



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 21 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights
No Racism Peace No Torture No War
Self-Determination of Peoples Democracy
Human Rights Rights of Migrants

Bologna, Düsseldorf, London, Vienna, 02 July 2022

RESTORE RIGHTS AND VALUES AT EUROPE'S BORDERS

ELDH condemns the cynical killings and beatings of migrants by both Moroccan and Spanish Border Forces at Melilla on 24 June 2022. They are being used as political pawns. We urge a humanitarian response from the African Union, the EU and its Member States to require both Morocco and Spain to respond in a humane manner in line with their international legal obligations.

The enclaves of Melilla and Ceuta in Northern Morocco were retained as Spanish Territory when Morocco gained independence in 1956. They are therefore the first European externalised borders and have long been the scene of unlawful killings of migrants attempting to cross into Europe.

The killing of at least 37 people (Moroccan Human Rights Group AMDH estimate) by Moroccan security forces and the injury of over 100 others trying to cross from Morocco to Spain on 24 June is the largest and most brutal. Migrants are used as pawns in negotiations over the independence of Western Sahara as prior to Spain's endorsement of Morocco's autonomy plan for Western Sahara in May. Morocco had "turned a blind eye" to migrants crossing into Spanish territory (10,000 in May 2021 and nearly 500 in early June 2022). Western Sahara's pro-independence Polisario Front wants a UN supervised referendum on self-determination.

Thousands of vulnerable migrants remain stranded in Morocco. This is a continuing humanitarian crisis which causes immense suffering.

Highly vulnerable groups are weaponised in this struggle. They include many Victims of Trafficking fleeing war and persecution in sub Saharan Africa.

ELDH European Association of Lawyers for Democracy & World Human Rights
Co-President: Professor Bill Bowring, London | E-Mail: bill.bowring@eldh.eu | Phone +44 (0)781 048 34 39
Co-President: Barbara Spinelli, lawyer, Bologna | -E-Mail avv.barbaraspinelli@gmail.com | Phone +39 051 4116817
Présidente d'honneur: Professeure Monique Chemillier-Gendreau, Paris
Co-Secretary General: Thomas Schmidt (lawyer), Düsseldorf | E-Mail: thomas.schmidt@eldh.eu | Phone +49 (0)172 68 10 888
Co-Secretary General: Serife Ceren Uysal (lawyer), Vienna | E-Mail: serifecerenuysal@gmail.com | Phone +43 664 4853347
Postal address: ELDH | Thomas Schmidt | Platanenstrasse 13 | D – 40233 Düsseldorf (Germany)
Website: www.eldh.eu

ELDH therefore proposes the following responses:

1. Access to seeking asylum at the border

Access to Spain should be allowed both in law and in practice in accordance with EU and international law, irrespective of the manner of arrival. Spanish and Moroccan Border Officers should refrain from the use of excessive force. Measures aimed at preventing people from accessing EU territory such as forceful pushbacks, beatings and killings must be prohibited.

We call on the European Union and other relevant international and regional actors to ensure:

- Human rights based border governance
- Safe migration pathways
- Individual assessment of asylum claims
- Protection from collective expulsions, arbitrary arrest and detention

2. EU response

The EU, its commission and member states must respond to the border crisis in accordance with their international obligations, not bow to pressure from Spain. There should be no derogation from the current political and legal framework which can ensure a humane transition for those currently suffering on the externalised European borders at Melilla and Ceuta.

3. Spanish and Moroccan Enquiry

Spain and Morocco should give a swift and public condemnation of the recent events, outlining steps to carry out an effective and independent investigation into the circumstances of the deaths and injuries, identifying those responsible and ensuring accountability.

4. UN Special Rapporteur on Refugees

The Special Rapporteur should carry out an independent enquiry into the events in Melilla of 24th June 2022.

5. Migrants detained in Melilla and Ceuta

International standards of accommodation should be maintained for those currently detained.

6. International Access

The border should be accessible to international media and monitored by independent actors to ensure that EU and international law is respected. Acts of violence by state enforcers and others should be condemned and investigated