



## Viewpoint

### **Morocco: Wherever EU immigration policy rears its ugly head, violence and abuses follow**

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In the summer of 2018, after concerted efforts since 2014 by the EU and its Member States to block off the eastern (Turkey to Greece) and central (Tunisia and Libya to Italy) routes across the Mediterranean used by migrants and refugees to reach Europe, there was an increase in crossings using the western route (Morocco, and sometimes Algeria, to Spain). This was accompanied by an increase in deaths at sea and, in Morocco, extensive police operations to remove black African migrants from the north of the country, based on racial profiling and flagrant breaches of human rights.

#### **Closing the eastern and central routes**

In the Greek case, efforts focused on making deportations (“returns”, in EU-speak) to Turkey routine and applicable perpetually to anyone entering after 21 June 2016, an arbitrary date established by the EU-Turkey deal of March 2016.<sup>1</sup> This enabled the so-called hotspots to become long-term detention centres for men, women and children kept in inhumane and degrading conditions.<sup>2</sup> Thus, the infamous EU-Turkey deal temporarily helped to reduce the influx through the eastern Mediterranean route, although it has increased again in recent weeks.

For the central route towards Italy, this effort involved reinforcing the Libyan coastguard to prevent anyone – including those who have been trapped in the country’s detention and torture camps – to embark towards Italy. It included attacks against NGOs – who responded to the European and national decision to let people drown by saving lives – by attempting to criminalise them and by accusing them of complicity with people traffickers.

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<sup>1</sup> It was recently confirmed by the European Court of Justice in response to an appeal case that, despite the popular nomenclature of ‘EU-Turkey deal’, none of the EU institutions are in fact responsible for that agreement. See: Council reports that the court finds that nobody in the EU is responsible for the EU-Turkey deal of 16 March 2016, *Statewatch News Online*, 20 October 2018, <http://www.statewatch.org/news/2018/oct/eu-cjeu-eu-turkey-deal.htm>

<sup>2</sup> See, in particular, the conditions in Moria on the Greek island of Lesbos: Dr Alessandro Barberio, ‘Moria is in a state of emergency’, *MSF*, 17 September 2018, <https://www.msf.org/moria-state-emergency>

Both methods have been doggedly promoted by Frontex since 2014 through insidious risk analyses, presented as “technical” exercises. The reasoning employed suggests that human rights, access to asylum and respect for principles including non-discrimination are a problem because they undermine institutional efforts to impose the EU’s integrated border management model.

Hence, the Council and Commission are now working to dismantle the guarantees currently provided by the Returns Directive, because the priority is to “restore the credibility of the EU’s return system” and measures to safeguard people’s rights are viewed as potential obstructions to deporting people.<sup>3</sup> In parallel, Frontex is being flooded with funding to turn it into a fully-fledged border guard with executive powers to institutionalise the dogged harassment of migrants and in certain cases to take over the management of Member States’ external border areas.

### **Increased arrivals through the western route**

Temporary “success” in blocking the eastern and central routes resulted in increased arrivals in Spain, along a route whose impact had been negligible for some years. The IOM’s *Missing Migrants* project documents both the increase in arrivals by sea and their corollary of deaths at sea. This was noteworthy for deaths at sea in the western Mediterranean route in 2016 and 2017 (120 and 145 respectively, compared with 27 for 2014 and 53 in 2015) and grew considerably in 2018 (420). Arrivals during the first ten months of the year (January to October) rose from 15,982 in 2017 to 40,598 in 2018, peaking from June to September, when the number of arrivals consistently topped 6,000 per month.<sup>4</sup>

This resulted in both Spain and the EU resuming the pressure they periodically exercise on Morocco to undertake activities against “illegal immigration”, a phenomenon created and continuously rekindled by prohibitionist EU policies over the last three decades.

As has happened on every previous occasion, the result has been large-scale raids in Moroccan cities targeting black foreigners, both migrants and refugees, regardless of their legal status, and subsequent expulsions and deportations in violation of the rule of law. This should not be surprising because, both within and beyond the EU’s borders, the European Agenda on Migration is based on the subordination of human rights, the rule of law and principles such as non-discrimination and *non-refoulement* to the EU’s migration policy objectives.

It should not be surprising, then, that operations in Morocco supposedly carried out against illegal immigration and networks of traffickers, in practice end up targeting ‘blacks in general’. The inherent nature of the EU’s policies in this field promotes racism and discrimination as standard modes of migration management. This is already evident in Europe, so it is worth asking why (or whether) EU institutions consider that this would not be

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<sup>3</sup> Steve Peers, ‘Lock ‘em up: the proposal to amend the EU’s Returns Directive’, *EU Law Analysis*, 12 September 2018, <https://eulawanalysis.blogspot.com/2018/09/lock-em-up-proposal-to-amend-eus.html>

<sup>4</sup> Missing Migrants project, IOM, western Mediterranean route, consulted on 15 October 2018, [http://missingmigrants.iom.int/region/mediterranean?migrant\\_route%5B%5D=1378](http://missingmigrants.iom.int/region/mediterranean?migrant_route%5B%5D=1378)

the case elsewhere. A further important development is the use of firearms against migrant boats by the Moroccan coastguard authority.<sup>5</sup>

### Reports on the situation in Morocco

GADEM, the *Groupe anti-raciste d'accompagnement et de défense des étrangers et migrants*<sup>6</sup> has produced two detailed reports on events in Morocco since the summer of 2018. The first one, entitled “costs and injuries” was published on 28 September 2018 and deals with law enforcement agencies’ operations in northern Morocco (particularly in the cities of Rabat, Casablanca and Tangiers) between July and September 2018. It provides some factual elements and analysis. The second report is entitled “Gratuitous expulsions” and describes a worsening situation for migrants in the north African country, focusing specifically on informal and unlawful modes of expulsion that are being enacted.

What follows is the translation of the introductory notes to the two reports and a shocking testimony from the organisation Alarm Phone – Watch the Med reporting the failure of both the Spanish and Moroccan coastguards to undertake a sea rescue which resulted in two people dying. This follows the model employed by Italy in the past months to discourage sea crossings by omitting, preventing or discouraging sea rescues.

### **Introductory note from the report ‘*Coûts et Blessures. Rapport sur les opérations des forces de l’ordre menées dans le nord du Maroc entre juillet et septembre 2018. Éléments factuels et analyse*’<sup>7</sup>**

Rabat 28.09.2018

Presentation of the «Coûts et blessures» report

Within the context of its #CoûtsEtBlessures awareness-raising campaign, today GADEM releases its report «*Coûts et blessures – Rapport sur les opérations des forces de l’ordre menées dans le nord du Maroc entre juillet et septembre 2018 – Éléments factuels et analyse*» [Costs and injuries – Report on the law enforcement agencies’ operations in northern Morocco between July and September 2018 – Factual elements and analysis].

The report “*Coûts et blessures*” presents a state-of-play assessment regarding violent events which have marked the period running from July to September 2018, by concentrating specifically on the operations enacted by law enforcement agencies in Tangiers against black populations made up of non-Moroccan nationals. This report also seeks to place these elements back into their national and supranational political context, by offering a framework to understand and analyse the motives and implications of such practices in the framework of cooperation with Spain and the European Union.

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<sup>5</sup> ‘Moroccan woman dead after navy fires at migrant boat’, *Al Jazeera*, 26 September 2018, <https://www.aljazeera.com/news/2018/09/moroccan-woman-dead-navy-fires-migrant-boat-180926082732845.html>

<sup>6</sup> GADEM, <https://www.gadem-asso.org/>

<sup>7</sup> [https://gallery.mailchimp.com/66ce6606f50d8fd7c68729b94/files/a727e61b-bcdc-46e1-b3f5-bb9e3c8e8d01/20180927\\_GADEM\\_Coûts\\_et\\_blessures.pdf](https://gallery.mailchimp.com/66ce6606f50d8fd7c68729b94/files/a727e61b-bcdc-46e1-b3f5-bb9e3c8e8d01/20180927_GADEM_Coûts_et_blessures.pdf)

The report “*Coûts et blessures*” provides some factual elements, collected and analysed on the basis of fieldwork undertaken mainly in Rabat, Casablanca and Tangiers, which made it possible to collect 45 testimonies by people who were directly affected (11 women, 19 men and 15 minors). It also benefitted from contributions from civil society organisations and GADEM partners, observations carried out by GADEM during its past experiences, as well as research and analysis of documental evidence drawn from journalism, juridical and institutional sources.”

**Introductory note from the report ‘*Expulsions gratuites. Note d’analyse sur les mesures d’éloignement mises en œuvre hors tout cadre légal entre septembre et octobre 2018*’<sup>8</sup>**

“Expulsions Gratuites”

After the publication of our report «*Coûts et blessures - Rapport sur les opérations des forces de l’ordre menées dans le nord du Maroc entre juillet et septembre 2018*», the situation of black people who are not Moroccan citizens has worsened, as the numerous testimonies collected in this report, «*Expulsions gratuites*», shows.

In September, we criticised the collective and forced removal of black foreigners from northern Morocco - and in proximity of the borders with Spain – towards southern cities, in conditions that seriously endangered the rights and physical wellbeing of the affected people, including minors, women and people who are eligible to obtain international protection. Two people died violently during these forced removals towards the south, without the authorities clarifying the circumstances in which they occurred.

The violent events continue and they are now also accompanied by removal measures from the national territory outside of any legal framework. All the testimonies concur in describing disregard for black non-Moroccan people and their rights. The material conditions of these detentions (limited access to nourishment and toilets; absence of bedding; daily violence; reprisals if people resist expulsion; many injured and sick people are left without assistance) are shameful for the Kingdom. To this, we may add the systematic violation of people’s rights: without official communication on their detention, the people whose testimonies we collected were often held well beyond the maximum length envisaged by law. They have been unable to oppose their detention or the removal measures that are being prepared against them. Without having any lawyers or interpreters available to them, they are also denied access to their consular representatives, other than to organise their expulsion.

This double repressive dynamic interrogates the whole of Moroccan society on the will of the Moroccan authorities to enact their “new humanist migration policy”, as was announced in 2013 without this promise being kept. What is troubling, beyond the fever which appears to have caught hold of the law enforcement forces in the context of their treatment of black foreigners, is that the current legal framework, despite its evident faults, is flouted by the very people who are responsible for imposing legality and respect for public order. Current legislation appeared to be a juridical minimum standard, but now it turns out that its meagre procedural guarantees are incapable of resisting numerical targets for the hunt - with daily quotas for arrests or expulsions that some testimonies have criticised – which is underway on the basis of criteria that are racist, in an increasingly overt manner.

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<sup>8</sup> [https://gallery.mailchimp.com/66ce6606f50d8fd7c68729b94/files/3690d5cc-2b47-404c-a43d-ca0beeb7e383/20181011\\_GADEM\\_Note\\_Expulsion\\_gratuite\\_VF.pdf](https://gallery.mailchimp.com/66ce6606f50d8fd7c68729b94/files/3690d5cc-2b47-404c-a43d-ca0beeb7e383/20181011_GADEM_Note_Expulsion_gratuite_VF.pdf)

Although GADEM, alongside activists committed to people's freedom of movement, has been calling for law no. 02/03 - whose repressive nature does not need to be demonstrated any longer - to be reformed for a long time, we cannot avoid protesting about how the law that is in force is being disregarded. This attitude by authorities resembles "state nihilism", but it is also framed by a migration context which is tense due to the newfound media interest in the issue of Moroccan nationals who seek to reach Europe irregularly – a phenomenon the Moroccan media started to call "hrig" this summer. Now, the tragic consequences of the use by the Royal Navy of lethal bullets against vessels attempting to cross the Strait of Gibraltar adds to the current climate of tension: the death of a young Moroccan woman on 25 September, several people injured on the same day and then, again, on 9 October when we are finishing this note. The proof was thus provided, and in what a horrible way, of solidarity in the common destiny of Moroccan and foreign nationals facing a repressive policy that affects them both, despite the categories that are created to divide them and make them compete amongst each other.

As we recalled in our previous report, "Morocco is playing a dangerous and contradictory game between an extremely repressive and violent policy towards foreign and migrant people present in its territory, a role as the 'leader' of the migration dossier within the African Union, and a position that it firmly seeks to maintain with regards to Spain, the European Union and the other Member States." As far as the combination of parties involved in the "new migration policy" are concerned, five years after its launch, the time has come for some clarity. Either the Kingdom, which re-joined the African Union 2017, is determined to take on its role as an African "leader" on migration issues by acting as the spokesperson of an "Africa of the peoples" based on ideals of openness, mutual respect and reciprocal exchanges. Otherwise, the slogan of "south-south" cooperation is nothing more than a smokescreen that has no future and whose aim is to conceal diplomatic cynicism and the preparation of arrangements made behind the scenes with the European Union. On the other hand, the latter continues to praise and promote the "Moroccan model" at every level, amid continuous promises to finance it.

### **Message from Watch The Med – Alarmphone on 12 October 2018<sup>9</sup>**

Update: European border policy kills two more people in the Western Mediterranean

"Nobody came to search for us, so we decided to return on our own. We were exhausted and we ran out of water. Two people died before we reached the shore."

We announced yesterday that the Alarm Phone was alerted to a boat in distress with 11 people onboard. We alerted the Spanish and Moroccan rescue teams at midday and continued the communication with both until today. The Spanish authorities passed the responsibility to the Moroccan Royal Navy, who told us there had been no such boat rescued. At 10 am today, one of the passengers informed us that there had been no rescue, the boat returned on its own to Morocco, and two people died.

Once again, we regret the loss of human lives on the lethal and racist borders of Europe, and demand the right to safe passage for everyone. Freedom of movement is a basic human right. The Mediterranean needs ferries, not Frontex!

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<sup>9</sup> <https://www.facebook.com/watchthemed.alarmphone>

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