

REPORT

BEYOND THE FENCE JUMPS

MARCH 2022, MELILLA



MELILLA, ONE MONTH LATER

MIGRATION AS A POLITICAL WEAPON

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

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

During March 2, 3, 4 and 8, there were attempts to jump the triple fence of Melilla⁽³⁾, for a total of almost 6,000 attempts. According to official data, of the four attempts to cross the fence, **a total of 871 people** succeeded during the first two days⁽⁴⁾. Many of them had to be hospitalized because of injuries sustained on the way and other recent and serious injuries as a result of the violence exercised by the Spanish authorities. This violence, with video evidence collected by RTVE Melilla⁽⁵⁾, has been condemned by various entities and human rights defenders, demanding an investigation and real reparation, to ensure a dignified treatment and in accordance with the

law. However, **one month after the occurrence, no investigation has been initiated, nor have responsibilities been clarified.**

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

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



Top: People retained by the Moroccan authorities before getting on the buses



Left: One of the doors that connects the Spanish and Moroccan territories and through which pushbacks are performed

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

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

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

All the people who entered the CETI expressed their intention to apply for asylum. After three days in quarantine, they were taken to the police station for fingerprinting. During this procedure, the Solidary Wheels team kept a close eye on the situation, because after the action of the

authorities during the jumps, there were fears of possible refoulement. The application procedure for international protection that was applied to the people who arrived on March 2 and 3 was the expedited procedure. Despite what multiple media and extreme right-wing politicians try to make believe, this procedure is not an express asylum nor does it encourage the call effect, nor is it extremely beneficial for the migrants. On the contrary, **this procedure, which has been done quickly and without the guarantees required by international law, is not beneficial for those who have been forced to follow it in order to safeguard their lives and avoid refoulement**.

The **accelerated asylum application procedure**⁽¹³⁾ applies to persons who apply for asylum at a border post or in a CIE (Centro de Internamiento de Extranjeros). Unlike the normal asylum procedure, which is applied when the person is already in Spanish territory, as was the case of the persons who arrived, this is a special procedure with reduced time limits. In border procedures, it is mandatory to have legal assistance. It can be requested free of charge or through NGOs that provide legal advice, or by hiring a private lawyer. However, **there were many difficulties encountered in accessing legal assistance, a basic right that must be guaranteed**.

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

After the interview, the authorities have **four days to decide whether to admit the application for processing**. In case of inadmissibility, there is



Road close to the Melilla fence where belongings from people who succeeded in their jump were found



People inside the Temporary Migration Reception Centre

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

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

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

The Solidary Wheels intervention team has perceived the great frustration and the feeling of inequality that this situation generates in the young people. **It is valued that there is a lack of transparency and differential treatment in the administrative**

processes they face. In addition, these situations promote rumors and misinformation among the migrant group. It is thus confirmed that the Moroccan group continues to be at the bottom of the asylum procedure and the Spanish reception system.

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

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

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

Text: Mar Soriano y equipo terreno

Photos: Lara Domínguez Pena

REFERENCES AND CLARIFICATIONS

- ⁽¹⁾ Another example of this political game is the situation provoked in Ceuta during the May entries by the conflict between Morocco and Spain. For more information see, among others:
- Varo, L. J., Peregil F. y Martín, M. (2021). 5,000 people swim to Ceuta in the midst of escalating diplomatic tension with Morocco. El País. <https://elpais.com/espana/2021-05-17/un-millar-de-personas-llegan-a-nado-a-ceuta-en-plena-escalada-de-tension-diplomatica-con-marruecos.html>
 - Rédaction Africanews (2022). Morocco: Upsurge in migrant crossings at Melilla border fence. Africa News. <https://www.africanews.com/2022/03/05/morocco-uptsurge-in-migrant-crossings-at-melilla-border-fence/>
- ⁽²⁾ For more information:
- Documentary published by Salvados in 2014: “El otro lado de la valla”, https://www.atresplayer.com/lasexta/programas/salvados/temporada-8/capitulo-8-otro-lado-valla_5ad095257ed1a88d4fb2f00d/
 - Jiménez, J. (2016). ‘Las lágrimas de África’, el documental que pone cara a los subsaharianos que saltan la valla, por RTVE. <https://www.rtve.es/noticias/20160823/lagrimas-africa-documental-pone-cara-subsaharianos-saltan-valla/1389440.shtml>
 - Molina, M. (2022). Northern cemetery, southern border. El Diario. https://www.eldiario.es/desalambre/cementerio-norte_1_5808191.html
 -
- ⁽³⁾ For further information:
- Rojas, A. (2022). Shots fired in the air, hot returns and 20 hospitalized after two days of jumps to the Melilla fence. El Salto. <https://www.elsaltodiario.com/melilla/disparos-aire-devoluciones-caliente-20-hospitalizados-dos-dias-saltos-valla-melilla>
 - Benargane, Y. (2022). Migration : L’AMDH-Nador dénonce l’arrestation de 240 migrants à la frontière avec Melilla. Yabiladi. <https://www.yabiladi.com/articles/details/125105/migration-l-amdh-nador-denonce-l-arrestation-migrants.html>
- ⁽⁴⁾ According to information published by the Government Delegation in the City of Melilla:
- 491 people on the first day
State Security Forces and Corps contain the attempted entry of more than 2,000 migrants to Melilla (2022), Ministry of Territorial Policy. https://www.mptfp.gob.es/porta1/delegaciones_gobierno/delegaciones/melilla/actualidad/notas_de_prensa/notas/2022/03/2022-03-02.html
 - 380 people on the second day
One hundred civil guards and national police reinforce security at the border (2022), Ministry of Territorial Policy. https://www.mptfp.gob.es/porta1/delegaciones_gobierno/delegaciones/melilla/actualidad/notas_de_prensa/notas/2022/03/2022-03-03.html
- ⁽⁵⁾ Images recorded on March 02 and 03 during the first two attempts to jump by RTVE Melilla: <https://twitter.com/rtvemelilla/status/1499475809987350534>
- ⁽⁶⁾ For more information:
- Post published on the Instagram of Solidary Wheels: https://www.instagram.com/p/Cam6UFWq-a0/?utm_source=ig_web_copy_link / <https://www.elsaltodiario.com/melilla/disparos-aire-devoluciones-caliente-20-hospitalizados-dos-dias-saltos-valla-melilla>
- ⁽⁷⁾ Obligations included in European Human Rights Law and in STC 172/2020, of November 19: <https://www.boe.es/buscar/doc.php?id=BOE-A-2020-16819>.
- ⁽⁸⁾ According to information shared by the Moroccan Association for Human Rights (AMDH) in “Melilla: Thousands of migrants attempt to scale fence into Spanish enclave”. (2022). InfoMigrants. <https://www.infomigrants.net/en/post/38932/melilla-thousands-of-migrants-attempt-to-scale-fence-into-spanish-enclave>

⁽⁹⁾ For more information:

- Post published on the Instagram of Solidary Wheels:
https://www.instagram.com/p/CapHmW_KrAU/?utm_source=ig_web_copy_link

⁽¹⁰⁾ Videos post by NadorCity.com:

- <https://www.youtube.com/watch?v=cA91UkNDg-0&t=54s>
- <https://www.youtube.com/watch?v=TMRpqbQ7WKw>

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

<https://www.africanews.com/2022/03/05/morocco-upsurge-in-migrant-crossings-at-melilla-border-fence/>

⁽¹²⁾ See detailed information by country on the UNHCR website: <https://data2.unhcr.org/en/countries/>

⁽¹³⁾ Asylum applications at border crossings and in Detention Centers for Foreigners ("CIEs"). UNHCR UNHCR, The UN Refugee Agency.

- <https://help.unhcr.org/spain/solicitar-asilo-en-espana/solicitud-de-asilo-en-puestos-fronterizos-y-en-centros-de-internamiento-de-extranjeros-cies/>
- Tramitación de las solicitudes, Ministerio del Interior: <http://www.interior.gob.es/web/servicios-al-ciudadano/oficina-de-asilo-y-refugio/proteccion-internacional/tramitacion-de-las-solicitudes#fase%20de%20admis%C3%B3n>

⁽¹⁴⁾ Comisión Catalana D'Ajuda al Refugiat (2019), Interpretation in an asylum interview. Consequences of post-traumatic stress and requirements to interpreters.

<https://www.ccar.cat/wp-content/uploads/2019/06/La-interpretaci%C3%B3n-en-una-entrevista-de-asilo.pdf>

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

https://www.eldiario.es/carnecruda/programas/sahara-ucrania-heridas-abiertas_132_8869138.html

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

<https://algorace.org/2022/04/05/aprobada-una-pnl-para-evitar-sesgos-y-promover-la-transparencia-en-el-uso-de-sistemas-biometricos-en-la-frontera-sur/>

⁽¹⁷⁾ Guimarães, J. (2022). Espanha cria estratégia ilegal para barrar refugiados africanos. Alma Preta.

<https://almapreta.com/sessao/africa-diaspora/refugiados-espanha>

⁽¹⁸⁾ It is worth highlighting Article 13 of the Universal Declaration of Human Rights:

1. Everyone has the right to liberty of movement and freedom to choose his residence within the territory of a State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

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



SOLIDARY WHEELS
NO BORDERS FOR HUMAN RIGHTS