemen asked me questions about my name, my age, where I came from, and where my parents were. They weren't too friendly, to be honest. After the questions, they fingerprinted me and drove me to the centre.

When I got out of the car, it smelled very bad. There were many children on the roads around the centre sniffing glue. They took me to module one, where the new kids were. The room was full of bunk beds, and it was very hot. I didn't sleep well that night either.

The next day, when I was having bread and milk for breakfast, several boys from other modules came out into the courtyard and started shouting, saying they wanted their papers. Educators were running around, and the security men grabbed one boy and dragged him to a room, then grabbed another, and so on, for a long time, but they couldn't cope with all the boys there.

In a short time, National and Local Police cars arrived, and there were also many vans, big and black, from which many policemen came out with waistcoats, helmets and shields. They started to hit all the children who were in the playground with batons, and they fired rubber bullets. I hid under a table, and then there was smoke, the kind that stings the face and the throat. After a lot of shouting and not understanding anything, there was silence. The vans started to leave. Many kids were locked in their rooms and couldn't get out. I didn't see many of the boys in the centre again, but we met again weeks later in the streets, where many of us were again.

(Zuir)





The child protection system was created to safeguard the welfare of neglected children in the territory. The reality is that this system, throughout the history of democracy, has proven to be insufficient and ineffective in its purpose. When it comes to unaccompanied foreign minors, the situation worsens.

In Melilla, ‘La Consejería del Menor y la Familia’ (Institutional body dedicated to families and children) is in charge of protecting the most vulnerable children living in the city. There are three centres for minors, one of which is the well-known **centre for minors La Purísima**, with military architecture, far from the city and surrounded by wastelands with many adult settlements.⁵³ **On many occasions, the technical and educational team does not have the necessary means to provide quality accompaniment. There has been a great deal of negligence regarding the processing of the documentation to which these minors are entitled.**⁵⁴ All of this has meant that these children do not trust the system that should protect them and sometimes

prefer to survive on the city streets.⁵⁵

There have been many complaints from these minors about the **violence to which they are exposed, both by the educational team and by private security agents** and, on several occasions, by the state security forces.⁵⁶

The situation presented in Zuir's fictional account is based on a real event that took place in Purísima, in which the **state security forces entered the centre and justified the violence inflicted on several minors by the need to control a riot that was taking place.** An event, among others, that, instead of being resolved educationally, as is required for the proper treatment of children, encourages repression and physical and verbal violence against children.⁵⁷

Violence should never be an option when dealing with minors. The administrations that should be looking after the welfare and protection of these vulnerable children are the main precursors of the use of violence as a method of control and containment of migrant minors.

53: See “The cartography of violence in Melilla” section.

54: Although it is true that after the denunciation work of many human rights organizations in Melilla and the improvements of the change in regulations, there are now greater guarantees of access to documentation and most of the minors upon reaching the age of majority leave with their documentation. However, there are still cases of administrative and other obstacles to effective access to this right. For more information, see the section “Legal Framework”.

55: Por Causa, La Purísima de Melilla: un centro con casi 700 niños y un amplio historial de denuncias, 2019 <https://rb.gy/muv9ia>

56: Público, La Purísima de Melilla: un centro con casi 700 niños y un amplio historial de denuncias, 21.02.2019 <https://rb.gy/4y4ead>

57: NIUS, Detenidos ocho menores inmigrantes y cuatro vigilantes heridos leves en un intento de motín en el centro de acogida de Melilla, 22.03.2020 <https://rb.gy/qde2mz>



Places of non-acceptance: Bullring

After several months of settlements, risky and looking for a living on the streets of Melilla, I turned 18. I could no longer go to the centre, nor did I want to go because they wouldn't give me the papers, but in winter, with the rain and the cold, I decided to sleep in the bullring. It took me a week to get in. Every night I went there, the security at the door told me that I wasn't on the list and couldn't get in. Finally, they got tired of me and let me in.

It was cold, and we only had one blanket; I slept on a bed in the corridor. I never went to the bathroom because it was disgusting, and the showers had no hot water. We were given very little food, which was very bad, and there were always fights. But at least I didn't sleep in the street.

The security treated us very badly, they always insulted us and when there were fights they came and hit people. If you wanted to be treated well, you had to like the workers and do things for them, like buying them presents and things like that. But I had no money, so they didn't treat me well. During the day, I went to the port to risky and slept in my cold bed at night.

I don't know what happened one day, but my friends woke me up shouting, and with my eyes still half closed, I was lifted out of bed by a policeman with a helmet and a waistcoat. He asked me what my name was and took me to a line. I started to ask what was going on, but nobody knew. They were shouting people's names, and when they called out mine, I went over, and they wrote a number on my hand. Then they put me in a van and took me to the police station. Everyone was shouting, swearing, trying to escape, but the only answer to our questions was pushing and shoving or insults.

Once at the police station, a girl who spoke my language told me that I had to sign a paper to be able to travel by ferry to the mainland, and I signed it. When we left, we all had this paper, and talking to people there, I discovered that it was not a paper to go to the mainland but a proposed expulsion order (Zuir).

EXIT

IN THE
AUTONOMOUS
CITY

ENTRY

The land border between Melilla and Morocco was closed on 13 March 2020 with little warning due to the onset of the pandemic. This caused hundreds of people to be trapped on both sides of the border. Different spaces were set up to accommodate these people and the homeless: first, a sports centre, then some fair booths known as the V Pino and finally, the bullring was set up.

This space, which was highly unsanitary and did not meet the requirements of social distancing and minimum hygiene to deal with a pandemic, was open until June 2021. Police operations of detention, identification and expulsion procedures were carried out, as well as numerous episodes of explicit physical police violence and abuses of power. In this **non-acceptance space, up to 500 people lived together, including women, asylum seekers and young people who had reached the age of majority and had no other recourse.** This centre accumulated numerous complaints from the Ombudsman and the Commissioner for Human Rights of the European Council for its appalling conditions and the impossibility of complying with the necessary measures to combat the pandemic.

The decision to set up the bullring as a reception area was made by the Government Delegation and the Police Administration. [...]The Plaza de Toros site was mismanaged by the administration and became a stumbling block for the authorities.

*- Secretary General of the Unified Police Union,
31.11.2022*





60

The systematic violence that takes place in reception spaces, where people's safety, integrity and dignity should be respected, leads to traumatic experiences, and, therefore, to a significant increase in the perception of insecurity and mistrust.

During the month of April 2021, during the Ramadan holiday, **early one morning, while the people were still sleeping, the National Police entered the reception centre equipped with riot gear⁵⁸, woke up the people staying there and took them to the police station.** Once there, they were made to sign proposed expulsion orders, as was also confirmed by the General Secretary of the Unified Police Union during the interview we had with him. **These proposals were made without taking into account their individual situations and without informing them of their right to be represented by a lawyer.** In this regard, the same Secretary reports that he does not admit the malpractices that took place on that occasion. He claims that expulsion orders must be proposed when appropriate. However, they have no real effect, since Morocco does not accept them as it does not admit Spanish sovereignty over Melilla.

A situation such as the one described above, as well as the police operations carried out in juvenile centres, has a great impact on people's physical and mental health. The systematic violence that takes place in shelters, where people's safety, integrity and dignity should be respected, leads to traumatic experiences and, therefore, to a significant increase in the perception of insecurity and mistrust towards a system that should protect the most vulnerable.



58: Solidary Wheels, Acogida digna... Y ¡Olé!, 28.01.2021 <https://rb.gy/p92gwt>

So when they took me to the Plaza de Toros, I went in and sat there for two minutes, after the police left, all the security guys came after me, started beating me, started hitting me. The one who started, he took the stick, and he hit me with a stick. And I looked at him like this; I said: "Why did you do that?", and he called all his friends and they started hitting me, kicking me. Then they took me out of the flat, they put me in a small room, it's like a cage, so dark, there's no electricity, it's so small! I was like this, with my hands up, defending myself, and the kicks were all over my body. I don't know where it comes from.

I: Just kicks, or also with the stick?

Kicks, slaps, with the stick, hands, arms, they were using everything, to be honest with you. Yeah, and after that, it was like, "Take off your trainers", I took off my trainers, I gave them to him, he took a bag, he took my phone, he smashed it on the floor.

- 02.2021

The criminalisation of poverty and the racism present in the institutions added to the context of the pandemic, which legitimised much of the violence exercised by the security forces towards the most vulnerable people, turned the city of Melilla into a hostile territory of no rights and violence towards all those who found themselves in transit through the city.

At the time of the pandemic, **many women were also housed in the bullring**, a place which, as mentioned above, did not offer dignified and healthy spaces for shelter, and where police violence was part of everyday life.



EXIT



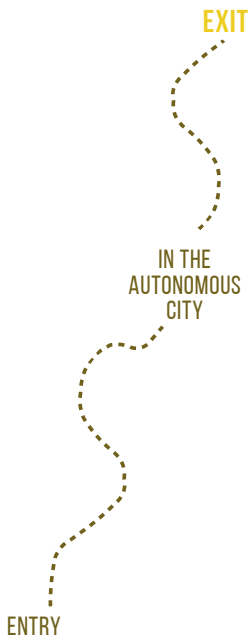
Risky

Every afternoon, I go up to the ramparts of Melilla La Vieja (The Old). From up there, we can see the port, find out where the trucks we are trying to hide in are, see if there are many Civil Guards cars, if the watchman is in his little house and encourage and warn our friends if any policeman approaches. We spend many hours up there, looking at the sea and dreaming about the other shore and what our life will be like there. We listen to music, smoke, exchange ideas on how to get on the boat, and share the silence.

I try at least once every day. Some days, I get caught in the car park, those are the bad days. Sometimes, I've managed to stay hidden in a truck for hours until the dogs have discovered me, but I still haven't managed to get on the boat, inshallah today Malaga

Today, we decided to go with many guys because we thought there were few police officers. But all of a sudden, a lot of Civil Guard and Port Police cars arrived, they must have been hiding because they couldn't be seen. We started running in all directions, while the Civil Guard chased us with their cars or ran after us with their batons raised. They always hit us. They like to hit us on the knees, elbows, and sometimes on the face or the head. They hit us in these places because we will be a few days without trying to do) risky. If your knee hurts, you can't run, and they know that.

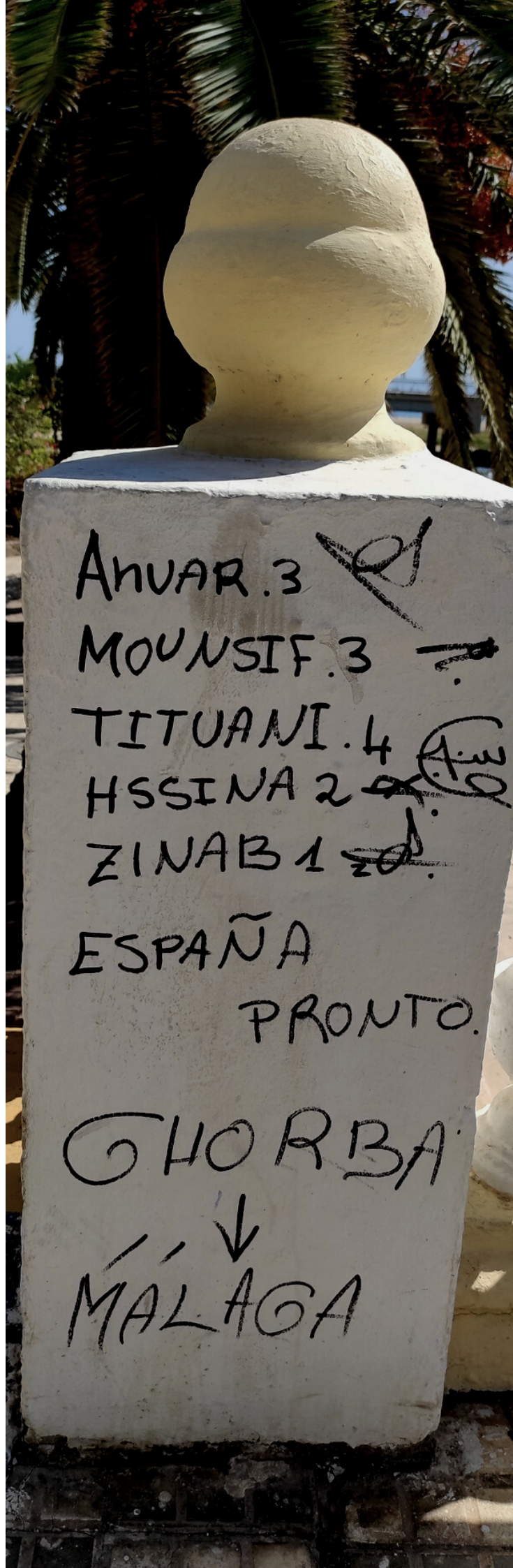
That day, they took many of us. They took us to the side of a column where there were no cameras, they put us in a circle, sitting on the ground and beating us with batons. They forced us to take off our shoes and clothes, except for our underwear. They threw everything into the sea while they insulted and laughed at us. "How much money do you have to buy new shoes," they all laughed. When they got tired of beating us, they let us go, following us with the National Police car, speeding up and slowing down, as if they wanted to run us over. We go out barefoot and naked, all the way to the promenade. I'm always embarrassed because the people who are having dinner there are looking at us, and I don't like to go naked in the streets. (Zuir)



As we mentioned at the beginning of the section on "the cartography of violence in Melilla", **risky is a dangerous displacement technique used in the absence of legal and safe routes.** The practice of risky is carried out by Moroccan minors and young Moroccans who find themselves in a homelessness situation in the city of Melilla.

This practice is currently mainly carried out by **minors**, who find themselves in a homelessness situation for the various reasons we have already mentioned.⁵⁹ As they are very young, **they foresee that they will have to stay in the city for a long time and prefer to go to a centre for minors on the mainland**, where they believe they will have more resources, training and employment options. This is also because there are **no referrals from juvenile centres in Melilla to those on the mainland**, except in very specific cases, such as referrals to rehabilitation centres (which do not exist in Melilla). However, even in these cases, once the treatment is finished, the child returns to Melilla to the core of the problem. Furthermore, although it is true that many now have access to documentation, as mentioned in the sample, **there are still many hoaxes circulating, stemming from the violations of rights that were committed in the city's juvenile centres. Thus, there is a lack of confidence that true access to their rights is guaranteed.**

On the other hand, **adults have often encountered impediments to exercising their rights as applicants for international protection:** lack of information and hoaxes, administrative violence, lack of appointments, impediments to the right to freedom of movement, illegal searches of documentation, arbitrary criteria in the procedures, etc. This forces young Moroccan asylum seekers into a situation of homelessness, being unprotected and exposed to the violence that comes with living on the streets. In addition, the document control at the border to reach the mainland prevents the free movement of people, turning the city into a real prison. For this reason, on many occasions, to leave the city, they choose to do *risky* by getting on the lorries that travel on the ferries.



59: See "Sample" section.



To sneak into the trucks, those who practice risky, have to overcome a port with its **highly violent architecture**: a 9-metre high wall with razor wire that they try to pass using ropes and makeshift ladders. This poses a significant physical and psychological threat to those who attempt to do risky. In addition, the attempts are characterised by surveillance and violent assaults by the security forces deployed in the port.

A 9-metre high wall with
concertinas

R: I have not seen any aggression in the port. [...] It's them. We have rescued dead bodies from the engines of the boats".

I: How can you draw attention within the force in the event that a Civil Guard assaults someone?

R: When they see a colleague assaulting someone, they should file a disciplinary report.

*- Secretary General of the Unified Association of Civil Guards,
31.11.2022*

In fact, according to the testimonies, the greatest threat of violence comes from the police forces, specially from the Civil Guard, remembered for their extreme brutality (threats, insults, aggression, persecution, intimidation, etc.) towards any person discovered inside the port. In particular, the statements highlight the systematic use of batons to beat and the implementation of humiliation tactics, such as forcing people to strip down to their underwear, shaving their hair and destroying or throwing their shoes into the sea.

The greatest threat of violence
comes from the police forces



J: When we came through the harbour fence, we jumped over, and another friend had broken his foot, and the ambulance came to take him away to help him. I didn't see what happened to him. Then, I see another one. A policeman punches him in the head.

I: Did the policeman use a gun or his hand?

J: A gun.

E: A baton?

J: Baton, yes. [...] And they didn't help him. There was all over his body...

I: Blood?

J: Blood, on his body, all over his body. [...] So, that happens every day.

I: And what kind of police was it?

J: Civil Guard.

I: Did the Civil Guard hit you in the head?

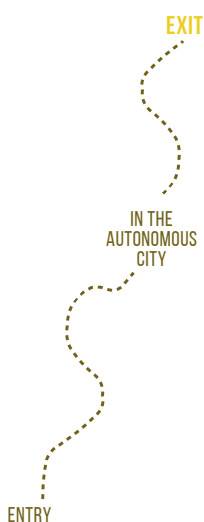
J: Yes, they have no mercy, they have no mercy. Every day, they hit us.[...] It's not about him, it's about us, all of us.

I: If you want, you can tell your own experience with the police, if the police did something to you.

J: Yes, the Civil Guard, not the police. They punch me, I'm going to do risky, they punch me, they think I'm going to steal, something like that, I'm a criminal, I told them I'm going to do risky, nothing, no more. There is no mercy; they have no mercy.

I: And when they hit you, where on your body do they hit you?

J: On the head, on the foot, on the head. - 16.02.2021



The main tool to dissuade young people from engaging in risky, is violence. **In the time frame of our research, we collected the experiences of 29 young people, both adults and minors, who were victims of this type of violence.** At least half of them claim to know at least one person who has experienced the same thing. Some of **the testimonies speak of having been beaten everywhere except in their genital area, while others testify to having been beaten even in the head.** They all speak of cruelty and a total lack of mercy, recounting episodes in which the police did not stop even at the pleas of people who were completely exhausted. Also, **one of the most widespread strategies for weakening them, is to hit the boys in the knees or to make their shoes unusable, either by breaking them or throwing them in the water.**



Around 11 pm Thursday night, we were hanging out by the harbour. We had a good view of the harbour entrance area from above. One of the guys suddenly said we should come and look down into the harbour. We saw a Civil Guard car chasing a boy into the harbour area. They were driving alongside the young man and had rubber batons in their hands, hanging out of the windows. The boy was already half naked and was acting totally passive, somehow walking as if his leg was injured. Instead, he tried to escape from them and walked very slowly towards the exit. However, the Civil Guard continued to chase and insult him. When we found him a few minutes later outside the port entrance area, the young man was lying on the ground, crying in pain and holding his arm. He also had wounds on his face. He was no longer wearing a T-shirt. While many other boys tried to help him, two other Civil Guard cars stopped nearby and walked straight towards the boys with rubber night sticks in their hands. The boys ran away. The beaten boy also started to run and escaped.

*- Testimony in third person,
20.05.2021*

In February 2021, Solidary Wheels reported the situation⁶⁰ of a **minor who fell off a wall due to police chasing and was left permanently without mobility in his lower limbs.**

Apart from the physical consequences they may endure as a result of violence against them, many social and emotional problems may **arise from living on the street and practising risky**. Among them are: low self-esteem, feelings of inferiority and worthlessness that can influence their behaviour, such as being distrustful and fearful, or attempts to attract attention. As well as feelings of isolation and abandonment, and a blockage in their ability to resolve conflicts, which is sometimes evident in aggression and peer group problems. In situations of drug addiction, this can be aggravated when accompanied by the practice of *risky*, given all the negative emotions that the young person suddenly relates to. And especially the strong feeling of fear channelled towards consumption.

60: Solidary Wheels, Un menor de edad pierde la movilidad de las piernas tras seccionarse la médula haciendo risky, 22.02.2021 <https://rb.gy/v49wlv> .



6. OTHER MIGRATORY ROUTES THAT PASS THROUGH MELILLA

This work is also committed to preserving a broad vision of the entire migrant collective in the city of Melilla. This is regardless of the migrants' reception and protection status in the centres, as **one of the main objectives of our project is to monitor migratory events on the European Southern Border to denounce human rights violations.** In this sense, the team's work on the ground is based on documenting and recording the events observed throughout the territory bordering the fence separating Melilla and Beni Ensar.

This chapter focuses on the violence and violations of rights suffered by the people, **mostly Malians, Burkinabe and Sudanese, who are welcomed in the CETI when they arrive in Melilla.**⁶¹ During the year 2022, there were two attempts to enter the enclave through the fence involving many people, both culminating in brutal violence, a consequence of the current management of migration policies.⁶²

Numerous images circulate in the media depicting the violence faced by individuals attempting to enter the city of Melilla by jumping over the fence.

These individuals traverse different routes until reaching Morocco, among which one of the most common is the Western Mediterranean route. Once in the vicinity of the border around Beni Ensar, they wait for weeks for the ideal moment to attempt to cross.

They may end up waiting for months or even years in different settlements on Mount Gourougou, the mountain near the border on the Moroccan side. This waiting period is not exempt from violence by the Moroccan Auxiliary Forces (FAM), who set fire to settlements, disperse, and relocate the settled individuals using violence. Transfers are made to border points of nearby countries or the Sahara Desert.

All of this is compounded by **structural violence that forces them to live in extremely unsanitary conditions without basic rights covered,** such as food or access to healthcare, with serious consequences for the physical and mental health of many of these individuals.

61: Solidary Wheels, Melilla, un mes después, 07.02.2022 <https://rb.gy/nvjvzc>

62: África Mundi, Inmigración africana en España (I): Las principales rutas migratorias, 13.08.2022 <https://rb.gy/7hyn8t>





Once they manage to evade the Moroccan Auxiliary Forces (FAM) and jump the fence, **the Civil Guard is responsible for repatriation and containment operations at the Melilla fence.** To carry out these irregular repatriations, physical violence is employed, as depicted in various images captured by several media outlets or by associations and activists working in the territory since the construction of the fence in 1998. However, the statements made by the Secretary of the AUGC have been as follows:

R: "If we encounter an immigrant who has just arrived, we offer medical assistance and indicate the location of the CETI.

Until today, Spanish security forces have responded to attempted jumps with what they call “**anti-intrusion devices**”. In practice, this means that authorities reach the crossing point and physically try to prevent individuals from entering Spanish territory, using batons and tear gas, among other weapons, often with the support of a helicopter monitoring the scene from above. These 'dissuasive' methods include the use of rubber bullets.

I: We believe that in these mass jumps, human rights are not respected.

R: In any intervention where I am present, human rights are respected. There is a 20% of personnel in the force referred to as 'black beans.' These are individuals who violate human rights by physically assaulting migrant people.

P: What does the Civil Guard do when it identifies one of these individuals who violate human rights?

R: There are sanctions.

- Secretary General of the Unified Association of Civil Guards,
31.11.2022

Although sanctions are provided for those who do not act in accordance with legal guarantees, the truth is that cases like **Tarajal in 2014** (closed in 2022) lead us to question whether accountability is exercised firmly and in line with the protection of fundamental rights.⁶³ This case, along with the one on **June 24, 2022**, exemplifies how **impunity and protection are granted in favour of the state security forces**, allowing, despite undeniable evidence of violence against people in transit, for these actions not to be sufficient for condemnation and judgment.

63: El Faro de Ceuta, Elín, tras el archivo del 6F: "Las muertes no pueden quedar impunes" 04.06.2022 <https://rb.gy/1mixqw>

The **absence of a genuine action protocol** that assigns responsibilities to different actors does not help when it comes to establishing accountability. **The orders that security forces receive regarding how to act in the face of a fence jump come from a Chief Superintendent and, in turn, depend on the Ministry of the Interior.** The Secretary of AUGS repeatedly expresses not feeling supported by the justice system and highlights the need for an action protocol and training. The Secretary of SUP also points out that officers act without knowing if they will be adversely affected when there is an attempt at arrival.

"No one has told me, 'When someone enters, you have to call a lawyer. No one has explained to us the legal procedure of the additional provision.'"
- Secretary General of the Unified Association of Civil Guards,
31.11.2022

Without diminishing the obligation to take legal action against the direct perpetrators of violent actions, we also consider it equally crucial to remember that **those responsible for deaths and abuses are not solely among the agents of the State Security Forces, but also among those who activate the political and social mechanisms necessary for these massacres to occur.** In this regard, to condemn the implementation of these 'containment' methods in all their parts, **it becomes imperative to denounce not only the officers who execute them but also those who gave the order to do so:** those who allow racial policies to exist and manifest as hatred against migrants, and those who justify the situation, even when in a position of sufficient power to change it.

The waiting times to cross the Spanish-Moroccan border occur in spaces where the violation of rights, violence, precarity, and delay affect the bodies of all these individuals: young people, children, and women. The physical and verbal violence they are exposed to, along with the feelings of insecurity and injustice, become part of an emotional baggage that may take years to overcome.



Below, we include some **testimonies shared by survivors of the massacre of 24 June 2022** during the rally in front of the CETI on 29 June 2022, 5 days after the events, and during the rally on 1 July. These two moments were called to denounce the events and demand justice, which unfortunately has not yet happened.

Good afternoon. I am Mohamed, and I speak on behalf of the immigrants currently in the CETI of Melilla. My condolences to the families of the victims. I thank those present here, the media, the organisations, CEAR; and I condemn the massacre carried out by the Moroccan security forces at the fence.

In the face of this inhumane act that has caused us great sadness and anger, especially for the migrants. It is a cowardly act that violates all international agreements and all human rights.

The Moroccan forces, in collaboration with the Spanish forces, have carried out this massacre without taking into account their rights and without considering them as people or human beings. The violent and savage intervention of the security forces has also violated the right to physical integrity and life of the migrants. The humiliation and negligence has also increased the number of victims, as seen in the videos circulating on the internet. The wounded needed quick and urgent intervention but have been left almost 9

hours in agony without help. We have fled our countries to escape the dictators of the government

As for the transit countries, we feel that we are worthless, as we have suffered slavery and violence, and all our rights have been violated. Some people ask us why we don't stay in Morocco on the pretext that Morocco is safe. As soon as we entered Morocco, we went to the UNHCR, registered and applied for asylum. We were indeed given a document, but we later discovered that the document was just a piece of paper with no validity and did not protect us from refoulement.

In Morocco, we have been victims of arbitrary raids under the pretext of fighting beggars or illegal immigration. When we show the UNHCR document, they do not take it into account and deport us to the Algerian borders or Mauritania, in the middle of the desert, which makes it difficult for us to return.



We have no access to decent housing, so the roads, mountains and forests become our home. Despite the humiliations we experience, the Moroccan security forces drive us out of the forests and throw away our food, our water, and our belongings, which pushes us to go to the fences that separate Nador from Melilla.

At the fence, the catastrophe is produced due to the violent and savage response of the security forces using rubber bullets, tear gas and sticks, and sometimes we have been run over by cars of the Moroccan security forces.

Today, we are here to explain the reasons that push us to reach Spain through the fence, because there is no possibility of getting a visa legally or accessing the asylum offices. We have lost friends and brothers and sisters on 'Black Friday', and we ask the authorities to open investigations and identify the deceased. Stop the forced deportations to deserted areas and the desert and allow the organisations in Morocco to carry out their work without limitations.

In the last hours, we have received information through the media that the Moroccan security forces and the Moroccan intelligence forced the wounded to confess that the Algerian government had pushed them. We are independent and act of our free will and do not belong to any political organisation or government.

As for Pedro Sanchez, regarding his act of congratulating the Moroccan government for its action, we consider that he has no compassion. We are concerned about his words. As asylum seekers, we are really concerned about them. We find it very strange that the President of the Government applauds and enjoys seeing dead bodies. I also ask the President of the Government to stop calling us mafias; we are not mafias. The mafias are the ones who receive money from the Spanish government.

- Testimony, Plaza de España (Melilla), 01.07.2022

Our friends entered Melilla, and the police and the Civil Guard beat them and threw gas at them.

How can they ask for asylum like that? How can they ask for asylum with that gas? What is this? Give us a chance to ask for asylum. In that crowd, with guns and gas, how can I ask for asylum? How can I ask for asylum? How can I do it? I want to know, what is the exact law? I ask Pedro Sánchez.

And why did he say, "BRAVO MOHAMMED VI, YOU ARE DOING A GOOD JOB"? Why? People died, and he said, "THANK YOU". What is this? He has no mercy in his heart. THANK YOU.

- Testimony, Rally in front of the CETI (Melilla), 29.06.2022



24 June: chronicle of a massacre foretold

We want to pay special attention to the events of 24 June 2022, where at least 37 people were killed, victims of direct violence by Moroccan and Spanish state security agents. This special chapter is to demand **accountability, clarification of the facts and reparation for the victims and their families**. The reconstruction of the events we propose below is based mainly on the articles published on our blog about the tragedy (which are based on statements by AMDH⁶⁴ and the Government Delegation)⁶⁵ and on the BBC documentary published on 1 November 2022.⁶⁶

From May 2022, the Moroccan forces' treatment of migrants settled in the forests surrounding Beni Ensar and especially on Mount Gourougou became **more brutal and cruel**. Indeed, while the food blockade (the impossibility for migrants to buy food in the town) already existed, it was reinforced, and access to nearby water sources was prohibited. Police aggressions became increasingly violent, culminating on the 23rd of June in a fire due to the excessive use of tear gas. Migrants were thus forced to **leave their settlements and come down from the hill following unprecedented violence, threats, attacks, lack of access to any supplies and, of course, the fire**.

Under these circumstances, on the morning of the

24th of June 2022, some 2,000 people, mostly from Chad, Sudan (mainly from Darfur, a region in the west of the country where there is an ongoing armed military conflict) and South Sudan, approached the vicinity of the border between Melilla and Morocco, near the border crossing at Barrio Chino. At that point, **police attacks with beatings, tear gas and stun grenades began again**. Then, 500 people began to jump the fence.

The dangerous migration route along which the people from these countries arrived crosses the entire length of North Africa, passing through Algeria and Libya. The reason why they resorted to it, taking years to arrive, is to be able to reach the European border and ask for asylum, an opportunity that was not granted to them.

After crossing the first fence, the migrants arrived in a **closed courtyard in the middle of the border**, where those who did not manage to continue and cross the next fence were trapped. Here, police brutality reached such a dimension that it ended with the death of many people. These people died as a result of crushing, bullets and gas canisters used by the agents,⁶⁷ also highlighting the omission of the duty to help for 7-8 hours.

64: AMDH social networks and media statements..

65: Solidary Wheels, Comunicado de denuncia Violencia policial española y marroquí en la valla de Melilla, 24.06.2022 <https://rb.gy/mzlv6>

66: Death on the Border - BBC Africa Eye Documentary, <https://www.youtube.com/watch?v=MJoL7E4uvuU>

67: República, La Guardia Civil empleó 65 balas de goma y 86 botes de gas lacrimógeno en la tragedia de Melilla, 07.11.2022 <https://rb.gy/sfdjju>



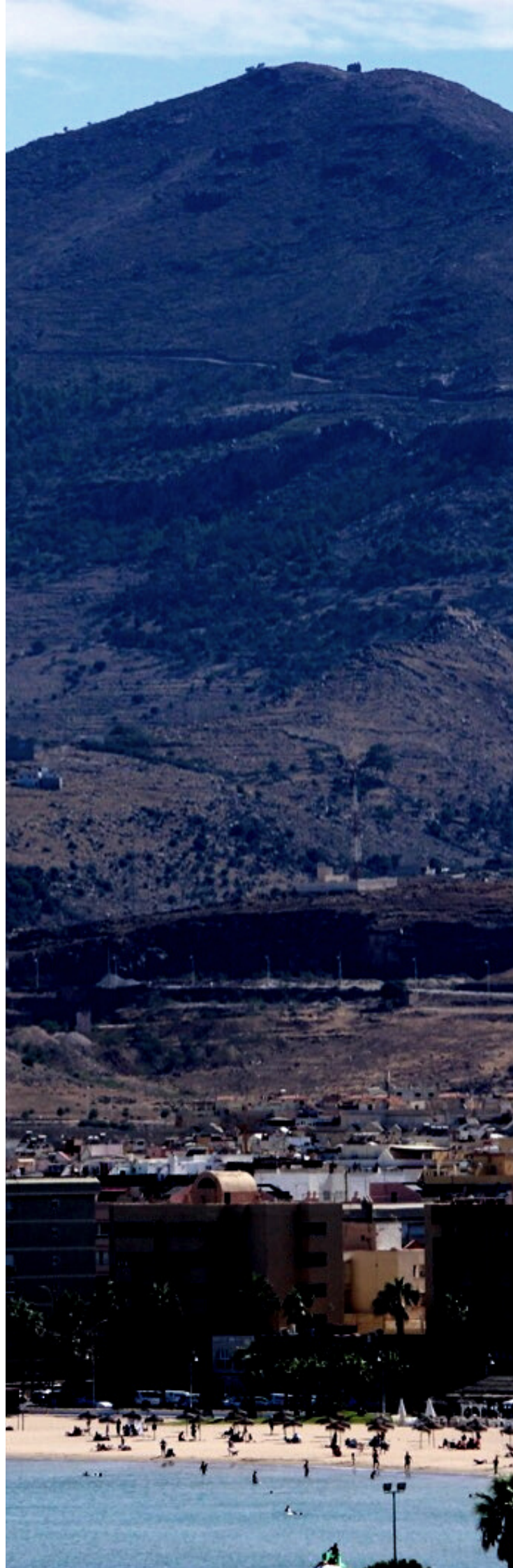
As evidenced by the **BBC**, although there are several hypotheses, it is difficult to establish whether this piece of land belongs to Morocco or Spain. The same documentary shows how **the most violent acts in the same courtyard took place near the blue fence, which is under Spanish control**, and highlights Jon Inarritu's statements that, according to property records, the courtyard belongs to Spain.

Of the people who managed to reach Spanish soil, some **300 were immediately returned**. According to the survivors and the journalist Javier Bernardo, who was filming with his camera at the time, **the Moroccan agents passed to the Spanish side, handcuffed the people and took them back without allowing them to declare their will to ask for asylum**. Returned to the central courtyard, where the violence had not abated, they received more beatings, to the point that there was no longer any way of distinguishing who was dead, who was passed out and who was still alive.

Only after several hours were the wounded transferred to hospitals in different Moroccan cities, while the hospital in Nador was becoming overcrowded. **Hundreds of others were sent to the Algerian border, to towns south of the Alawite state or the Sahara desert**. This territory has also witnessed countless deaths due to the hostile environment.

Today, **77 people are still missing**.⁶⁸ While many families are still waiting for the body of a relative to be handed over for a dignified burial, it has been confirmed that many of the victims have been transferred to the morgue in Nador, and others have been buried in mass graves without identification or investigation of the cause of death.

68: Caminando fronteras, Siete meses después de la masacre MelillaNador víctimas y familiares siguen clamando justicia, 24.01.2023 <https://rb.gy/jmyomb>



The **133 people** who managed to enter Spanish territory were transferred to the Temporary Stay Centre for Immigrants (CETI), where, despite the current **non-existence of isolation protocols due to the pandemic, they were held under this pretext** for five days in social isolation and without contact with the media, a fact that once again proves the attempt to control migrants.

These events, already known as the "Melilla Massacre", **result from the current agreements signed at the end of March on collaboration and reinforcement of cooperation in migration between the Kingdom of Spain and the Kingdom of Morocco.** Prior to this agreement, there had been other jumps at the fence, such as the one in March 2022, where the violence and collaboration between the different security forces was not as forceful, although it was also present.

However, the European Union's response to all this has been to sign a **new agreement with Morocco two weeks after the event** and to establish in August

a quota of 500 million euros reserved for Morocco over the next five years for the defence of European borders.⁶⁹

The Spanish government praised Morocco's actions and protected its agents instead of guaranteeing the protection of human rights and demanding an investigation to determine responsibility. The images show how the Spanish Guardia Civil was not identified, how the Moroccan military entered Spanish territory to carry out their operations against the migrants and how people were allowed to die for not offering them help. However, both the **director of the Guardia Civil, María Gámez, and the director of Migration and Border Surveillance of the Moroccan Interior Ministry, Khalid Zerouali, have defended the actions of their respective parties.**⁷⁰ The impunity of the state security forces in this type of action can only be explained by the logic that they act as the executing hands of a cog in this system, which deliberately aims to violate the human rights of people in transit.

69: El País, Marruecos recibirá 500 millones de la UE para que controle sus fronteras, 15.08.2022 <https://rb.gy/xr63lc>

70: La SER, María Gámez directora de la Guardia Civil sobre Melilla: "Actuamos como teníamos que actuar" 28.09.2022 <https://rb.gy/btieyk>



Although the Ministry of the Interior refused to acknowledge it, in October, the **Ombudsman declared that 470 people were turned away without following legal protocols** by the Spanish Security Forces and that not all the security camera recordings were handed over.

Nevertheless, many social organisations mobilised from the beginning to denounce what had happened and demand reparations for the victims and their families, clarification of the facts and accountability. Five months after the events, none of this has happened. So, in November, 116 organisations signed a letter of petition, delivered directly to the MPs during their official visit to Melilla, to reiterate the request and emphasise the demand for the formation of a Commission of Inquiry in Congress.⁷¹

There has still been no investigation into the actions of the security forces and their responsibility for the murder of these people. On the 18th of November, following the combined votes of PSOE, PP, Vox and Ciudadanos in the Congress of Deputies, the rejection of the formation of the Commission was confirmed.⁷²

71: Ceuta ahora, 116 organizaciones de derechos humanos firman una carpeta para pedir una comisión que investigue las muertes en Melilla, 07.11.2022 <https://rb.gy/7wix1v>

72: El Faro de Melilla, El Congreso no investigará los sucesos del 24J, 18.11.2022 <https://rb.gy/rm9q31>



Names of 64 of the people who went missing on the 24th of June 2022 jump attempt in Melilla

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)
Yousef 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, nicknamed 'Haneen' (Nostalgia) (Sudán)
 Ahmed Babiker Mohammed (Sudán) (last seen at the hospital in 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, nicknamed 'Anwar' (Sudán) (three testimonies confirm his death)

NADA VALE
SI HAY UN NIÑO
EN LA CALLE

7. CONCLUSIONS

Fulfilment of the objectives of the report

Having tried to address up to this point, according to the objectives set and following the data collected in the field, all the forms in which violence by the State security forces and bodies towards people in transit during their passage through Melilla can manifest itself, we have been able to confirm that **these events occur constantly and systematically**. In particular, we tried to determine which phases of the stay in the city (entry, stay and exit) are characterised by which acts of violence, constructing the narrative according to the aforementioned order. In other words, we try to **break down the specific forms of each stage of displacement, paying particular attention to the different ways in which institutional violence materialises**.

Young migrants live under constant pressure from both Moroccan and Spanish police forces. **In the case of Morocco, there are clear directives to forcibly transfer people on the move to more distant cities, such as Casablanca**. There is a high degree of **coordination between states and their**

police forces, highlighting the communication between the Gendarmerie Royale and the Civil Guard when carrying out push backs at sea. These returns are illegal and aim to make the border more impermeable than human life.

None of the violence is accidental but is the result of the collaboration between the Kingdom of Spain and Morocco with the complicity and support of the European Union, whose objective is to defend Fortress Europe.

The sea is a space where police violence reigns, as there are hardly any witnesses or evidence. However, this does not mean that it does not happen; on the contrary, **the impunity of this space makes it one of the main focal points for human rights violations**, with the disappearance and death of young migrants and the physical, verbal and psychological violence against them being recurrent and witnessed by those who survive.



The presence of police violence before arrival on Spanish territory is no coincidence: it is the result of the **externalisation of borders**. Once in Spain, this group often suffers **physical, verbal and psychological violence** at the hands of both public and private security forces. As a result, there is an evident lack of trust in the Spanish justice system on their part, which coexists with the constant fear of facing an expulsion order. The police follow a policy based on intimidation and fear and criminalise migrants with a vulnerable economic situation. The right to information, decent housing, health and safety is not guaranteed in the city.

This violence permeates the various socio-political structures of the city and is closely linked not only to racism and Islamophobia but also to classism and aporophobia. In fact, the homelessness of people on the move exponentially increases their vulnerability. This condition was aggravated by **the instrumentalisation of the quarantine and security measures** adopted during the pandemic as a justification for police violence during the state of alarm. It should be stressed once again that, both then and now, in the case of young Moroccans, the situation of homelessness is the only option available to them, as it is **impossible for them to access the CETI**. This severe discrimination responds to the segregation of migration according to the nationality of the people on the move and, consequently, affects their entire migratory journey.

In addition, the Spanish state omits its responsibilities, following a logic of **dispersal of the settlements that fulfils the objective of displacing people on the move who find themselves in a street situation to the suburbs**. These raids do not follow any legal procedure and include arbitrary arrests, sometimes without the presence of a lawyer and interpreter.

As has been shown throughout the report through different testimonies, **public and private security forces often use violence against both adults and minors**. One of the places where this is most evident is the port, where the children do risky. Threats, intimidation, insults, physical aggression, and persecution are frequent in this space. Violence is used as a tool to dissuade young people from practising risky. Still, the reality is that this practice

has not ceased to be recurrent, and all it achieves is to reinforce the existence of unsafe routes and increase their distrust of the security forces and justice in the city.

Violence is also frequent at the fence during the push backs, especially in jumps such as those of March and June 2022. It is present in Melilla's 12.3 km², at the fence, in the sea and in the city itself.



Structural racism contributes to multiply the violence suffered by people in transit in Melilla and perpetuates human rights violations. In the theoretical framework, we spoke of intersectionality, as it is an element that runs through the lives of migrants so that the discriminations to which they are subjected are multiple. Indeed, being a victim of racism and/or Islamophobia, being discriminated against for being a migrant, being in an irregular documentation status or being homeless (a condition paradoxically created by the same system that discriminates) all contribute to creating a state of marginalisation and violence. Let us not forget either, although they are not the subject of this report, women and people belonging to the LGBTQI+ community, as they are communities that are simultaneously affected by different mechanisms of oppression.

In that sense, we have tried to focus on denouncing the consequences of our own countries' migration policies, which are based on institutional and systemic racism and which create first- and second-class migrants, primarily based on skin colour and origin. The same policies also distinguish administrative reception pathways in Europe based on origin, dividing people into refugees, economic migrants and countless other categories, which constitutes further violence. This categorisation we reject, as it distances us from the acceptance that everyone has the right to migrate, to move and to choose the country in which they want to live their lives, without dying, without hiding, without suffering, without being humiliated or discriminated against.

Is Melilla Spain? City of exceptionality and impunity

The geopolitical peculiarities of the city of Melilla continue to be an excuse for the creation of a space of exceptionality where human rights are not respected and where police violence goes unpunished and is legitimised by the state and by society itself. It seems that **the city of Melilla intermittently belongs to the Spanish state** when it is necessary to defend its territorial integrity. However, when it is necessary to apply national and international legislation that binds it to guarantee the rights of migrants and refugees, it no longer seems to be so in the same way.

The Autonomous City of Melilla is a territory designed to contain migratory flows, and this is achieved with fences, controls, refoulement, bureaucratic obstacles, detentions and a host of other obstacles. These **policies, carried out by the Spanish state, of restricting mobility and securitising migration** have allowed security forces to legitimise violent actions against people in transit for years and continue to do so today. This has created a space in which migrants' rights are violated, poverty is criminalised, and impunity for the violent actions of the security forces increases...

The report is divided into three parts: access to the city, life in the city and leaving the city.

In each of them, factors limiting the exercise of migrants' rights are implemented, turning the places where they develop into places of exceptionality. In the first instance, **the existence of a fence and multiple police checkpoints surrounding the city turn it into an impassable and violent fortress**. The lack of legal and safe access routes, on the other hand, **leads people to dangerous and deadly ways of accessing the city** where violence is exercised with impunity. Secondly, once in the city, and as we have explained throughout the report; the management of reception in *bullring*, the raids in the settlements, the testimonies of violence in the public space, and the arbitrary arrests, are some of the examples of situations in which **the rights of migrants are not respected**. All of this is in a place where, **due to the exception of the Schengen area, people are trapped without the possibility of moving, in a prison in the form of a city that makes it once again a place of exception**, even when they leave it.

At this point, it is vital to **highlight the geographical situation of the city, which is once again unique**. Its territorial disconnection from the mainland creates a **perception of disconnection from the Spanish state**, in terms of compliance with regulations and guaranteeing the rights of migrants.



CSFs as puppets of a responsible state

It is in this same border city where the application of exceptionality and the **constant violation of the rights of migrants through the repeated and disproportionate use of force by the State Security Forces and Corps governs.**

A use of force that, as we have pointed out, is permitted, legitimised, encouraged and even congratulated. The state, supported by the European Union and in coordination with Morocco, orders and dictates the migratory necropolitics and the security forces obey and execute, on many occasions, at all costs.

In the city of exceptionality, **impunity rules as an indispensable tool for the agents to execute the racist and violent directives imposed by the state.** An execution that often involves physical or psychological violence against people. The total lack of accountability allows actions to take place in which violating a migrant person has no consequences, and everything is permitted.

Those responsible for the violence exposed are the Spanish state and the European Union, as we have made clear during the report in compliance with objective 5. **European policies contribute to the creation of the social substratum that makes it possible to reproduce episodes of violence on the border between Spain and Morocco, and that hinders the protection of human rights.**

During the report, we reflected at length on the violence exercised by the CSFs. Nevertheless, we cannot forget that this violence takes place under the umbrella of an accomplice state that builds a legal and political framework that allows these actions to take place. **A framework built with migration policies oriented towards securitisation and not towards human security and guaranteeing migrants' rights.**



The total lack of accountability allows actions to take place in which violating a migrant person has no consequences, and everything is permitted.



Unspoken socio-psychological implications

Health is also mental

I: Do you feel that you want to forget?

S: I always want to forget. Every day I charge, and I can't do it anymore. Sometimes my heart hurts because of the stress, the tension, the sadness. That's why I don't want to think too much about the police and what they do.

- 13.04.2022

The physical and psychological violence to which migrants are exposed, as well as the institutional discrimination that leads to homelessness in the city, has a direct impact on mental health.

The migration process leads people to experience multiple circumstances of vulnerability. In addition to homelessness, labour exploitation, rejection and stigmatisation by society. **Emotional burdens and traumas are generated by the hostility of the journey itself and the difficulty of accessing services.** The latter translates into a **constant scourge that hinders the fulfilment of the fundamental rights of migrants.** Furthermore, the intervention and action protocols established by institutions and many organisations do not meet their genuine demands and needs and respond with an infantilising, Eurocentric, dehumanising and even, on many occasions, criminalising attitude.

We have observed that, on many occasions, all this violence and, especially, the long periods of vulnerability and uncertainty end up resulting in the consumption of toxic substances such as "dulio" (inhaled glue), lyrica, rivotril, etc. **The tally of this hostility, repression, waiting, and consumption directly impacts the mental health of all the individuals it affects."**

The neglect of this problem by governments and society, together with repression by the authorities, leads to **and encourages long-term feelings of anguish, low self-esteem and, of course, self-stigma and self-marginalisation**. The unstable situation that migrants face for years, without close family and social support, **often leads to consumption attitudes that, far from being understood as the result of desperation, are used to reinforce messages of hatred towards the group**.

All these circumstances are not coincidental; they are the reflection of a society in which racism is truly rooted, structured and institutionalised. The regularisation strategy currently in place is based on a system of mercantilist attrition in which long waiting times, little power of autonomy, the lack of knowledge of the law by the administration and society, as well as the contradictory requirements for access to these procedures, inexorably lead to a situation of constant exhaustion, not only physical but also mental and emotional.



In Europe, people always say "Moor, Moor, Moor..." when they have problems, but when you sit with the Moor and eat with the Moor, you understand that your parents are not right: because the Moor is also like you. There is no difference, only the people in Spain make it different. People think that people from Morocco are terrorists and criminals, but people from Morocco are like other people, always. You, too, didn't know anything, but when you have sat down with people to listen, like when you have sat down with me, you have learned, yes or no?

- 13.04.2022

The support networks created are fundamental, becoming the biggest protection system, even if it means being more visible in the eyes of the police.

Building resistance

Faced with so many diverse difficulties, **undeniable support networks are built up, and on many occasions, there is a preference to move and spend the night in groups with the backing of a joint safety net.** The creation of these support communities is often the greatest system of real protection available to them, both against the violence and persecution exercised by state security forces and against the same society that excludes them, exploits them and legitimises the undignified living conditions they have to face.

Throughout the journey of each of these people, the warmth of these communities will be the closest way to the home that is so far away, to the tranquillity and calm of being with family, to rest during the night truly and also to share experiences and learnings from a road that is becoming too long.

However, on various occasions, the testimonies conceive that walking in a group means being more recognisable in front of the police and, therefore, being victims of more violence, which is why they often feel pressured to choose to walk alone in the city as a way of avoiding possible conflicts with their documentation status and, especially, the much-feared refoulements.



One of the aspects that stands out in terms of the resistance and support strategies observed is **access to information**. At the very least, it is a task that should be guaranteed and ensured by national and international organisations working in the field, but which in practice is relegated to the transient subjects of law themselves.

This becomes a **controversial source**, as many times, there are not enough tools to ensure the integrity of the information shared. The lack of legal support and how information is disseminated make it difficult for people to distinguish between what is theoretically laid down in the law and what is done in practice (many of the experiences shared are exceptionalities that fall outside the scope of the regulation).

There is an urgent need to focus on implementing posts that ensure the right to information and work against the circulation of hoaxes, thus indirectly fighting for better treatment in immigration and migration procedures.

At the same time, the **re-education of the competent bodies** and providing tools for the empowerment, knowledge of rights and autonomy of people on the move are essential.



The lack of legal support and how information is disseminated make it difficult for people to distinguish between what is in theory enshrined in the law and what is in practice.

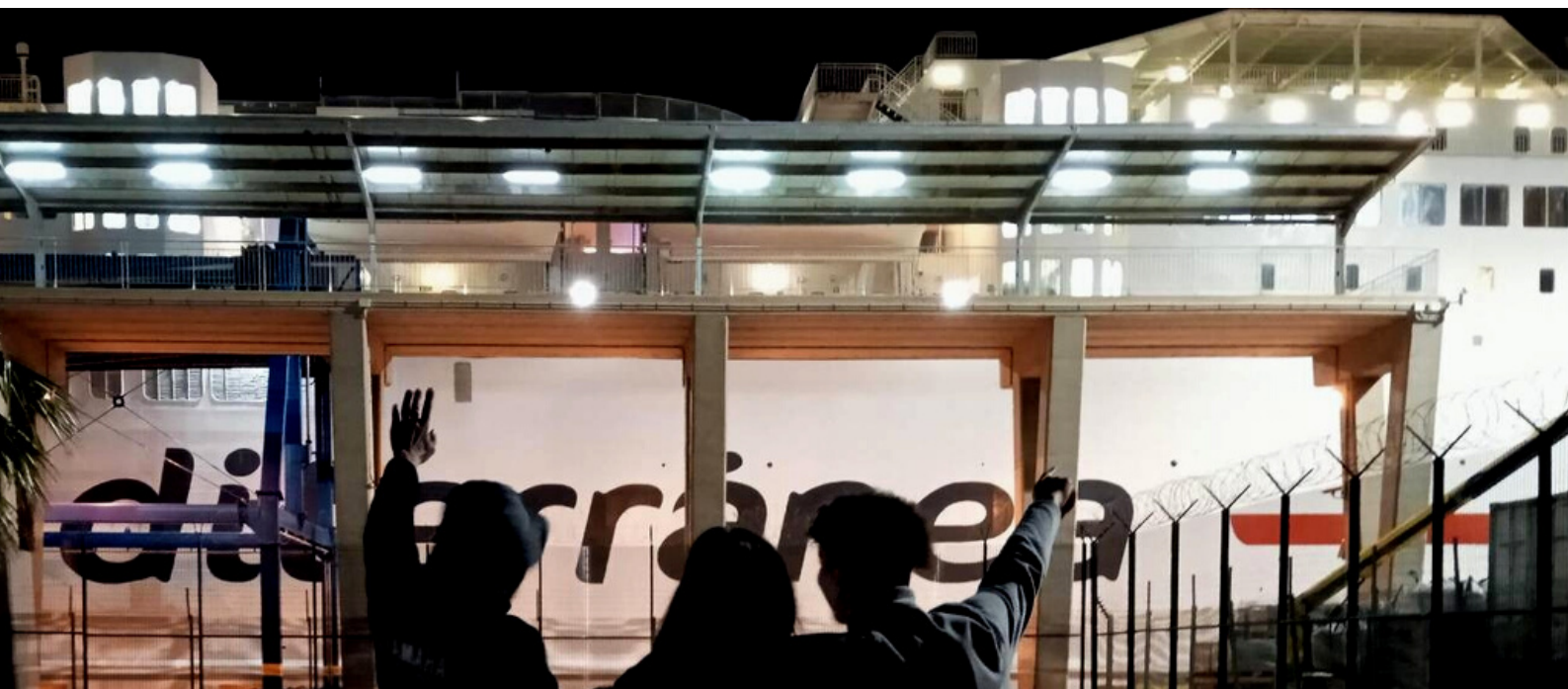


The victory of one of their colleagues is experienced with the same enthusiasm as if it were their own

Another support strategy is those established to execute daring manoeuvres such as *risky*, which they often attempt in groups or with the support of colleagues who act as lookouts or deterrents for the security forces. These actions generate trust between peers and a commitment to support that goes beyond individual objectives.

The victory of one of their colleagues is experienced with the same enthusiasm as if it were their own. In fact, the first thing they remember when they manage to reach Spain is the advice and testimonies of predecessors who tried and were returned after an illegal push backs procedure. For this reason, the experience of one is often felt as the experience of all; even when they have not lived **the experience first-hand, they carry the sense of unease as if it had been their own experience.**

In the same way, imprisonment and even the death of a colleague can also be felt very intensely, as **they are real threats to which they are inevitably exposed.**



People in vulnerable situations **often strive not to be easily singled out** and recognised as homeless by Western society. At the same time, they try to give their fellow countrymen an image of success by portraying a positive networked reality. To some extent, it is, having arrived in **Lgorbha**. Still, the reality they encounter is very different from what they expected, resulting from **an idealisation of opportunities** for which Europe has prepared an arsenal of laws and practices to ensure this does not happen.

Most of the time, people in transit move from one place to another with their clothes on, trying to carefully store the papers they will accumulate over time and attaching special value to the clothes they wear. More than with the aim of simply emphasising the material aspects, we understand that it has a sense of camouflage in society, a feeling of being integrated, of ceasing to be violated bodies, and of being genuinely recognised as subjects with rights.

In a way, **a form of resistance is created in which not complying with the social stigma of being a migrant makes you feel that you are breaking with the imposed barriers**. Unfortunately, as a result of our experiences, we understand that a "good" image means a notable change in the treatment received by the authorities, institutions and society in general. Therefore, it becomes **a tool within their reach to feel dignified**, to get better treatment from people and also to influence their self-esteem, helping them to have the strength to overcome the difficulties they encounter daily.

In the same way, we must not forget that it is a very long period that people fight against the current of the system, so despite the many resistances they manage to create, **mental exhaustion due to the accumulation of stress factors they are going through is present almost constantly, and those who exercise repression take advantage of and directly attack these strengths**.

Lghorba: place that is not yours, surrounded by people that are not yours, comes from the word "Ghrib", which means different.

A Spanish woman with her son, talks to my friend and "Why do you come here?" and "Why do you have good clothes?" papapapa ... "My children don't have good clothes, and you do". Then I told her I don't like that she looks at me jealous, why is she jealous? That she has many things that I don't have... She has papers, I don't have papers... She has trips wherever she wants, but I don't have them; I only have my clothes and my smile. So I tell her "Take it, take the clothes and the smile and give me your passport, so I can visit my family, see my mother, my father is sick... she only sees my clothes and doesn't know anything about my life and how much I have suffered.

- 22.04.2022





51

51

ADH
TEOR
CRANKS
PBRAS
PINK

8. DEMANDS

Melilla cannot continue to be a place of exceptionality, where human rights are not respected, where police violence goes unpunished.

- 1** **We demand an end to racist attitudes, abuse of authority and violence on the part of the security forces and bodies in the territory of Melilla and in the other border territories of the Spanish State.**
- 2** **We demand external control mechanisms to audit state police forces and activities on border territory to avoid impunity.**
It is essential to create effective mechanisms and resources to provide psychosocial and legal accompaniment to people in transit in the city, recognising the importance of mental health.
- 3** **We demand legal and safe routes that guarantee the integrity of people who decide to migrate without putting their lives at risk.**
- 4** **We demand a greater guarantee of protecting children's rights, starting with implementing the law itself.**
- 5** **We demand that the case of the 24th of June 2022 be reopened and that responsibilities for the deaths and disappearances be clarified. We also demand that the necessary measures be implemented to ensure that such events do not happen again.**



9. REFERENCIAS

Amnistía Internacional España. (2020) En tierra de nadie. La situación de las personas refugiadas y migrantes en Ceuta y Melilla. Available in: https://www.es.amnesty.org/file-admin/noticias/Informe-Ceuta-y-Melilla_FINAL-1_01.pdf

APDHA. (2021). Derechos humanos en la frontera sur 2021. Available in: <https://apdha.org/media/informe-frontera-sur-2021.pdf>

APDHA. (2022) Mujeres y Frontera Sur. Derechos Humanos en la Frontera Sur 2022. Available in: <https://apdha.org/media/informe-frontera-sur-2022-web.pdf>

Caminando Fronteras. (2021) Monitoreo del Derecho a la Vida en la Frontera Occidental Euroafricana. Available in: https://caminandofronteras.org/wp-content/uploads/2022/01/MONITORE-DALVES_v05.pdf

IRIDIA. (2021) Informe vulneraciones de derechos en la frontera sur: Gran Canaria y Melilla. Available in: <https://iridia.cat/wp-content/uploads/2021/01/INFORME-DDHH-FRONTERA-SUR-2021.pdf>

McAuliffe M. Triandafyllidou A. (2021) Informe sobre las migraciones en el mundo 2022. Organización Internacional de Migraciones. Available in: <https://publications.iom.int/books/world-migration-report-2022>

Médicos del Mundo. (2021) La salud naufraga en la frontera sur. Available in: https://www.medicosdelmundo.org/sites/default/files/informe_la_salud_naufraga_en_la_frontera_sur.pdf

Rights International Spain. (2019). Bajo sospecha. Impacto de las prácticas policiales discriminatorias en España. Available in: <http://rightsinternationalspain.org/uploads/publicacion/1965aea9b1460b14f2afe5f0c9a17e1b90f0f689.pdf>

Rodríguez V. Fanjul G. (2017) La industria del control migratorio ¿Quién gana en España con las políticas fronterizas de la Unión Europea? Fundación porCausa. Available in: https://www.porcausa.org/industriacontrolmigratorio/media/orcausa_LaIndustriaDelControlMigratorio.pdf

SJM. (2020) Buscar salida. Informe Frontera Sur 2020. Available in: https://sjme.org/wp-content/uploads/2021/02/Buscar-salida_Informe-Frontera-Sur-2020-SJM_logo-nuevo.pdf

SJM. (2016) Olvidados a las puertas de Europa. Preocupaciones actuales sobre protección en las fronteras exteriores de la UE. Available in: https://sjme.org/wp-content/uploads/2021/01/Olvidados_puertas_Europa_JRS_SJM.pdf

Webography

- <https://porcausa.org/wp-content/uploads/2022/07/Manual-de-Instrucciones-de-ICM-2022.pdf>
- <https://africamundi.es/2022/08/13/las-principales-rutas-migratorias-desde-africa-hacia-espana/>
- Galtung J. (2016) La violencia: cultural, estructural y directa. <https://dialnet.unirioja.es/descarga/articulo/5832797.pdf>
- Suárez-Rivero D. (2021) Acciones, sistemas normativos o creencias ¿Dónde se fundamenta la violencia? <https://dialnet.unirioja.es/servlet/articulo?codigo=8065323>
- La Barbera M.C. (2017) Interseccionalidad /Interseccionality. Voces de la cultura de la legalidad. <https://e-revistas.uc3m.es/index.php/EUNOM/article/download/3651/2221/>
- La Moncloa. (2022) <https://www.lamoncloa.gob.es/consejodeministros/referencias/Paginas/2022/refc20221018.aspx>
- La Moncloa. (2019) <https://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/interior/Paginas/2019/151119-ceutamelilla.aspx>

Z
A
B
L
U
S
A
R
L
T
O
S

10. ANNEX: CALENDAR OF INTERVIEWS

October 2020	2020.10	Street Cross border Bullring Risky Port violence
	2020.10	Street Cross border Risky Citizen violence Port violence
	2020.10	Street Cross border Bullring Risky
November 2020	2020.11	Port violence
	2020.11	Cross border
	2020.11	Cross border Street Bullring Risky Port violence Administrative process
	2020.11	Cross border
	2020.11.06	Purísima Administrative violence
	2020.11.09	Administrative process Risky

February 2021	2021.02	Risky Street Administrative process Bullring
	2021.02.12 Skatepark	Street / Settlement Administrative process
	2021.02.16 Port	Risky Port violence
	2021.02.16	Violencia Puerto
	2021.02.24 Rastro	Street / Settlement Citizen violence
	2021.02.26	Street / Settlement
March 2021	2021.03	Street / Settlement Risky Port violence
	2021.03.26	Street / Police violence Administrative process
April 2021	2021.04.22	Bullring
	2021.04.22	Administrative process Bullring

May 2021	2021.05.10 Bullring	Bullring Administrative process
	2021.05.14	Port violence
	2021.05.20	Port violence
	2021.05.31 Port	Port violence
	2022.03.24	Street / Settlement
March 2022	2022.04.13	Street violence Administrative violence Beni Ensar
April 2022	2022.05.18	Street violence Administrative violence Beni Ensar Street / Settlement
	2022.05.18	Purísima Street violence Administrative process Risky Citizen violence Cross border
May 2022	2022.11.29 SUP	Bullring Port violence Purísima Cross border Risky Street / Settlement
November 2022	2022.11.31 AUGC	Bullring Port violence Purísima Cross border Risky Street / Settlement





www.solidarywheels.org