

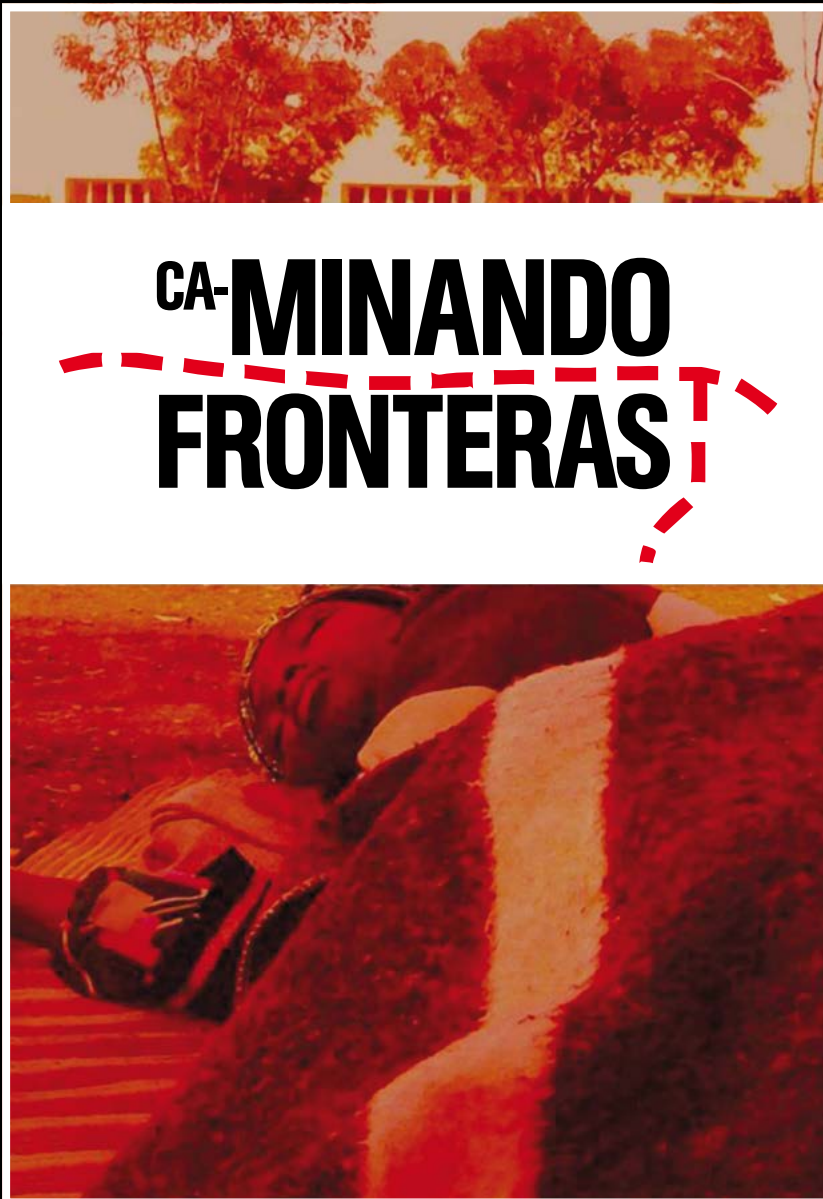


Beyond borders

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Prologue

The voices of the border war

Nicolás Castellano Flores

The voices of the border war

They themselves tell us, this is a war. Ndeubi Marie does so demanding justice on behalf of her son Larios, killed at the “battle” of Tarajal on 6 February 2014. A mother who remains traumatized and whose only desire at this moment is to see the place where Larios lies, take his ashes back to their land and organize an appropriate funeral.

The growing militarization of Spanish borders takes names and bodies in this report, “Beyond the Border”, whose great asset is that it feeds on the direct testimony of the victims of this conflict, that “the people on the move are the agents” as narrated by the researchers of the Caminando Fronteras group. Contrary to the usual discourse on migrations this side of the wall, the European one, which reduces the migrant to clichés of “victimization and objectification” if not clear criminalization, this paper aims to give a voice to those who suffer this senseless age.

The scene depicted by the report, with data from September 2015 to December 2016, offers the profile of those who try to enter Europe through the southern Spanish border or unfortunately end up crashing against it. The people who recount their odyssey in these pages come from 15 African countries, they told their stories in a dozen places marked by fire after many days, if not years, of waiting and suffering: the forests of Nador, Bel Younech, Castillejo, Boukhalef, Mesnana...

Yomie Serge lived in Tangier with his brother and friends. They had all travelled together from Cameroon.

His brother and all his companions went missing when they tried to reach Tarifa in a small plastic zodiac. But for fate having other plans, that day he too would have tried to cross. “Tell them I’ve seen Europe, that I managed to get in, and that all this wasn’t worth it”. His testimony opens the chapter in which a necessary appeal to historical memory is made under the heading “the construction of the Spanish border war”. In 12 devastating pages, some of the greatest barbarities committed against these people in the name of an alleged protection of our borders or of



control of so-called “migratory flows” are narrated. As the report points out, this war could be traced back more than a decade; the problem is that the number of victims is uncountable.

Caminando Fronteras examines from 2003, with the case of a Congolese man who appeared at the Bel Younech forest wearing the pajamas of the hospital in Ceuta, the record of illegal expulsions that continue to

be committed from Ceuta and Melilla, including cases of children as young as 10 years of age. The deaths at the fences of October 2005, the embarrassment of “Guantanamo” raised by Spain in Mauritania in the midst of the “crisis of the cayucos”, the hundreds of unmarked graves found throughout the cemeteries of the Canaries and Andalusia, the case of Laucing Sonko, who drowned whilst swimming to Ceuta after having his buoyancy aid stabbed and whose case made the UN condemn Spain for the action of the civil guards who expelled him, the Isla de Tierra episode, the summary expulsions from Chafarinas and others rocks the border war already has a history that cares not for victims, from which migrant childhood and feminization does not escape either.

The flight from “sub-Saharan cleansings” on the other side of the wall whilst waiting in Morocco, rapes, trafficking, raids have turned the migratory journey of these people into a “no-law zone”, of particular concern for Spain, where human rights are supposedly safeguarded and yet we openly see them run aground.

Serges Elver opens the chapter “Sea and fences: Stories of a dream” to the cry of Boza, with which many celebrate finally treading European territory. This part of the report is not only a compendium of testimonies like the one of Serges, but also provides chilling data on each route, quantified by alerts reaching a telephone that works 24 hours and that has saved many a life.

They are “figures pierced by pain”, 309 alerts issued as desperate cries from the sea that belonged to 7079 people between September 2015 and December 2016, with 388 people dead and missing and only 22 of them identified.

Of the many data given by this report, which has the unique value of being created by the journeys’ protagonists, there is one particularly terrible; of the 388 recorded deaths, 122 were of children and adolescents, that





is, in this “war”, 31.4 per cent of the victims are minors. The highest percentage of dead and missing are located in the Canaries, followed by the Sea of Alboran and Ceuta.

Land alerts show the forced displacement of more than 2213 persons in the surroundings of the Ceuta and Melilla fences, with 569 expelled illegally by Spain and 739 wounded by the security forces that guard both sides of those walls.

Another of the most disturbing elements described in the report is the finding of inadequate provision of care to survivors of shipwrecks to which security and immigration protocols are applied, but never a protocol for victims. The sample of rights violations described in these pages is as immense as it is unsettling.

But there is also hope among the voices in this report. Such as the one offered by Sylvie, a brave woman who decided to testify in court proceedings that had been initiated against one of her boat companions, Boubacar, accused of being the organizer of the trip, when in fact he was simply one more of those who witnessed several companions die of thirst and hunger in the boat with which they sailed course to Canarias. She is an example of the processes of resistance and resilience described in these pages.

This report takes apart the dehumanization of the other that so much abounds in the accounts of the migrations of our time. These pages hear the cry of those who are thwarted by our borders, they try to deliver justice for the pain of those who have lost their loved ones, claims a record of missing persons, ask for reparation that can even be “a handful of earth”, to give a decent burial to the dead.

With this work of Caminando Fronteras, victims are dignified; they are given a chance to tell their stories in first person. Let us listen loud and clear the voices of the border war.





Beyond borders

Beyond borders is a report that attempts to cross seas, walls and fences in order to approach the reality of migrant citizens and their prevailing need for reparation and justice. Those same citizens who suffer and call into question the very depths of our system.

Through this report, we hope you may hear the voice of migrant people and discover the narratives constructed by people on the move that are silenced by official accounts. We hope, in short, that you encounter the daily reality lying behind the political construction that is a border. You will find in this report the direct impact of border macro politics on the bodies and lives of migrants, an impact that translates not only into pain, but also into solidarity, resistance and strategies of struggle.

Canarias

Chapter I

Where do the stories come from?

Where do the stories come from?



Ndeubi Marie Thérèse

The intrinsic dignity of my son

The news of the death of my son Larios was awful and even today I am unable to overcome this situation. The commotion was so great that it had consequences for my health. Before I knew of his death I had spoken with my son and he had informed me of his intention to reach Europe through Morocco in order to find a job and so help me. He understood that as a widow I have no help since his father's death.

The last day we spoke he told me he would travel with a group of friends. I asked him how he was going to cross, he replied that they were going to get on a helicopter and then the risk of drowning, which is what we usually see on television, would be ruled out. That reassured me and then, from mother to son, I gave him my blessings.

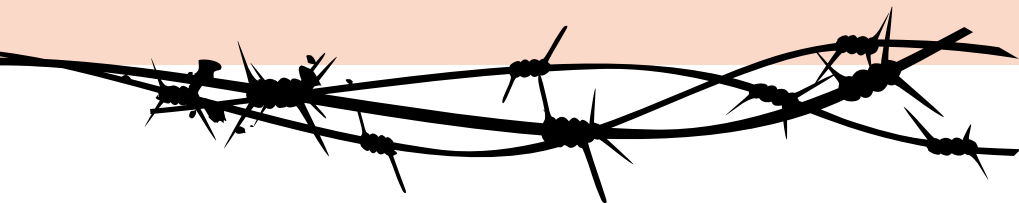
My eldest son Feric called me on the night of 7 February 2014 and broke the news of Larios' death. At first I did not believe it, I hoped that my son would return. It was only after the arrival of the group Caminando Fronteras when I finally got confirmation and became fully aware of the death of Larios, my son. The testimonies and video evidence they brought with them left me speechless. It was then that I lost all hope of ever seeing my son again. I collapsed and felt helpless. I promised myself that, with God's help, I would see the place where the remains of my son rest, if only one day, and take his ashes back to the land of our ancestors to organize a decent funeral, in accordance with our African traditions. As I give you this testimony, I still have not overcome the trauma caused by the disappearance of Larios.

May justice succeed in the name of my son.

What is the methodology used?

This report has used a Participatory Action Research methodology¹ (hereinafter PAR), focusing on how migrant communities create narratives and how they turn those narratives into action. Our group considers these communities to be fundamental agents that can generate social change regarding the situation at the borders.

PAR has been built with citizens on the move, as well as with family networks of migrants in different countries of origin.



And facing the Spanish 'border war', with the increasing militarization of the southern border of Europe, with dead and injured in their attempt to break into an impregnable fortress, the objective of this PAR is to accompany the empowerment of migrant communities and look for potentialities that are present in people on the move.

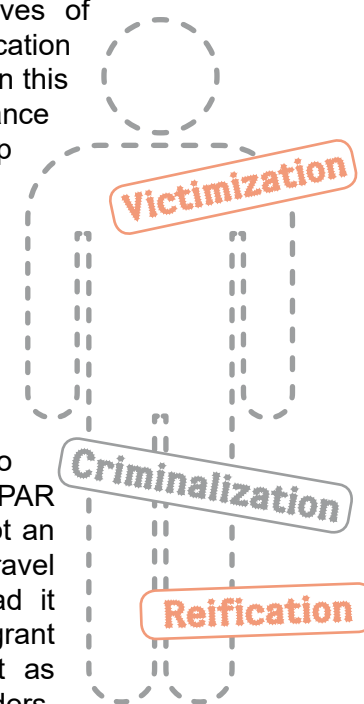
Thus, PAR is able to design strategies for the action of survival in the 'no-law' areas that borders are tantamount to. Actions designed and executed by the migrants themselves on the basis of their own vital reality.

The Group facilitates and accompanies in this process. The persons who make up the Group are placed, positioned and involved in the situation, within party membership, activism and academia.

We start from the premise that the accounts and actions of migrant citizens are rendered invisible by the narratives of criminalization, victimization and objectification underpinning the warlike conflict at the borders. In this regard, PAR gives us a vision from the resistance and from the focus of that exercise of citizenship that also exists within the people on the move². Thus, in contrast, this report seeks to expose the struggles, strategies and narratives of migrants.

The method of research implies that the people on the move is an active subject that develops the knowledge of its reality, and the researchers have with them a relation of subject to subject, the migrant citizens and their families going on to become the protagonists of the process. Within PAR no one researches or is researched, there is not an objective reality that has to be grasped; we unravel stories, giving a voice to those who have had it denied by border control processes. In this migrant communities and their families take part, just as researchers and the existing network of social leaders.

It has been a procedure based on reflection carried out by migrant communities in transit and families of migrants at the origin, participating



1. "For these we use the Participatory Action Research methodology, inscribed in Applied Critical Sociology, where research is both self-analysis, (self) training and (self) management, in a continuous and spiral process of reflection-action-reflection, which makes it accessible to the subject persons, functioning and socializing the knowledge and the powers". Participatory action research in the neighborhood of San Cristóbal de los Angeles (Villaverde district, Madrid), Alguacil Gómez; Basgoiti Rodríguez; Manuel; Bru Martín, Paloma, 27 February 2006, p. 334.

2. "Pedagogía de la indignación. Cartas pedagógicas en un mundo revuelto". Paulo Freire. Sao Paulo: UNESP.



in the deconstruction of the reality of borders along which they transit and which define their lives and their realities. The knowledge acquired is useful for the people on the move, to act in a collective and transformative way in that 'no-law' zone that concerns us.

This research has a practical purpose: to empower migrant communities and their families in practices of collective resistance.

The knowledge acquired is useful for the people on the move, to act in a collective and transformative way in that 'no-law' zone that concerns us

Having a better knowledge of reality and managing the tools of transformation allows migrant communities and their families to act more effectively in their reality

Thus, this process is a way of interfering with reality and is geared towards generating actions of social change, understanding action as a way of acquiring tools that help overcome future situations. Thus, this research aims to provide knowledge needed to solve problems or tackle human rights violations.

The process and methods of research are already in themselves actions to organize, mobilize and sensitize migrant communities and their families, but also show hidden

realities to transit and host citizens. Having a better knowledge of reality and managing the tools of transformation allows migrant communities and their families to act more effectively in their reality. It also allows us to recover the historical awareness to value the solidarity and survival networks that have been created in the context of warlike conflict such as that of the Spanish borders.

PAR frees the creative and self-reflexive potential of communities. This process needs to respect the slow pace of these processes of social transformation. Some of the interviews or cases were followed with a diachronic approach³, an analysis of realities extending over time that makes it possible to conduct a more evaluative analysis of the situation.

3. "The diachronic method" explains the phenomena by comparing them with others that have occurred previously. In this method, social phenomena are perceived as a stage in a dynamic process.

The participation of representatives of migrant communities, community leaders and families, means an involvement in research work that makes it possible to transform experiences (largely of repression and violence) into theoretical knowledge and methodologies of social transformation.



How do we apply PAR to this report?

1

We understand and analyze the problems of borders from the perspective of the citizens who suffer it. This overcomes the perspective from host and transit societies that believe that people on the move are simply victims of mafias or organized criminal networks, and that people on the move do not understand their reality and are not able to build processes of empowerment and thought.

2

We start from the socialization of knowledge about the policies applied at borders, and the effects these have on people. The goal is to democratize knowledge using tools related to new technologies as a strategy to break the hegemonic narratives on border management. This makes it possible to break away from mechanisms and methods of knowledge control.

3

Voice and visibility are given to migrant communities stripped of their categorization as persons. Using PAR in a border zone also means the recognition of people over discourses of criminalization, victimization and objectification. Breaking the discourse of ‘not persons’ transiting “no-law” places, that justifies violence on the borders, is essential.

The approach used is transnational⁴, which could be nothing other given that we are talking about people on the move. The transnational perspective allows us to analyze at the same time the mobility of communities and the control processes exerted on these.

Territories are not neutral, but geostrategically conditioned by the mechanisms of control and violation of the rights of the people on the move and these mechanisms are also transnational, such as the process of border delocalization or the exploitation of people. We address a live and diverse process. Therefore, the transnational perspective connects with a multidisciplinary approach, combining disciplines such as journalism, applied anthropology, social work, law and audiovisual communication.

We apply a human rights approach as these are the means of achieving full citizenship.

The report is analyzed with a gender perspective⁵ and with a focus on child protection rights⁶. We analyze the differences between the conditions and needs of men and women in similar situations, trying to visualize how gender can affect the lives of people, knowing that



in the case of migrant women, these suffer a double exploitation and are more exposed to assaults and violations of their most basic rights. The same applies to migrant children, so we will consider their needs, analyzing the different protection systems of the countries of origin, of transit and in Europe and insisting as necessary for there to be real protection of children and their families.

Who participated in the construction of the speeches of this report?

We focus on the story of migrant communities. To tell and narrate with a community dimension is a form of empowerment. The narrative of these communities is opposed to the military discourse of the borders, originating in the European political spaces and disseminated by the media. It is the discourse that has turned European borders into 'no-law' zones and places of war. We incorporate participative leadership in our work⁷, which more than a sum of methods, is a practice, a way of understanding the work. We start generating meaningful conversations where the collective intelligence arises. In the talks the participants, through different methods, propose alternatives and solutions according to their needs and their context.



4. "Convergencias teóricas y evidencias empíricas en el estudio del transnacionalismo de los inmigrantes". Portes, Alejandro (2005), En Migración y Desarrollo, Primer Semestre, pp. 2-19.

5. "Towards a feminist vision of citizenship, rethinking the implications of dignity, political participation and nationality", NARAYAN, U. (1997), M.L. Shanley y U. Narayan (eds.).

6. PhD thesis Intrusos en la Fortaleza, Jiménez Mercedes, 2014, Departamento: Antropología Social y Pensamiento Filosófico Español. Facultad de Filosofía y Letras. Universidad Autónoma de Madrid. Available at https://repositorio.uam.es/bitstream/handle/.../40064_Jimenez_Alvarez_Mercedes.pdf? PhD thesis Intrusos en la Fortaleza, Jiménez Mercedes, 2014, Departamento: Antropología Social y Pensamiento Filosófico Español. Facultad de Filosofía y Letras. Universidad Autónoma de Madrid. Available at https://repositorio.uam.es/bitstream/handle/.../40064_Jimenez_Alvarez_Mercedes.pdf?

7. Aportaciones básicas de la IAP a la Epistemología y Metodología, Tomás Rodríguez Villasante. Documentación social, ISSN 0417-8106, N° 92, 1993 (Ejemplar dedicado a: Investigación-Acción participativa), pp. 23-42. Available at <https://dialnet.unirioja.es/servlet/articulo?codigo=138557>.

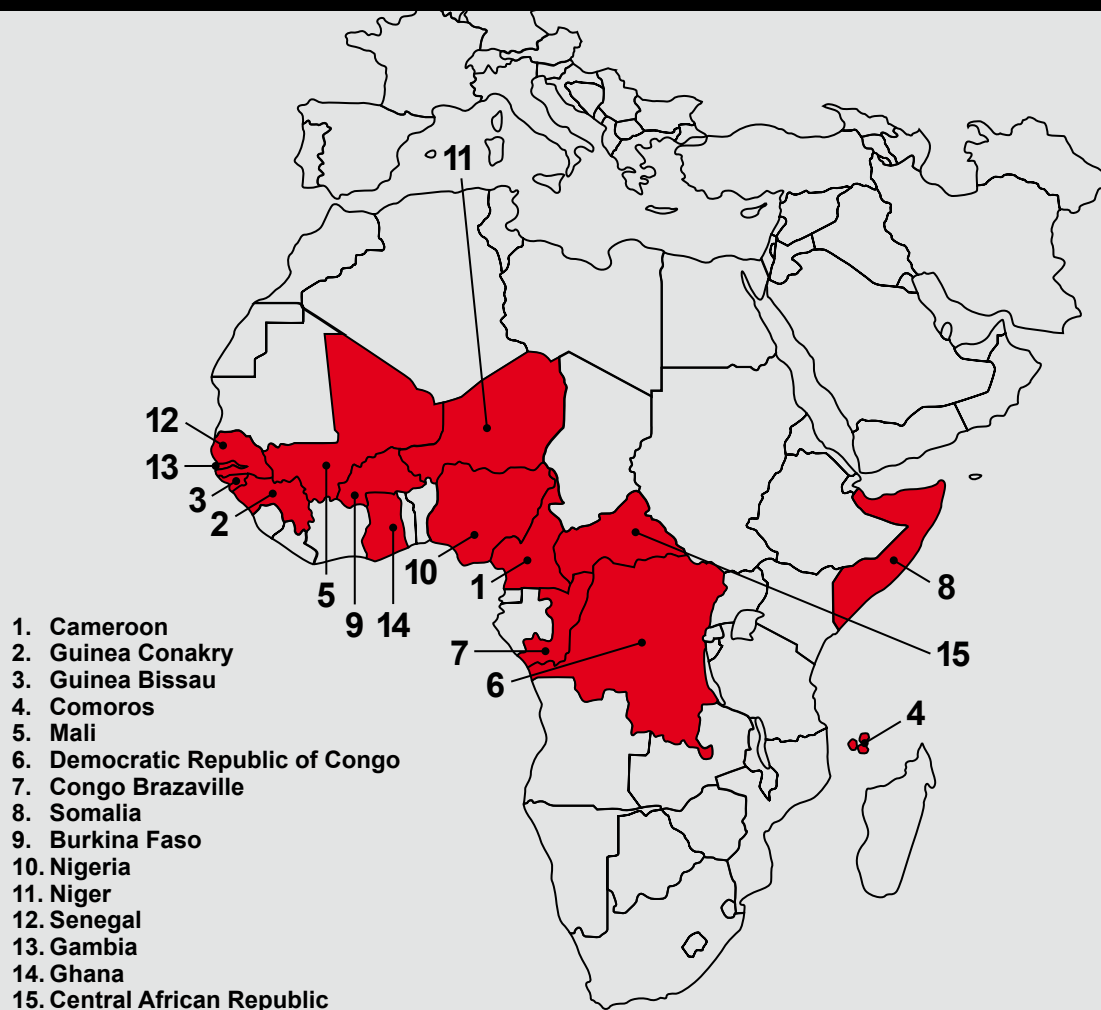
This report is part of the transnational transit on the southern border Observatory project and whose work is based on a methodology of applied, explanatory and primary social research.

The report includes data collected from September 2015 to December 2016. The fundamental basis of the data collection is the presence of the researchers of the group in border areas and work carried out horizontally with migrant communities.

The persons who participated in this work came from countries of Sub-Saharan Africa: Cameroon, Guinea Conakry, Guinea Bissau, Comoros, Mali, Democratic Republic of Congo, Congo Brazzaville, Somalia, Burkina Faso, Nigeria, Niger, Senegal, Gambia, Ghana, Central African Republic. The groups of women and children have had their specific space, necessary to find in their stories the distinctive features of how violence affects them.

The areas where we worked with migrants were: the forests of Nador, the forests of Bel Younech and Castillejo, the forest of Dijon in Tangier, the neighbourhoods of Boukhalef and Mesnana, Laayoune, Fes, Ceuta, Melilla, Las Palmas, Algeciras, Almeria and Malaga.

The persons who participated in this work came from:





Thus, collective narratives from migrant citizens and their families have been built through different tools:

Analysis of documentation of cases of violations of fundamental rights of migrants

From the construction of narratives within the communities it has been possible to work and identify individual cases that affected human rights violations caused by the policies implemented in border areas. We have analyzed through cases how spaces and narratives of violence and conflict in the southern border are built, pushing human rights to the background.

From a human rights perspective, through cases, we have been able to assess the impact of the effects of public policies on the violation of the fundamental rights of migrants in border contexts.

We analyzed the complaints and the responses of the various institutions involved in the violation of rights or which did not respond to protect them. Among them, claims to the judicial protection system in both Spain and Morocco; complaints to the Spanish Ombudsman and complaints to the National Human Rights Council of Morocco.



Focused conversations

Through conversation guides information was obtained on the reality of the border. Directed to community leaders and to migrant persons who reported a human rights violation. They have been sought for the same security spaces, and interviews have been led through key questions.

Informal interviews

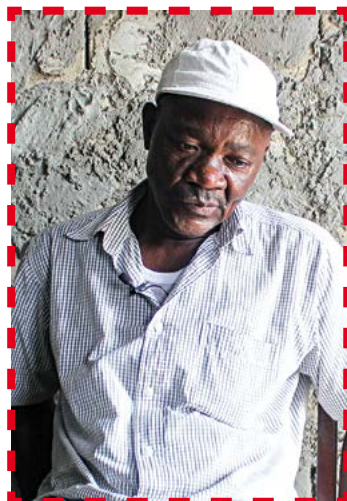
They were carried out in border areas during the day to day of migrant citizens. Made possible in-context situation assessments and an approach to reality developed during the talks.

Free conversations

Notwithstanding a scheme, they were open to the questions that the people interviewed would like to raise. It is an important tool given the changing reality of borders, and the adaptation to situations by migrant citizens as resistance strategies.

Semi-structured interviews

People were interviewed who could have an impact on the area (journalists, lawyers, social project technicians) and community leaders. The purpose of the interviews was to have an assessment of the situations of violence in the Border, and effectiveness of protection resources against that “no-law” situation.



Participant observation

In the daily work, through different activities performed by people of the group, information has been obtained from living spaces. Two have been the instruments with which we have worked through the format of field journals:

Rapporteurships of Rights Brigades and Health Brigades: carried out in different areas managed by migrant citizens. They serve to deepen knowledge of specific problems, where work is done through empowerment in access to basic rights in the “no-law” border areas.

Workshops: bringing together people from the community to communicate and confront their knowledge and opinions about problems and needs. Through them alternative narratives to border war have been built.



The research has been completed with quantitative information

Through a system of alerts on violations of human rights at the border at times of crossing with a 24-hour phone we have been able to quantify the alerts and the impacts of those moments of crossing on the rights of migrants. The information comes from primary sources, from the migrant communities themselves. The sample of actions has been significant enough to be able to evaluate percentages on situations of violation of rights in attempts to access Spanish territory.

The effectiveness of rights brigades, health brigades, workshops with migrant communities and the 24-hour alert system is remarkable. The power of the community (ubuntu) within the Sub-Saharan people on the move has allowed us not only to analyze the situation migrant citizens live in the “no-law” border areas and the impact on their lives; It has also shown us key ideas to understand resistance and community strategies to survive in these situations of extreme violence.

Chapter II

Historical memory: The construction of the Spanish border war

Historical memory: The construction of the Spanish border war



Letter to my brother

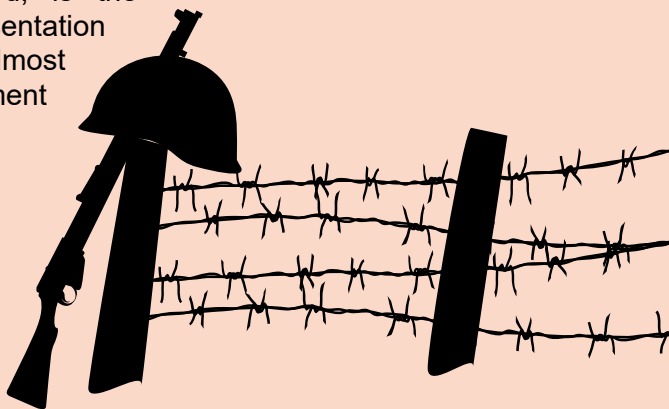
Since you left, brother, I have had very difficult and sad times. You were much more than a little brother to me, I trusted you and you felt the same for me. I can't find the exact words to express this pain. Rest in peace and tell Fabien, Pepito, Zidane, Achour, Gauss, Billy, accompanying you wherever you are, tell them I've seen Europe, that I managed to get in, and that all this wasn't worth it.

"Serge's brother disappeared, along with his friends, in the Strait"



Record of the war

“Border narratives and policies are the realities that are drawing and building new wars in this twenty-first century. Until the beginning of the first decade, borders begin to have a personality beyond their concept of land boundary to extend towards a categorized space with its own rules, borders as legal and political spaces that seem to be separated from the laws of the rest of the territory. Even if those states call themselves democratic or claim the rule of law. But the concept of the problem did not really satisfy the new policies of control and drifted towards conflict, understood as a pre-war situation, and for more than a decade the war is already a reality with countless victims. Statements by representatives of Spanish institutions considering that the border line moves, being where the military that protect it have been posted, is the most visual representation of that war front, almost akin to the movement of trenches⁸”.



In 2003 Samy Abako appeared groggy in the forest near the town of Ceuta, on the Moroccan side. He was astonished, he was in the city of Ceuta, when the Civil Guards stopped him and returned him to Morocco through a small gate in the fence.

At that time, he wanted to report the return suffered but how to prove that he had been in Ceuta? Where to report what had happened to him?.

In those years, the practice of returning migrants from within both the cities of Ceuta and Melilla intensify and chase scenes involving the Civil Guards and migrants become recurrent images on the streets of the two cities. Migrants taking refuge in the centre of San Antonio in Ceuta, or hidden in different places in Melilla, trying to reach the police station and ask for asylum were part of everyday life.

The situation is so terrible that at the end of 2003⁹ a Congolese man reaches the forest of Bel Younech wearing the Ceuta hospital pajamas. At that moment, he declared that he had been returned after two people without uniforms forced the nurse to remove the serum route he had on.

On 28 December 2004, the Civil Guards expels migrants, men who were in the San Antonio School of Ceuta, including nine who had requested international protection. Social organizations were able to prove to the UNHCR the illegal expulsion of the asylum seekers and the government, under UN pressure, promised to issue visas for those nine applicants if they appeared before a Spanish consulate. The migrant communities managed to protect some of these applicants who had been expelled to the border of Algeria with Mali, and with the help of their companions reach the Consulate of Tangier where the necessary visas were issued to return to the territory of the Spanish State.

8. Viento Sur, nº150: 1917-2017: Repensar la Revolución. Gabriel y su última batalla. No sangran las fronteras: guerras no declaradas del siglo XXI, Maleno Garzón Helena, p. 76. Available at www.vientosur.info
9. Agencia Efe. "Supuestas expulsiones generalizadas de inmigrantes". 22 February 2003. Available at <http://web.eldia.es/vivir/2003-02-22/243-Supuestas-expulsiones-generalizadas-inmigrantes.htm>

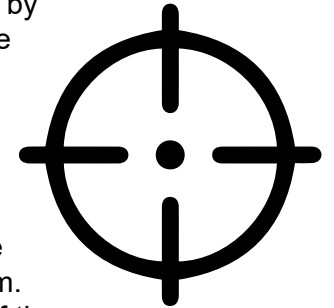
On 26 February 2005, a 10-year-old Guinean boy tells a story in a forest while expulsions and violations of fundamental rights in the fence of Ceuta are documented. The small boy tells in his story that after being expelled by the Civil Guards through the gate of the fence, the Moroccan military had kidnapped and raped him. The child was treated by the medical services of Doctors Without Borders, and his case appears in the report of this organization entitled Violence and Immigration.¹⁰

In the 2006 document these illegal returns are documented: “Amnesty International received reports of people who had been intercepted and then expelled when they went to a police station of the National Police to obtain documents showing that they had reached Spanish territory. Some noted that members of the Civil Guards had illegally expelled people who had already gone to the police station and who had already been given a date to process their asylum”, according to the Ceuta and Melilla report one year later.¹¹

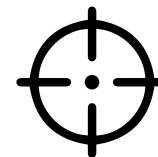
But violence is growing and in September 2005, a person dies

Amnesty International received reports of people who had been intercepted and then expelled when they went to a police station of the National Police to obtain documents showing that they had reached Spanish territory

after a rubber bullet hits his throat while trying to reach Melilla across the fence. “Rubber bullets used by the Civil Guards are made of solid rubber and are about the size of a tennis ball. They are usually fired from the area between the two fences, since they are too large to pass through the mesh. Law enforcement officials use them to prevent people from climbing the fences or to prevent them from crossing the second fence when they are already in the area between them. Usually they fire on them when they are on top of the fence, with the face and trunk exposed, which leads to injuries to the temples, ears, eyes, upper lip and neck. The distance between the gun and the person being shot usually does not exceed a few meters”, explains Amnesty International.¹²



Also on the fence of Ceuta, at least 5 People died the same month because of gunshots. According to the Spanish State the bullets came from the Moroccan security forces, but according to the Moroccan authorities the shots were fired by the Civil Guards. Witnesses mentioned in the investigation that two of those killed were taken from the Spanish side through one of the gates of the fence to Morocco.



In October 2005, 6 people died at the fence of Melilla. In this case, and according to investigation by Morocco, the deaths were caused by gunfire from Moroccan security forces.

10. Violencia e inmigración. Informe sobre la inmigración de origen subsahariano (ISS) en situación irregular en Marruecos, p. 18. Médicos Sin Fronteras. 2005. Available at <http://estaticos.elmundo.es/documentos/2005/09/28/informemsf.pdf>

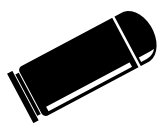
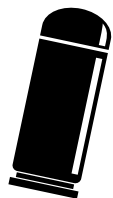
11. Ceuta y Melilla, un año después, pg. 17. Amnistía Internacional. 2006. Available at https://www.es.amnesty.org/uploads/media/Ceuta_y_Melilla_2006.pdf

12. Ceuta y Melilla, un año después, pg. 6. Amnistía Internacional. 2006. Available at https://www.es.amnesty.org/uploads/media/Ceuta_y_Melilla_2006.pdf

To date it has not been possible to settle responsibilities on the firings that were carried out in the fence of Ceuta and Melilla causing mortal victims.



P., a Congolese person, was afraid to report but testified to Amnesty International that the toe he was missing was due to a shot fired by a Civil Guards while trying to reach Ceuta through the fence.



In Cisse's memory there will always be the image of Rougeur, his companion, who stayed hanging from the fence as he bled to death in front of his friends.¹³

This repression in the moments in which the migrant citizens tried to reach the Spanish territory was supported by a siege policy in the forests adjoining the cities of Ceuta and Melilla. It ended with the mass deportations of 2005¹⁴, where thousands of people were taken by Morocco to the desert and left to die in collective expulsions that have been condemned by the United Nations.

The then Minister of Foreign Affairs of the Spanish State, Fernández Moratinos, congratulated the Moroccan government for their management of the situation. Countless were the people who died abandoned in the desert, many of them women with their babies.

6 people died at the fence of Melilla. In this case, and according to investigation by Morocco, the deaths were caused by gunfire from Moroccan security forces

This is how those tragedies were referred to by Human Rights Watch, "Reportedly, the Moroccan government has begun transporting hundreds of men, women and children in bus convoys to the border with Algeria, claiming that immigrants crossed said border to enter Morocco. Apparently, many of the migrants have been handcuffed in pairs and have not supplied them with food or water".¹⁵

However, the acts of violence did not stop the movement of people, but moved the route to Mauritania and Senegal during

what again was called the 'cayuco crisis'. 2006 was the highlight. From Senegal and Mauritania around 30,000 people left bound for the Canary Islands in that year. The Spanish State gave direct subsidies to both countries to curb irregular immigration¹⁶, to provide "material and human resources to reinforce coastal surveillance". With this money, a detention centre, which social organizations dubbed 'Guantanamo' due to the situation of rights violations within, drawing a parallel with the US high security prison located in Guantanamo (Cuba) lacking in all kinds of rights.

13. "Cinco muertos en un asalto en la frontera de Ceuta; Zapatero moviliza a 480 soldados". El Mundo. 29 September 2005. Available at: <http://www.elmundo.es/elmundo/2005/09/29/sociedad/1127968660.html>

14. Jiménez, Yasmina. "Médicos Sin Fronteras localiza a cientos de inmigrantes llevados al desierto por Marruecos". El Mundo. 8 October 2005. Available at: <http://www.elmundo.es/elmundo/2005/10/07/solidaridad/1128682072.html>

15. España: Las deportaciones a Marruecos ponen en peligro a los inmigrantes: La violencia contra los inmigrantes en Ceuta y Melilla requiere una investigación independiente. October 2005. Human Rights Watch. Available at: <https://www.hrw.org/es/news/2005/10/12/espana-las-deportaciones-marruecos-ponen-en-peligro-los-inmigrantes>

16. Using for this purpose official development aid, ie anti-poverty, for police cooperation activities (AZKONA, 2011_ X Congreso AECPA: La política en la red Murcia). Available at: <http://www.aecpa.es/uploads/files/modules/congress/10/papers/130.pdf>



With respect to the detention centre (Guantanamito), located in Nouadhibou (Mauritania), CEAR explained: “the Mauritanian authorities show a worrying lack of responsibility for the situation in the detention centre in Nouadhibou, while recognizing that it does not meet the minimum requirements and that it is necessary to progress in

a humanitarian approach to migration. The same authorities say clearly and repeatedly that it is an action performed at the express request of the Spanish government, so they are pending for what the same requests or decides on the future of the centre of Nouadhibou.”¹⁷

In 2013 Jorge Fernandez Diaz, then Spanish Minister of the Interior, wielded data to prove the success of these measures: the number of people arriving in the Canary Islands had reduced from more than 30,000 people in 2006 to little more than a hundred in 2012.

The supreme interest of the State was to cut the flow of migrants regardless of the deaths and violations of basic rights and freedoms. Deported without guarantees, Mauritania was the destination of many. Among them Bari, a person with functional diversity or Ismael, a 15-year-old teenager, both from Senegal. Thousands of harassments and violations of rights. Hundreds of nameless graves, where only on the island of Fuerteventura close to 1,600 unidentified people are buried.

Only on the island of
Fuerteventura close to
1.600
unidentified people are buried



17. Informe de evaluación del centro de detención de migrantes en Nouadhibou (Mauritania), p. 27. CEAR. Madrid, 10 December 2008. Available at: <https://boletinderechoshumanos.files.wordpress.com/2015/02/informe-cear-nouadhibou-2009.pdf>

As mentioned in Cadena Ser in a report “There were those who fought to get these immigrants identified. Among them is the expert in forensic genetics, José Pestano, who still retains more than 70 DNA samples of immigrants drowned in front of the Canaries. This teacher at the University of Las Palmas designed a system to locate the relatives of the victims of these shipwrecks, but no one, no politician, no authority, no one helped him launch the identification system”.¹⁸

All this time only a few rulings in international courts have pointed at those responsible for these massacres. The Spanish State was found responsible by the Committee against Torture¹⁹, having accused the security forces responsible for the death of Sonko Lauling, who was thrown into the sea with three other people in September 2007. Sonko, Senegalese, was intercepted by the Civil Guards while trying to



swim to reach Ceuta, but later decided to throw him back into the sea.

The Civil Guards said in their statements that it applied a protocol established by the government sub-delegation of Ceuta. F., a Cameroonian man, and J., a Cameroonian woman, fateful travel companions, still remember the macabre scene, how they were thrown back into the sea and how they reached the shore exhausted to try to save their lives.

They remembered it thus: “it was a fellow from Cote d’Ivoire who pulled Sonko because he could not swim. When they threw us back into the water Sonko screamed, he clung to the patrol boat of the Civil Guards, saying in French that he could not swim. But they let him go to the bottom. We saw a Civil Guards dive, we imagine they realized he really could not swim. The Civil Guards wanted to leave the body on the Moroccan beach of Bel Younech, but the Moroccans said no, it was their dead and to take it away”.

We must emphasize that from 2008, started attending the feminization of migrant citizens in the borders of the Spanish State. Women who come to meet the demand of European states, whether in the sex trade or homecare industry. Trafficking networks multiply seeking to fill those niches of exploitation.²⁰ The women come with their children or, in many cases, become pregnant during the migrant transit (the result of sexual violence). They have no say not only regarding their sexual and reproductive health, but also regarding the fate of their children.

18. Bañuelos, Javier/ Del Valle, Marta. “La tumba de los ‘sin nombre’. El olvido de los inmigrantes ahogados sin identificar”. Punto de Fuga. Cadena Ser. 16 September 2016. Available at: http://cadenaser.com/programa/2016/09/16/punto_de_fuga/1474043187_231745.html

19. Maleno, Helena. “Condena internacional al Estado español”. Periodismo Humano. 16 February 2012. Available at: <http://pandoras.periodismohumano.com/2012/02/16/condena-internacional-al-estado-espanol/>

20. Huete Machado, Lola. “Mujeres Invisibles”. El País. 15 February 2009. Available at: http://elpais.com/diario/2009/02/15/eps/1234682813_850215.html



Women's Link Worldwide in its report on 'Migrant Women' in Morocco states the following: "Frequent sexual violence interferes with the implementation of protocols intended to prevent unintended pregnancies and the practice of unsafe abortion (...) Men, whether they are "boyfriends," "husbands" or "connection men," making decisions on behalf of women in the area of sexual and reproductive health is another form of violence. For women who are victims of trafficking, decisions as to whether or not they take contraception or whether they will have an abortion or bring the pregnancy to term are always made by the network in accordance with its own interest".²¹

In 2009 a boat sank in front of Perejil Island. Men, women and their babies drowned. Survivors, gathered by the Moroccan Royal Navy, were deported to the desert, on the border with Algeria.²²

That same year, the eleven-year-old son of Ben and from the Democratic Republic of Congo disappears. In desperation, his father had negotiated with a smuggler his crossing the border so as to take him to live with his brother in France.

The smuggler assured him he had contacts with officials from the airports of departure and destination, Casablanca and Madrid. The boy

never reached France.

It should be noted that the 'border war' does not reveal itself to be less intense even with migrant children. In November 2012 two teenagers, Mohammed, 17, and Ibrahim, 15, are returned to Nador from Melilla, having spent almost a year as wards of the Child Protection Services in Melilla. The authorities confirmed

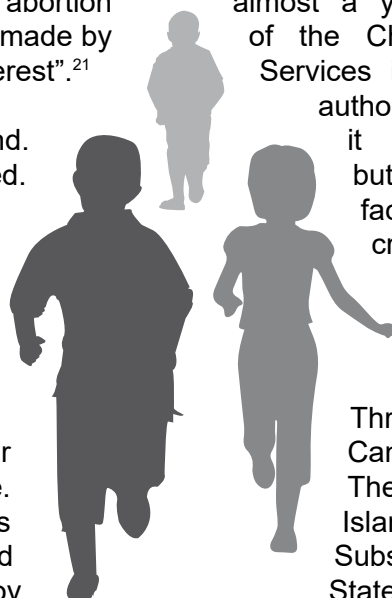
it was they, but refused to

facilitate their return to the territory. The children crossed again, risking their lives²³ in small boats, and declaring themselves of full legal age, since according to Ibrahim "being a minor in Spain was very dangerous".

Three months earlier, in September 2012, two Cameroonian citizens suffer a collective expulsion. They were among the 73 people who came to Tierra Island, located just 30 meters from the Moroccan coast. Subsequently they made a complaint against the Spanish State before the European Court of Human Rights.²⁴

2009

A boat sank in front of Perejil Island. Men, women and their babies drowned. Survivors, gathered by the Moroccan Royal Navy, were deported to the desert



21. Summary of the Report: Migrant Women in Hiding: Clandestine abortion in Morocco. Women's Link Worldwide 2011. Available at: http://www2.womenslinkworldwide.org/wlw/new.php?modo=detalle_proyectos&dc=55
22. Agencia Efe. "Enviados a la frontera con Argelia los supervivientes de la patera hundida". ABC. Available at: http://www.abc.es/hemeroteca/historico-21-09-2009/abc/Nacional/enviados-a-la-frontera-con-argelia-los-supervivientes-de-la-patera-hundida_10318268101.html
23. Blasco de Avellaneda, Jesús. "Expulsado ilegalmente de España dos veces siendo menor". Periodismo Humano. 27 June 2013. Available at: <http://periodismohumano.com/migracion/expulsado-ilegalmente-de-espana-dos-veces-siendo-menor.html>
24. D.Y. "Dos expulsados de Isla de Tierra denuncian a España ante el Tribunal de Derechos Humanos". 20 minutos. 17 October 2013. Available at: <http://www.20minutos.es/noticia/1950239/0/inmigrantes/denuncia/tribunal-derechos-humanos/>

As stated in the press release of Migreurop “in their complaint, they request that the High Court finds Spain culpable of having carried out a collective expulsion, expressly prohibited by the European Convention on Human Rights (ECHR), denying them the possibility of requesting asylum in our country and access to the judicial protection provided for in Spanish and international legislation. Also, they complained that his expulsion occurred to a country, Morocco, where the human rights of migrants and refugees of sub-Saharan origin are systematically violated”.²⁵

Morocco and the European Union sign the Mobility Partnership in June 2013²⁶. One of its objectives is to return third country nationals who come to the Andalusian coast from Morocco. A practice that the Spanish State has tried to accomplish since the Treaty of friendship, good-neighbourliness and cooperation of 1991 and which has only resulted in illegal returns at the fences and in waters close to the enclaves of Ceuta and Melilla, what the Spanish state called ‘rejections at the border’ to avoid calling it by its real name: pushbacks. These



16 october 2013

Eight people, including two women and a two-year-old, who had arrived at the Spanish island of Chafarinas were picked up and abandoned by military detachments on a plastic raft in the middle of the sea so as to be collected by a Moroccan patrol boat

are accompanied by repressive policies in partner countries that assume the outsourcing service.

However, despite numerous State organizations, together with the Ombudsman, having pointed out that these practices violate the fundamental rights of migrants, similar situations are still taking place on the southern border. Rechazos en frontera. ¿Fronteras sin derechos?,²⁷ (Rejections at the border. Borders without rights?) is the title of a report where 15 criminal and constitutional law professors explain that even the government’s legislative reform to try to provide for pushbacks is an unlawful practice that cannot be applied, be it in the cities of Ceuta and Melilla, the rocks under Spanish sovereignty, or in arrivals by sea.

However, on 16 October 2013, eight people, including two women and a two-year-old, who had arrived at the Spanish island of Chafarinas were picked up and abandoned by military detachments on a plastic

25. Press release of Migreurop. “-España demanda ante el Tribunal Europeo de Derechos Humanos por la expulsión colectiva de 73 personas de la Isla de Tierra. 17 October 2013. Available at: <http://www.migreurop.org/article2300.html?lang=fr>

26. Bulletin of Migreurop. December 2012. Available at: http://www.migreurop.org/IMG/pdf/note_de_migreurop_062012_accords_de_r_r_admission_version_espagnole_version_web.pdf

27. Several authors. Legal report “Rechazos en frontera”: ¿Fronteras sin derechos?” instigated from Proyecto I+D+i IUSMIGRANTE (DER 2011-26449). Available at: <http://eprints.ucm.es/29379/1/Informe%20rechazo%20en%20frontera.pdf>

raft in the middle of the sea so as to be collected by a Moroccan patrol boat.

“ We had reached the island the night before. We were in a gap of the third island, the largest. Then came the soldier who put us on the raft and had us stay there. We thought we were going to die, we spent in the water five hours. The phone ran out of battery, we were not given food. A Moroccan patrol boat picked us up, then took us to the gendarmerie and after threw us at the border with Algeria”, stated M., Ivorian mother of a baby.

Again, return policies are accompanied by cleaning policies at the external borders of the Spanish State, and that summer of 2013 is remembered as the summer of raids in northern Morocco, both in the forest settlements and in the cities.²⁸

“They barge into the houses at dawn, with such force that we panic. You have to open because if not they can break the door. We get up in the middle of the night, no matter if you're a woman, a baby, if you are pregnant or ill. They have you go down in pajamas, often they leave you no time even to dress. It's what they call a documentation control. Meanwhile, our houses are left open and our belongings are stolen. Even the police, in many cases, take everything out and burn it in view of the other neighbours”, stated B., a 20 year old from Senegal.

Nador, Tangiers and Tétouan have been the most affected cities because of what the migrants call the 'cleansing of sub-Saharan'. And this is so because the massive raids affect all people coming from sub-Saharan Africa who are in border cities, even if in possession of valid passports or are lawfully resident in Morocco, be they refugees or asylum seekers.

“ When I was arrested in Nador I showed them my refugee document. The police then told me it was not valid to be in the north because that paper was valid only for southern Morocco. The police told me it was to keep us away from the north of Spain who was paying”, stated Larry, a 35-year-old asylum seeker.

During these 2013 raids at least four people lost their lives²⁹.

The same situation of violence and 'border war' is being suffered for more than two decades by migrants living in the mountains of northern Morocco, adjacent to the Spanish enclaves.

“ Legs, heads and noses broken by blows from the military or by falls. There are also many wounds from cuts at the fence or from machetes carried by security forces. The truth is that we see a lot of everything, even dead people. It is truly a tragedy”, states a doctor who asks us to conceal his identity for security reasons.

28. Press release from Migreurop. "Au Maroc, la chasse aux étrangers tue et pendant ce temps, l'UE négocie et se tait". 2 August 2013. Available at: <http://www.migreurop.org/article2272.html?lang=fr>

29. "Vives tensions à Tanger après nouveau décès d'un Subsaharien suite à une descente de police". Yabiladi. 5 December 2013. Available at: <http://www.yabiladi.com/articles/details/21452/vives-tensions-tanger-apres-nouveau.html>

“ Fences kill and maim us every day. We know that the knives will also be found at the Spanish side. But that does not worry us much. Every day, when there is a raid, the Moroccan military attempt to break our legs to keep us from running. We are accustomed to violence and the blades that kill us”, explained A., a 28-year-old Malian.

Alex, a Congolese teacher in a regular situation in Morocco, was arrested at dawn in his own home in the middle of a raid by the police and taken on a bus with others to be deported. Alex was brutally pushed by one of the soldier while claiming his rights and after a week in coma died on 30 July 2013 in the Mohamed V hospital in Tangier.³⁰ His wife, resident in France, came to bury him but without strength to denounce what had happened to her husband. “All I want is to be allowed to bury his body” she demanded.

Who did denounce the abuses that occur during collective arrests and deportations was T.M., an underage Ivorian asylum seeker. She went to the police station to file a complaint against three police officers who raped her after arresting her along with other immigrants.

Her companion, S., from Nigeria, witnessed the facts: “We were arrested by the ‘Mokata’³¹. There I found the girl along with another pregnant girl. We were taken to a type of forest and one of the men began to touch her breasts. I told him not to do that, that it was shameful

and also a sin in Ramadan. I was tied up and taken away. They threw me later in an area just outside the city, wearing only my underpants”.

Desperation has made migrant communities seek other strategies to survive the ‘border war’. Many people have no chance to go back because they fled from natural disasters, wars, are victims of trafficking and gender violence. They have only one option: go forward. Some of the strategies mean giving themselves up completely to criminal trafficking networks, which, we recall, respond to European demand for people commodities, and others mean seek self-organized passage alliances to cross the Strait using “toys”³² or to jump over the fences of Ceuta and Melilla.

In September 2013 more than 200 people tried to swim to Ceuta crossing the Tarajal breakwater, taking advantage of the low tide, but only 91 succeeded³³. They crossed with life jackets, but especially with tires used as flotation devices.

“ I could go no further, I had tried to pass on an inflatable boat. The military pricked the boat and we almost drowned. I bought the float in Tangier for 80 dirhams and took a bus to Castillejo, on the border with Ceuta. There I went to the woods to cross in groups. The Moroccan military threw stones at us and four companions died stoned, sinking into the water, I also saw many wounded. I was very lucky to get to Ceuta”, states I. K., a Cameroonian migrant.

30. “Maroc : poussé hors d’une fourgonnette en marche par un policier Marocain, un Congolais décède 6 jours plus tard”. Oeil d’Afrique. 7 August 2013. Available at: <http://oeildafrique.com/maroc-pousse-hors-dune-fourgonnette-en-marche-par-un-policier-marocain-un-congolais-decede-6-jours-plus-tard/>

31. Refers to the auxiliary forces, body of the security forces of Morocco.

32. “Los balseros del Estrecho”, Nicolás Castellano, 27/03/13. Available at: http://cadenaser.com/ser/2013/03/27/sociedad/1364354007_850215.html

33. Crespo, Tamara. “Noventa subsaharianos acceden a Ceuta a nado en una avalancha de 350”. El Pueblo de Ceuta. 16 September 2013. Available at: <http://www.elpueblodeceuta.com/201309/20130918/201309185102.html>



Three of the wounded on that occasion were operated because of their severe injuries in the hospital in Rincon (Morocco). They had been attacked by soldiers who, according to their statements, carried large machetes. Two of them had been cut in the legs and the third had his hand tendons torn whilst protecting his head.

“ I thought that if I took the blow on the head it would kill me. Look I have a big cut, but in the biggest blow I was able to place my hand. The doctor told me I could have lost it. Throughout the time, we were in the hospital, the police remained outside the room controlling us and when the doctor discharged us we were deported to the border with Algeria. And it is a miracle we are alive”, *recounts B., a Cameroonian migrant.*

Another method employed by migrants in their desperation to cross consists of inflatable toy boats, toys as they call them. Affordable in price, they allow a group of people to regroup, share material costs and transportation. The trip from Tangier to Tarifa can cost between 80 and 250 euros. By this method 250 people crossed in August 2013, although 30 of them never left the water. Once the disappearance of five boats that had called for help was reported, but they were never rescued.

The migrant community also denounces deaths in rescues by the Moroccan Royal Navy. A four-year-old Congolese girl said: “We got to the water and paddled. Then a soldier came and started moving the boat and break it, and we fell into the water. We wore vest but I cannot swim. A Senegalese man helped others and my father helped my sister and I live”.

The Security State Secretary of the Spanish State, Francisco Martínez, noted in early October 2013 that “cooperation with Morocco is essential for immigration control” and congratulated the neighbouring country and its security forces for the work done in the past months.

In this perverse game that is the ‘border war’, in which migrants are commodities, there have been moments where Morocco opened

By this method 250 people crossed in August 2013, although 30 of them never left the water

its borders to put pressure on the EU. During August 2014, migrants explained that for 48 hours there was no surveillance on the coast between Tangiers and Ceuta, because of which more than 1,000 people crossed the Straits in toy rafts³⁴. But there was no talk of those that then disappeared without rescue and that we estimate at Caminando Fronteras to be over 60. Gautier, Bijou and Jenny were traveling in a boat along with a pregnant Congolese companion. Her body was found a week later by fishermen off the coast of Rabat in the Atlantic. Again, victims were not recognized by the authorities of the Spanish State.

On 6 February 2014, a new entry attempt by sea from Morocco to the Tarajal beach (Ceuta) resulted in the loss of life of 15 people³⁵ after questioned actions by the Civil Guards, using riot gear and not activating rescue services at sea. Right now, legal proceedings are still ongoing to clarify what caused the death of these people, countless injuries of many others without receiving medical assistance and the pushbacks of 23 migrants. In the last court decision of the Provincial Court of Cadiz, the reopening of the investigation is ordered because the case was shelved without reaching “the degrees of adequacy and effectiveness that would be warranted”.

6 february 2014

A new entry attempt by sea from Morocco to the Tarajal beach (Ceuta) resulted in the loss of life of 15 people

On arrival at the island of Perejil³⁶ in September 2014 of 13 migrants who sought asylum, resulted in the entry of the Moroccan military and the return without safeguards and without the formalization of the international protection of those persons who claimed on such Spanish territory.³⁷



34. Machado, Andrés / R. San Martín, Olga. "Marruecos deja pasar a las pateras". El Mundo. 13 August 2014. Available at: <http://www.elmundo.es/andalucia/2014/08/13/53eaabc8e2704e5e7a8b45a0.html>

35. Tragedia en Ceuta: 15 muertos, distintas versiones y muchos cabos sueltos". La Sexta Columna "Vallas, mentiras y cintas de video". La Sexta TV. 21 February 2014. Available at: http://www.lasexta.com/programas/sexta-columna/tragedia-ceuta-muertos-distintas-versiones-muchos-cabos-sueltos_2014022100341.html

36. Europa Press. "Devueltos a Marruecos los 13 subsaharianos interceptados en Perejil". El Mundo. 3 June 2014. Available at: <http://www.elmundo.es/espana/2014/06/03/538dbfea22601df24f8b457c.html>

37. "El Gobierno critica que ONG inventan "la petición de asilo 'in itinere'". Europa Press. 4 June 2014. Available at: <http://www.europapress.es/ceuta-y-melilla/noticia-delegado-gobierno-dice-oeneges-quieren-inventar-perejil-peticion-asilo-in-itinere-20140604154426.html>

But somehow the impacts of war on migrants were hidden by the authorities until 2014. From this date, the images concerning violations of fundamental rights and freedoms at the fences of Ceuta and Melilla, and in the remaining context of Spanish borders, began circulating in the media, the State did not stay in the shadows and tried to normalize amid Spanish public opinion the view of borders as a war zone. Having driven forward the normalization of border war using the economic crisis, the idea of danger, the defence of the territory and the fight against mafias, the Spanish State justified to citizens the creation of a militarization zone, a “no-law” zone.



Thus, the process that makes it possible to articulate and justify in the social imaginary the ‘border war’ is marked by a very specific lexical construction with terms like avalanche³⁸, assault, invasion, present both in political discourse and in the media. Thus, the Spanish ‘border war’ is part of the outsourcing policy that, as we see looking back, the Spanish State has pioneered from the Good-Neighbourliness Agreement with Morocco in 1992.³⁹

Although this is not exclusive, and other European countries have also tried to implement these policies, such as Italy and France at a given time with Libya and Tunisia. In 2010, Gaddafi calls on the EU 5,000 million euros to “prevent Europe from turning black”.⁴⁰

38. Duva, Jesús. “30.000 inmigrantes aguardan en Marruecos para saltar a Ceuta y Melilla”. El País. 16 February 2014. Available at: http://politica.elpais.com/politica/2014/02/16/actualidad/1392576581_845257.html

39. “Acuerdo entre el reino de España y el reino de Marruecos relativo a la circulación de personas, el tránsito y la readmisión de extranjeros entrados ilegalmente”. 13 February 1992. Available at: <http://www.boe.es/buscar/doc.php?id=BOE-A-1992-8976#analisis>

40. Melguizo, Soraya. “Gadafi pide 5.000 millones a la UE para evitar una ‘Europa negra’”. El Mundo. 31 August 2010. Available at: <http://www.elmundo.es/elmundo/2010/08/31/internacional/1283255228.html>

Later an EU migration policy will be put forward, in the midst of what the established powers called the “refugee crisis”, giving birth to the agreement between the EU and Turkey.⁴¹

These policy decisions have a clear basis: retain and/or resend migrants to those countries from which they left in exchange for large sums of money. These political practices have become the star measure: today we have the treaty with Tunisia⁴² and the possible agreement with Libya⁴³, a totally failed and informal State.

As explained by Migreurop in its December 2012 report, “in this context, agreements of readmission are concluded in a bilateral, intergovernmental or Union framework, they have become a central tool in the

These policy decisions have a clear basis: retain and/or resend migrants to those countries from which they left in exchange for large sums of money



fight against so-called illegal immigration”.⁴⁴

Although EU proposals go further and the strategy points towards negotiating with countries of origin,⁴⁵ criminalizing the right to move even within the country itself of which one is a national. These political strategies have enabled the creation of a European external border where the state of emergency brought about by control of the territory is above respect for the laws of the Member States or the international conventions ratified by them.

The state of conflict makes victims of borders not have access to rights and no institutional protection mechanisms against the structural violence of borders. It is for this reason that

41. “Next operational steps in EU-Turkey cooperation in the field of migration.” Communication of the European Commission. 16 March 2016. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160316/next_operational_steps_in_eu-turkey_cooperation_in_the_field_of_migration_en.pdf

42. “La UE y Túnez comenzarán a negociar acuerdo de readmisión de inmigrantes irregulares en octubre”. Europa Press. 29 September 2016. Available at: <http://www.europapress.es/internacional/noticia-ue-tunez-comenzaran-negociar-acuerdo-readmision-inmigrantes-irregulares-octubre-20160929132002.html>

43. Vargas, Jairo. “Europa destina 130 millones a convertir Libia en su nuevo ‘muro’ antiinmigración”. Público. 8 February 2017. Available at: <http://www.publico.es/internacional/europa-destina-130-millones-libia.html>

44. Acuerdos de readmisión. La cooperación al servicio de la expulsión de migrantes. Boletín n°1/diciembre 2012, p. 1. http://www.migreurop.org/IMG/pdf/note_de_migreurop_062012_accords_de_r_r_admission_version_espagnole_version_web.pdf

45. “Acuerdo Mali-UE sobre el retorno de los solicitantes de asilo”. Revista digital África Fundación Sur. 13 December 2016. Available at: <http://www.africafundacion.org/spip.php?article26025>

Navarro, Beatriz. “La UE echa el freno a los acuerdos migratorios con países africanos”. La Vanguardia. 15 December 2016. Available at: <http://www.lavanguardia.com/internacional/20161215/412627918831/ue-freno-acuerdos-migratorios-paises-africa.html>

denunciations regarding the level of violence are totally derisory.

This infinity of stories at fences, seas and transit countries demonstrate the effective configuration of the border as an exceptional zone of constant war that is necessary for the State, which excludes any

democratic, social and legal safeguards. The narrative that shapes the illusion of safety of the State always rules over the needs of migrants and their legitimate and natural right to movement. Therefore, this report contains their stories of pain, resistance and struggle to understand and help in their transformation into reparation, victory and justice.



The state of conflict makes victims of borders not have access to rights and no institutional protection mechanisms against the structural violence of borders

Chapter III

Sea and fences: Stories of a dream

Sea and fences: Stories of a dream



Serges Elver Njiki

Boza⁴⁶: A cry of hope

"In just one corner, self-absorbed, Raoul observes the horizon for answers, hints of comfort about his situation. Because from his earliest memories, he is almost nonexistent, he is no longer anyone. He is only loneliness and misery, just pain. He was despised by the different look of 'the others'. But in the depths of his heart there is conviction and hope, there is a light that however small is there. His answer, the solution, the miracle cure that would end it all: BOZA!

BOZA against all odds, Raoul thinks about fighting, even if dangerous, for the tiny ray of redemption left and although the probability is almost null. Yes, the desire to overcome within him will take him to the limit of his efforts in the Great Way. Again and again he will shout 'boza'.

Even if he has to cross the entire country walking because he was returned, he will shout 'boza'.

Even if he has to survive by begging, he will shout 'boza'.

Even if he has to suffer on a daily basis the 'Kassora',⁴⁷ he will shout 'boza'.

Even if he has to jump into the sea in pricked plastic dories waiting for an uncertain rescue, he will shout 'boza'.

Because BOZA, when it wins us over, the risk no longer matters and obsesses us.

In our dialogues, we only talk about BOZA, in our dreams it is present. BOZA is always in all our actions.

I choose BOZA over dying is often heard. It seems to be an end. Let's believe that the lifeless bodies lying on the ground or the bodies floating on the coast express joy through a smile. But one wonders if this supposed smile rather expresses the relief of having left this world of misery, greed, hypocrisy, intolerance and difference or the joy of having tried.

After a long sigh, Raoul comes back to reality scratching his chin and thinks: I prefer and must dream with BOZA".

46. Boza is word adapted by migrant communities to the reality at borders, it is a scream used once the border is crossed. It means many things, from arrival, victory, gay,...a shout that knocks down borders.

47. Kassora in francam (street language in Cameroon) comes from the French frapper, which means to glue. It is used in transit to define when you are hit, or your bones are broken by security forces during migration control.

Figures pierced by pain

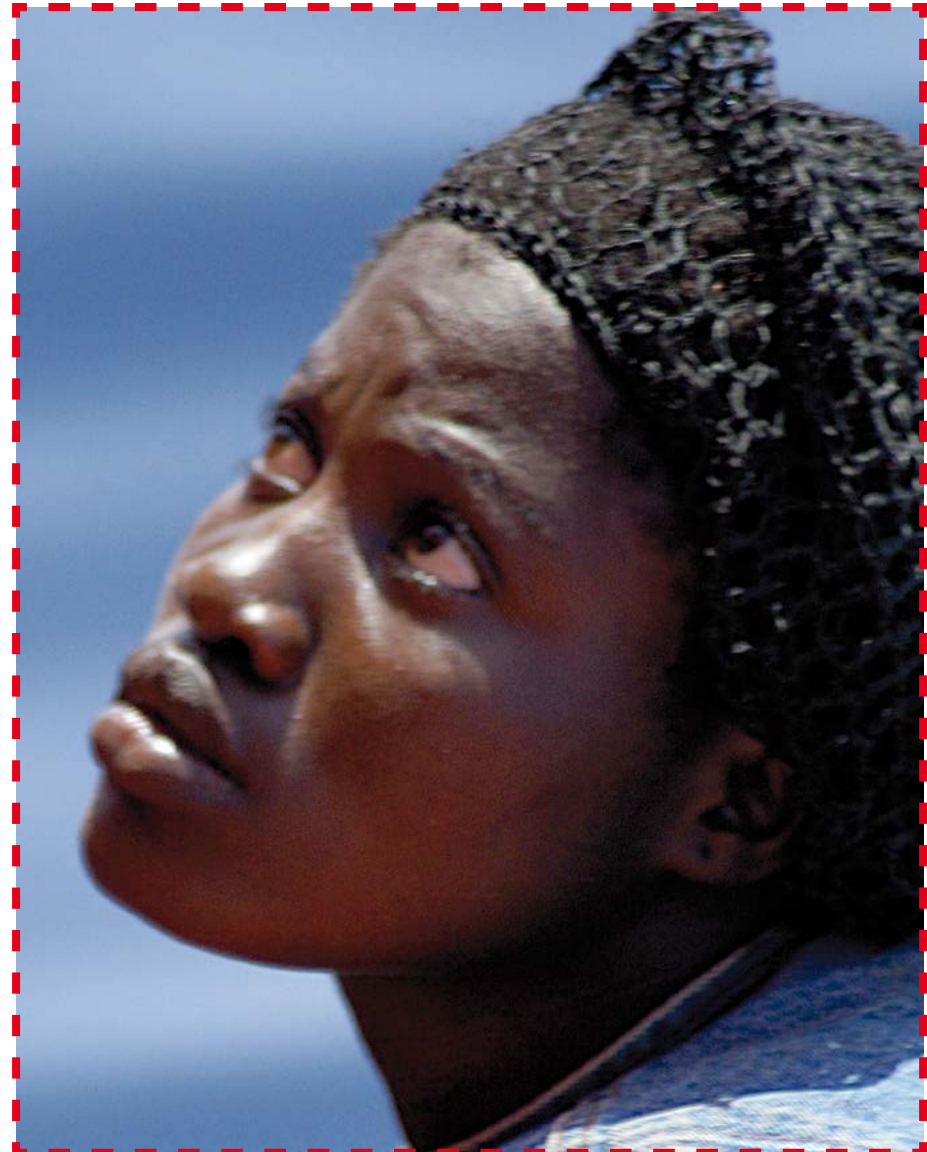
One of the major consequences of the militarization of borders is, according to migrant communities, that the moment of crossing becomes a bet between life and death. Losing one's life in a context designed by European policies as a war zone is something possible and real.

"Live or die, because for many there is no going back",
catch phrase of the Rights Brigades.

It is at that point where the control system is confronted between territorial defence and the rights of people on the move. And it is in that area of the sea and the fence where the democratic system is questioned, since the policy of our State assumes that control of the territory is above the rights of people traveling across it, including the right to live.

Crossing the surveillance wall has multiple strategies. Some rely on organized networks, including criminal networks, others depend on self-organization generated by migrant communities. In any case, migrants know their lives are at risk either by network violence or institutional violence of border control.

This research has worked through a 24-hour alert system distributed among migrant communities. In it the violence and risks for migrants at the time of crossing the border has been recorded. We have thus been able to confirm violations of fundamental rights, and to prepare with migrant communities an account of what happens in those moments of transit.



Received alerts



Alerts pertain to migrant communities from sub-Saharan Africa, and took place between:

September **2015**



December **2016**

Alerts from the sea:

The total number of alerts from the sea were **309** and **7.079** were in connection with people who were in the water

Based on these alerts, we recorded **388** dead or disappeared, of which only **22** were identified



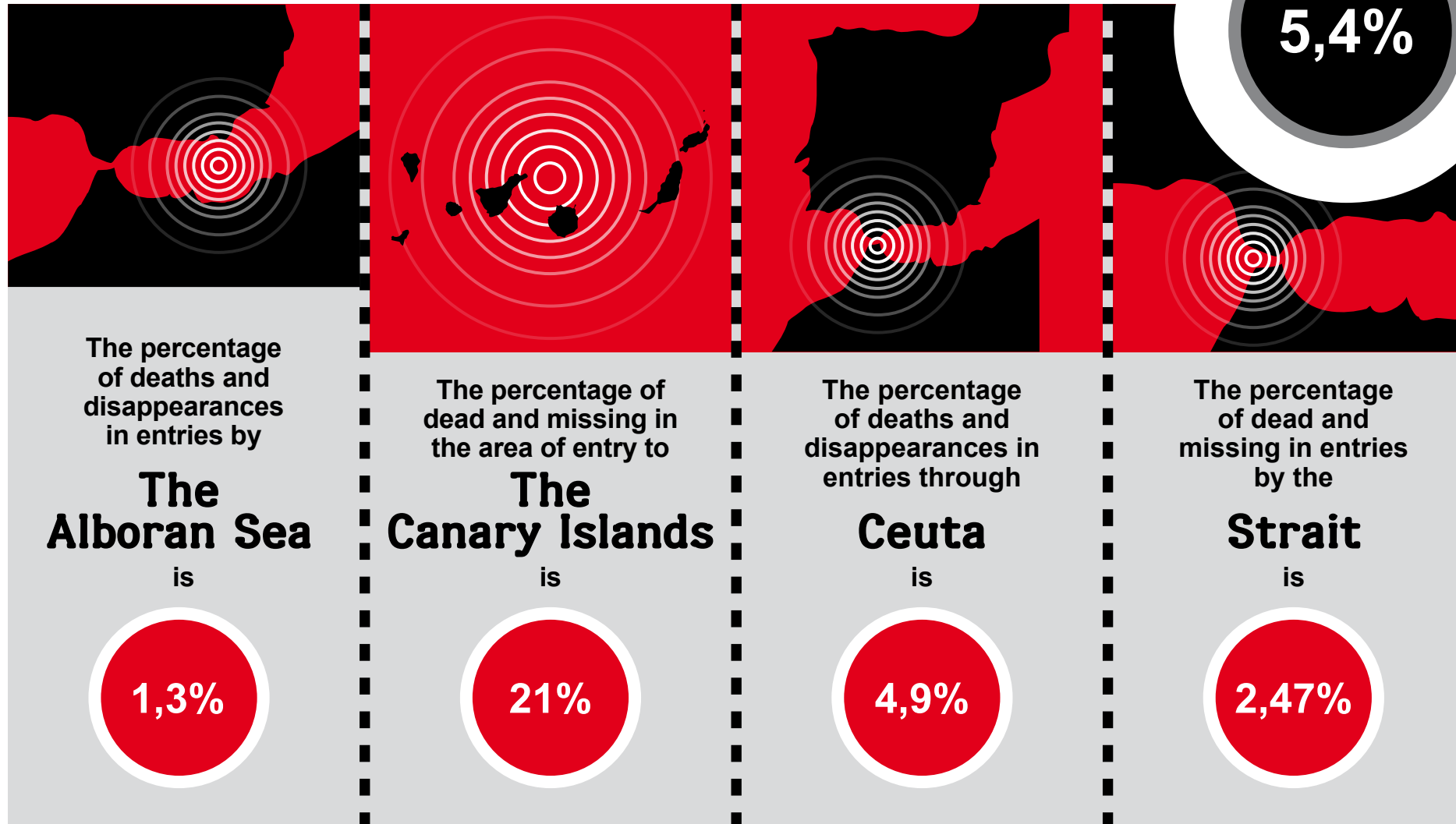
Alerts from the ground:

The total number of alerts from the ground was **23**, in connection with the fences of Ceuta and Melilla

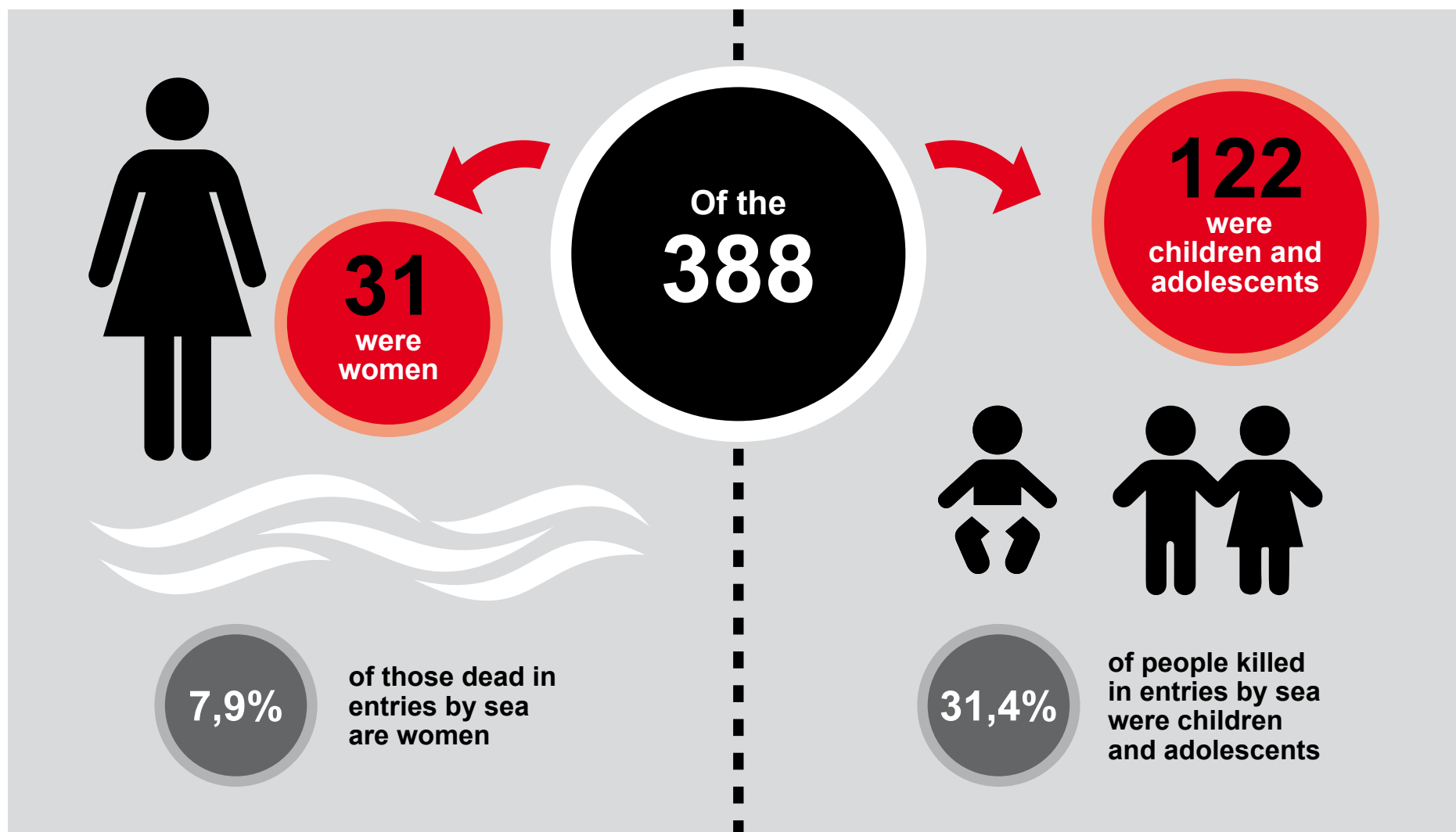
In them, **2.213** people were victims of forced displacement, **569** were victims of pushbacks, **739** were injured as a result of violence by security forces and **6** people lost their lives

Mortality in entries by sea is

5,4%



People who died and disappeared



Strategies of entry into Spain

The areas where the realities of crossing have been monitored through alerts were as follows:

Entries by boat in the Ceuta area⁴⁸

Short distances from adjacent Moroccan beaches, made in wooden motorboats. One of the alerts was in connection with two people who tried to swim across.

Entries by boat in the Alboran Sea⁵²

From the coastal area between Algeria and Al Hoceima, motorized zodiacs attempt a distance at the closest point of entry of about 140 km to reach the coasts of Almeria, Granada and Malaga.

Entries by boat in the route of the Canary Islands⁵³

From the area between Boujdour and Mauritania, wooden motorboats, which traditionally have been known as Cayucos, attempt a journey of 207 km to the nearest point between the Spanish coast and the Canary Islands.

Entries by boat in the area of the Strait

A 14-km journey that in most of the alerts received involved toys or plastic rafts⁴⁹ suitable for leisure on the beaches. Migrants self-organize to access the sea through this system, which allows them, they say, to not be detected by the Integrated External Surveillance System (SIVE, its acronym in Spanish)⁵⁰ but which always needs of a rescue. Some of the alerts involved larger zodiacs powered by an outboard motor.⁵¹

Entries by the fence of Ceuta

Through joint jumps by an unspecified number of people, our alerts recorded from 50 to 800⁵⁴ attempting to cross the fence separating the Bel Younech forests from Ceuta. Some of the alerts concerned jumping in area of land and other alerts concerned jumping between land and sea, since some of the jumps were in the Benzú area, where a portion of the fence enters the sea. Also in this area, there are alerts of jumping by small groups, between one and three people.⁵⁵

Entries by the fence of Melilla⁵⁶

Through joint jumps by an unspecified number of people, our alerts recorded from 35 to 500 people who tried to cross the fence separating the Gurugu forest from Melilla. We have also been alerted of people trying to cross with other methods by the official gateway of the border, either hidden in a car or on foot to try to seek asylum in the office established for this purpose in Melilla.

In all alerts received it has been found that the relationship between the Spanish State and Morocco works best when it comes to repressive action and immigration control than rescue and/or assistance to persons in danger.

With regard to entries by sea and according to alerts received, we can say that coordination between the two countries in rescue operations is ineffective when it comes to managing migration control. In some of the cases recorded on the safeguarding of life at sea, cooperation between the two countries has been nonexistent and has resulted in loss of life. However, when it comes to immigration enforcement efforts, such as pushbacks in the water, coordination has worked.

It has also been found that the Spanish rescue services were slow to react to distress calls of migrants, especially in the closest areas between the two countries, i.e., Ceuta, Melilla and the Strait. Migrants themselves have explained in their accounts that in the vicinity of Ceuta, the Spanish authorities blocked the entry pending the arrival of the Moroccan Navy. In Ceuta and Melilla, it is noteworthy that access to rescue services is subject to border control exercised by the Civil Guards.



Blocked information between the two countries and the time taken to react to initiate rescue actions have been the avoidable cause of loss of human life in all areas of entry by sea.

48. "23 inmigrantes subsaharianos llegan a Ceuta en una patera". El Periódico. 16 October 2016. Available at: <http://www.elperiodico.com/es/noticias/sociedad/inmigrantes-subsaharianos-llegan-ceuta-una-patera-5537161>
49. Rodríguez, Jorge A. "La oleada de inmigrantes en balsas de juguete dispara el precio de las barquitas". El País. 9 December 2012. Available at: http://politica.elpais.com/politica/2012/12/09/actualidad/1355075963_476633.html
50. "The objective of the Integrated External Surveillance System (SIVE) is to improve surveillance of the southern border of our country. This operating system allows us to respond to two of the main challenges we face today: the fight against drug trafficking and against irregular immigration." Guardia Civil. Available at: <http://www.guardiacivil.es/es/prensa/especiales/sive>
51. "Llega al puerto de Barbate una patera con 20 inmigrantes". Europa Press. 22 August 2011. Available at: <http://www.europapress.es/sociedad/sucesos-00649/noticia-llega-puerto-barbate-patera-20-inmigrantes-20110822123025.html>
52. "Rescatados 64 inmigrantes en dos pateras en el Mar de Alborán". El País. 6 December 2016. Available at: http://politica.elpais.com/politica/2016/12/06/actualidad/1481030267_441910.html
53. "La llegada de pateras a Canarias se triplicó en 2015". La provincia. 10 February 2016. Available at: <http://www.laprovincia.es/sucesos/2016/02/10/llegada-pateras-canarias-triplico/790457.html>
54. "Cerca de 450 inmigrantes saltan la valla de Ceuta en uno de los intentos más masivos". Radio Televisión Española. 9 December 2016. Available at: <http://www.rtve.es/noticias/20161209/unos-200-inmigrantes-entran-ceuta-traves-valla-fronteriza-marruecos/1451741.shtml>
55. "ONG dice inmigrante lleva 30 horas subido valla por 'terror' a devolución". El Confidencial. 24 June 2016. Available at: http://www.elconfidencial.com/ultima-hora-en-vivo/2016-06-24/ong-dice-inmigrante-lleva-30-horas-subido-valla-por-terror-a-devolucion_947844/
56. "Más de 200 inmigrantes entran a Melilla tras lograr saltar valla". La Vanguardia. 4 September 2016. Available at: <http://www.lavanguardia.com/politica/20160904/41104864961/inmigrantes-melilla-valla.html>

On the other hand, pushbacks in the water also caused accidents that ended in tragedy. According to migrants, the Civil Guards blocks the crafts of migrants awaiting the arrival of the Moroccan Navy, causing dangerous situations given the vulnerability of the vessels.

When migrants were adrift in the waters of Morocco, this country either did not accept support from Spanish rescue resources or accepted them too late. Moreover, rescues in Moroccan waters lingered for hours, also causing loss of life.



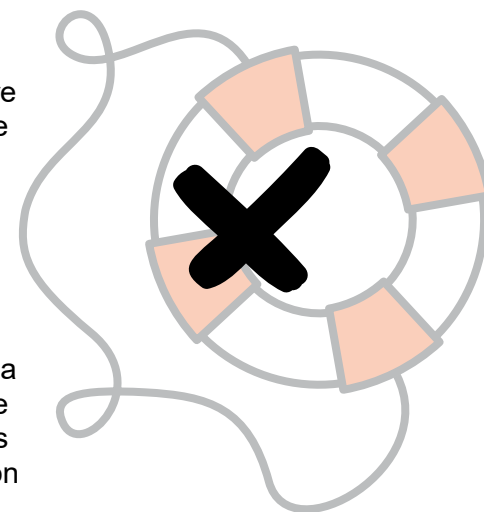
According to migrant communities, the rescue resources of Morocco are not prepared, and just throw them a rope. When there are difficulties or they fall into the water there are no mechanisms to save their lives.

In most of the alerts received where there were missing persons, they were not sought. Some of the corpses reached the coast after several days, and others were swallowed by the Mediterranean.

Regarding the survivors of shipwrecks, they were never treated as victims of a tragedy. Neither in Morocco nor in the Spanish State were victim protocols applied, always prevailing immigration control protocols.

Entries by land are where most injuries are detected. Injuries can range from a fracture and a cut to more serious injuries resulting in some people suffering functional diversity as a result of an exercise of violence by the security forces of both countries. Most of this functional diversity affects the loss of mobility of legs and/or arms, but others also affect vision loss.

Six people died when attempting to enter by land, although two of them, according to the hospital autopsy, showed signs of drowning, as they tried to enter through the part of the fence of Ceuta that is at sea, where the border continues on into the water. One of the bodies appeared days later on the beach in Ceuta, and five of the bodies were taken to morgues in Fnidq and Tétouan.



To conclude, monitoring has been conducted in the areas of entry to the Spanish State, we have recorded violations of the right to live, but also of the right to asylum, of child protection, the failed detection and protection of trafficking victims and also that many of the migrants were subjected to violence, torture and cruel and degrading inhuman treatment.



57. Auxiliary security forces.

“ I saw him die in front of my eyes. The Civil Guards blocked us and the Navy wanted to force us to get on board. Then the zodiac moved and two people fell into the water. We shouted for help, but no one moved. One disappeared before my eyes, a boy from the Ivory Coast. Then we went aboard the ship of the Navy, we were detained”, Sylla speaking about the right to live.

“ I was above the fence, I wanted to seek asylum, I shouted asylum. Nobody listened to me. Very tired and hurt I climbed down the fence. I looked at the guard and said I am 14 years old, he took me quietly, I could not resist and he gave me to the Moroccan alis⁵⁷”, Brahim, Ivorian, talks about the rights of migrant children and asylum.

“ You cannot ask for asylum at the office of Melilla. It is only for whites, Syrians do ask for asylum. Several women tried but the Spanish police would not let us”, Deborah, from the Democratic Republic of Congo, talks about the right to asylum.

“ The Civil Guards gave us to the Moroccans, I felt I was bleeding a lot and was dizzy. After the Moroccans kept beating me on the floor. Blows and more blows, I lost consciousness and woke up in the hospital with three fractures”, R., from Cameroun, speaks about torture and cruel and degrading inhuman treatment.

Monitoring of entries by sea into Ceuta

Most of the boats that arrived via Ceuta did so coming to shore by their own means and without rescue services intervening.

“ The most dangerous thing in the entry into Ceuta is the pushbacks at sea. They are usually motorboats and the distance is not long, but the Civil Guards detect us and go out to sea. They try to block us so we cannot move forward and make time for the arrival of the Moroccan Navy. It is at the time that the Navy arrives where the danger is greatest because they throw us a rope to force us to climb, and on the other side the Civil Guards blocks us. That’s where there are people who fall into the water. They are very difficult times especially if there are children in the boat”. *Extract of testimony from migrants to the Rights Brigades (Castillejo, Morocco).*



Pushbacks in the water have been highlighted by migrant communities as the greatest risk to life at sea in the area of Ceuta.

We must remember that in the areas of Ceuta and Melilla the Guardia Civil is who has the power to decide whether the coastguards act or even if they receive a distress call.

Three times four people were reported to have fallen into the water after the joint intervention of the Civil Guards and the Moroccan Navy, but rescue services did not intervene. Today these four people are still missing. According to the Civil Guards, the rescue in these four alerts was conducted by the Navy without incident.

In two of the boats that underwent pushbacks asylum-seeking women with children and victims of trafficking were recorded.

“ The brothers called the Red Cross⁵⁸ but they did not come. Spanish police were there and then the Moroccan police. Mom screamed because the Moroccans pushed the boat and it moved a lot. My little sister was clinging to my Mom, because she’s not strong like me and could fall into the water. I cried to the Spanish police to take me but maybe they did not know English. The Moroccans did not give out blankets and I was cold, very cold. Mom was crying and my small sister too”. *Extracto de una sesión con un niño de 6 años, nigeriano, sobre el post-trauma tras la devolución en caliente en Ceuta.*

58. Refers to Rescue Services. Migrants think that the Rescue Services is the Red Cross because they also receive their assistance when they land.



In one of the pushbacks, the people who were in the boat attempted to draw attention to two of their companions having fallen into the water. They also tried to alert the Civil Guards and force the Moroccan Navy to search for the companions who had fallen. Their insistence asking for help for their companions was such that five of them were charged with resisting authority and were sent to prison in Tétouan charged with a crime of assault against Moroccan security forces. After several months in prison without a hearing or being heard because there wasn't a translator, the charges of injury were dropped but they were accused of illegal immigration and sentenced to four months in prison.

“ It was terrifying seeing them fall into the water, seeing that no one was helping them and then accuse us of assaulting the police. We were taken to the court every week and returned to prison without any hearing being held because there was no French translator. On the 31st of December, my cellmate felt bad and as they did not want to take him to hospital, he died in front of me. I thought I would also die, that they would never try us and that I would spend my life in prison. Then, with the assistance of a lawyer, we were able to show that we had not attacked anyone and were only found guilty of trying to pass to Ceuta. I cannot explain those four months of seeing death and feeling pain”, states C., Guinean, one of the victims of this pushback.

Faced with this situation we have lodged complaints with the Ombudsman's Office in Spain, against the practice of pushbacks in the water, which result in the violation of the right to live and because the victims were also subjected to torture and ill treatment during their return and later in Morocco.



Regarding one of the complaints, where 16 people denounced a pushback, the Ombudsman raises the difficulty of determining whether it is the Moroccan or the Spanish administration that has jurisdiction over the waters where the boat was.

In another complaint lodged with the Ombudsman's Office⁵⁹ in the month of September because of a pushback, "the Civil Guards believes that it acted in compliance with a service order on border surveillance and waterproofing of borders in the City of Ceuta. According to said order⁶⁰, the Civil Guards would have the mission of: "materializing the border waterproofing tasks at sea, which mainly consist of early detection of vessels with immigrants seeking entry into national territory. This detection should, if possible, allow timely warning to the Moroccan authorities to take charge of the incident before immigrants approach Spanish waters".

Asking the migrants who had suffered the pushback, they explained that the motor of the boat worked perfectly and that the blockade and harassment to which individuals are subjected to by the ships jeopardize their physical integrity and violate the right to live in the entry into Ceuta.

In another complaint about a missing person reported by the other people aboard the boat, the communication that the Moroccan Navy given to the Guardia Civil is that no one is missing, but even today this person is still missing and his family is still looking for him.

Monitoring of entries by sea into the Canary Islands

“ We were drifting, the motor had stopped and we stayed for hours in the water. We saw fishing boats, they were Moroccan but no one came to our rescue and helped us. It was hell. We finally managed to restart the motor, like a miracle, and returned to the Moroccan coast by our own means”, *testimony of one Cameroonian teenager in the Rights Brigades.*

One of the problems encountered in alerts in the area is the poor responsiveness of Moroccan resources when people are drifting in waters within their territory. In three cases of alerts, rescue resources never reacted to the call for help, causing the death of people.

59. It repeats its opposition to pushbacks, as stated in the annual report of 2015, as of pages 258 and also on the study of Asylum in Spain. International protection and the resources of the host system on pages 45 et seq.
60. Order of the Command HQ Service of Ceuta 14/2014, on border vigilance and impermeability in the City of Ceuta.

Even the collaboration between the two rescue services is not efficient enough for the safeguarding of life at sea in an area with so many difficulties, including the extension.

In May 2016 two boats disappeared in the area, with a total of eighty missing. In them were people from the region of Mamou in Guinea Conakry. 40% of the people traveling were children and adolescents.

The difficulty of the route makes tragedies more frequent, and migrant communities and families are very concerned about the assistance the authorities of the Canary Islands is giving to victims of shipwrecks in the area.

Complaints have been lodged with the Ombudsman's office with the following points:

- Migrants who suffer incidents with multiple victims should be cared for as priority victims, avoiding their systematic arrest, and prioritizing the health, social and psychological care these victims require.
- Clarification as to whether the "Family Assistance" area and "area of health, social and psychological assistance" required by the protocol regulated by Royal Decree 32/2009 for migrants where there is the death of many victims were set up.
- An end to racial discrimination in the communication to families of survivor listings survivors with multiple victims.

The General Commissariat for Immigration responded that the information on the dead and missing lies with the consulates of the countries of origin and the medical-psychological assistance to victims of these tragedies is given within the immigration detention centre (CIE, its acronym in Spanish).

According to this Spanish administration, "it is not necessary to prepare a protocol for survivors of shipwrecks as there is an agreement between the Ministry of Employment and Social Security and the Spanish Red Cross to carry out the programme of care for immigrants in settlements upon arrival at the Spanish coast which was signed on 20 April 2015". However, this agreement does not apply in CIEs located in the Canary Islands.

In one of the recorded tragedies, migrants ended up abandoned on the floor of the police station after being rescued from the sea and despite the serious state of health they were in⁶¹.

“I called the Immigration Centre and spoke to a policeman. In the boat were my two children, I am a statutory refugee in France. I was told by companions that apparently one of my two children had died. So I called the centre to pass me with my other son, I wanted to know how the has other one died and how he was. The policeman told me I had no right because he was a detainee. I silenced my opinion of his answer and I wondered if the policeman had children. Then I was angry because my children are not criminals, they are refugees fleeing from a horrible war”, relative of a person who was shipwrecked in the Canary Islands route.

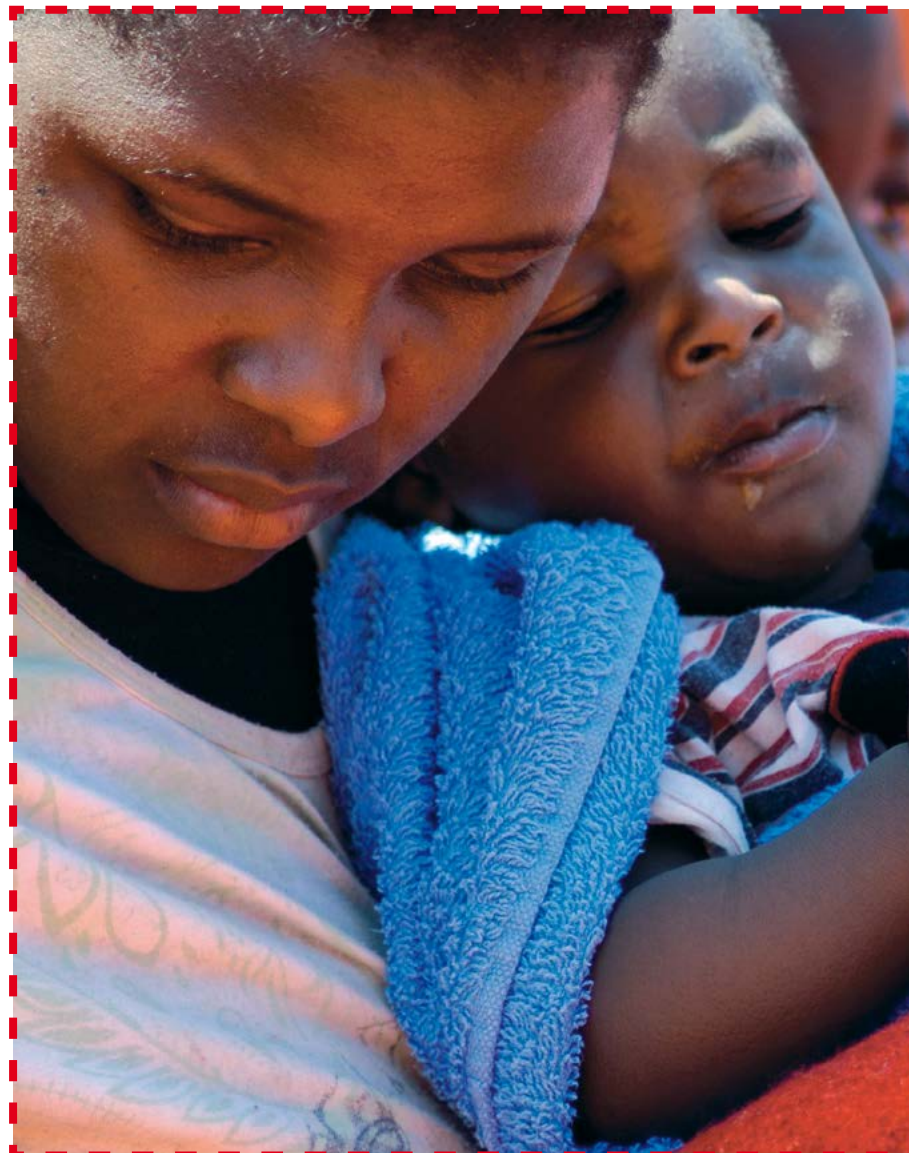
61. Sánchez, Gabriela. "Abandonados en el suelo de una comisaría inmigrantes graves y deshidratados". Eldiario.es. 11 February 2016. Available at: http://www.eldiario.es/desalambre/Canarias-inmigrantes-deshidratados-quemaduras-comisaria_0_483301859.html

Another of the violations migrant communities point to here is the imprisonment of people piloting the boat or who are responsible for distributing food or water, even if the real culprits of trafficking stay in transit countries.

According to migrants, the identification of captains or water and food deliverers is done by questioning within the CIE and many of those questioned under threat of expulsion if they do not collaborate with the authorities. According to fellows, three times human trafficking offences were attached to people who did not even handle the boat.

One of the most striking cases has been that of Babacar, from a boat who spent 11 days adrift. He was accused of being the captain, after two people died who were responsible for bringing the boat, from a total of eight deaths. The public prosecutor sought prison for each of the persons who died in the boat. Thanks to the courage of a fellow victim of the tragedy, who dared to declare and support Babacar's innocence, he was released. However, the public prosecutor's office appealed against Babacar's release, asking eight years in prison for each of the persons who died in the tragedy. Neither he nor the rest of their companions received any psychological assistance to cope with the tragedy they had experienced.

Assistance given to victims of shipwrecks in the Moroccan area is also minimal. They are detained at the gendarmerie or taken to the Laayoune Detention Centre, and they are not given medical and psychosocial assistance appropriate to a post-trauma. In the subsequent arrest of victims of tragedies, violations of their fundamental rights, violence, torture and inhuman and degrading treatment, are detected.



Monitoring of entries by the Alboran sea

It is one of the areas of greatest safety regarding the right to protection of life at sea. In the area, again, we detect a lack of collaboration between the two rescue services, that of the Spanish State and Morocco, especially since the information that comes from Morocco is late or sometimes wrong.

“ Please, we have been nine hours in the water here, we see the coast, come for us, at least send the plane, we are going to die and the Moroccans do not care, they do not come. We are calling them and they do not come”, explains T., a Congolese woman, in an extract of communication from a boat adrift.

The most desperate situations occur when the boats are adrift in an area of Morocco, the authorities are slow to react and when they do the guarantee of rescue is lower. Morocco also takes long to accept the collaboration of the Spanish rescue services, for example when it could be supported with aerial resources.

We lodge complaints with the Ombudsman's office against the attention to victims of one wreck on 29 October 2015 where six people disappeared. The authorities were also asked what protocols the State has in place for missing persons and to inform families when tragedies occur.

The General Commissariat for Immigration and Borders reported the following: “The health and social care of foreigners detained in the CIE is fully guaranteed (...) In this regard, we should point out that the CIE



have the appropriate social services for detained foreigners, attended to by social workers, reporting directly to the director of the Centre and seeking to assist detainees who need any assistance during their stay in the CIE. Therefore, and although there is no specific psychological report of these detainees, the CIE's directorship gave appropriate guidelines to all staff in order to ensure for these people more attention and comprehensive assistance because of the trauma suffered by the wreck of the boat in which they were traveling”.

B., a Cameroonian victim of the shipwreck of 29 October, tells us:

“ they died next to us. We did not know why but they were dying. Later they said it might be from cold but it's very hard to say, there are mystical things we do not understand. In the water, many things happen. Then we threw them overboard, we could not stay with the bodies there, it is impossible to hold the bodies there. I cannot forget them. Their faces cross my mind often, especially at night. I am now receiving treatment in France. In Spain we were treated like criminals, in detention centres you are a criminal, you are even cold, it's a prison. So, I just waited to get out of there”.

Monitoring of entries by the Strait

According to first-hand information of migrant communities there are several situations that endanger their lives during transit across the Strait:

- ➔ Despite alerting Spanish rescue services, it has been found that in most cases they did not come out at night to carry out searches.
- ➔ The departure of the Sea Rescue boat is sometimes delayed between one and two hours.
- ➔ In respect of all the boats for which searches were activated but which were not found, the search was stopped that same day at nightfall. In some of these cases, apparently Morocco confirmed that they had been rescued, yet they continue to be missing for their families and friends.
- ➔ Migrant communities report how in rescues by Morocco sometimes accidents occur because when the rescue ship is approaching the zodiac capsizes, and the rescue consists in

throwing a rope and there are people who for lack of means cannot be recovered.

- ➔ Another worrying situation in the Strait reported by migrants is that they see how Morocco enters Spanish waters to retain them, but Spain does not enter as easily Moroccan waters. This proves that in certain areas of entry, border immigration control takes priority over the protection of life.

Desperate situations lead them out in bad weather because

- ➔ they know that the Moroccan Navy has no rescue services in order to make an intervention with bad weather.

Rowing toys are a risk to life at sea but they allow for

- ➔ self-organization and management within migrant communities.

Again it was necessary to lodge complaints with the Ombudsman's office against the shortcomings in the search for boats in the Strait, particularly concerning one disappeared on 17 May 2016. The rescue service answers that they conducted a search by helicopter and boat and it was not found because it had already been rescued by Morocco. The problem is that as in other reported cases, this boat still remains missing.

We also asked the Ombudsman's office to clarify the areas of Moroccan and Spanish rescue. It is important to know if Morocco does not have capacity to rescue and safeguard life when difficult circumstances arise, including bad weather, to what extent can there be cooperation between the two countries and to what extent can people be left drowning 14 kilometers away without acting. Currently there is no official response on the matter.

In turn the Ombudsman requested information to the Ministry of Public Works to identify and clarify areas of operation of Spanish and Moroccan rescue services. The same dynamic explains the answer to the complaint lodged with the Ombudsman in August 2016: Rescue services excuses itself in the delineation of rescue areas, but the administration does not assume responsibility for the disappearance of boats and does not assume shared responsibility in searches. It claims that it has received a letter from the Directorate-General of the Merchant Navy providing information on search and rescue areas in the Strait. The same letter specifically states “according to the aforementioned SAR.8/Circ4 of 1 December 2012 there is an area in the Strait of Gibraltar where the areas declared by Spain and Morocco in the above-mentioned document overlap and where the two States have the same responsibilities for the actions carried out within the scope of rescue”, and explains that the unit closest to the vessel in distress, either Spanish or Moroccan, will carry out the rescue.

Another major problem in the area is that even having begun searches of boats, although these are not found, the disappearance is not made official, preventing relatives from having real information about what happened.



As explained by one of the relatives, brother of a member of a missing boat:

“

I called the national police. My brother was in a boat that had been searched for. It was his friends who told me he had disappeared at sea, and was searched for after because they spoke to the Spanish rescue services. That is why I called the national police, who replied that there was no missing boat, and that it had surely crossed and that another name had been given because people give different names. I felt very frustrated because on the one hand I knew my brother was not going to do that, but it was a police officer who was telling me, and the other handed I wanted to believe him to not accept that my brother was gone. Months have passed and I know have to mourn in the country, I must accept he was swallowed by the sea”.

Monitoring of entries by the fences of Ceuta and Melilla

In the context of entries by land we have recorded the number of forced displacements, and pushbacks, people injured and dead in alerts received.

We understand as forced displacement arrests that occur in border areas of northern Morocco and detainees are forcibly displaced, at first, to Rabat and Casablanca, and then to Fez, Meknes and even Kenitra.⁶²

“ With the new integration of migration policy of the Moroccan government, the situation of migrants has improved in some respects. Deportations to the borders of Mauritania and Algeria have more or less ceased. But integration does not have the same level everywhere in Morocco. In areas bordering Spain there is less integration, and persecution of people is greater. There are military operations in the forests near Ceuta and Melilla, and whenever there is an attempt at entry into these two cities, everyone is sent to places in the south on buses”. *Rights Brigades stories in Tangier.*

Pushbacks or summary returns of migrants who enter into the territory of Ceuta and Melilla, to the Moroccan authorities with no administrative procedures, are one of the most used practices in the outsourcing policy applied by the Spanish State.

In the final provision of the Public Safety Act, summary returns to Morocco of migrants intercepted jumping fences of Ceuta and Melilla are carried out using the legal concept of rejection at the border.⁶³ Part of the text generically provides that rejections should respect international human rights law and international protection.

The European Convention on Human Rights, the European Charter on Human Rights, the Geneva Convention and the Convention against Torture, are some of the rules and regulations that condemn the collective return of migrants without prior identification, as is done in Ceuta and in Melilla, in the application of rejections at the border.

The right to asylum is not respected in entry attempts through the fence of Ceuta and Melilla, according to the Spanish government because in Ceuta and Melilla there are offices set up for this⁶⁴. In this regard, the former Interior Minister Jorge Fernandez Diaz said that with asylum offices at the border in Ceuta and Melilla “it will be very clear that those who attempt to enter the enclaves jumping

62. Ceuta et Melilla : Centres de tri à ciel ouvert aux portes de l'Afrique. Joint report December 2015. Available at: http://www.gadem-asso.org/wp-content/uploads/2016/05/Rapport_conjoint_Ceuta_et_Melilla_centres_de_tri_a_ciel_ouvert_auxportes_de_l'Afrique_2015.pdf

63. First final provision. Special regime of Ceuta and Melilla.

1. An additional tenth provision is added to the Rights and Freedoms of Foreigners in Spain and their Social Integration Act 4/2000, of 11 January 11, with the following wording:

«Tenth additional provision. Special regime of Ceuta and Melilla.

1. Foreigners who are detected in the border line of the territorial demarcation of Ceuta or Melilla while trying to overcome the border containment elements to irregularly cross the border may be rejected in order to prevent their illegal entry into Spain. 2. In any case, the rejection will be carried out in compliance with the international human rights and international protection standards to which Spain is a party. 3. Applications for international protection shall be formalized in the places authorized for that purpose at border crossings and shall be processed in accordance with the provisions of international protection rules and regulations.” Official Journal of Spain (BOE) no. 77 of 03/31/2015 <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442&p=20150331&tn=1#dfprimera>

64. The right to asylum is a recognized right and the Asylum act provides in art. 17(2) that “the illegal entry into the Spanish territory cannot be sanctioned when done by a person meeting all the requirements to be a beneficiary of international protection”.

fences will not be, in principle, refugees⁶⁵". René Cassin denounced the Spanish State before the UN Committee on the Elimination of Racial Discrimination because only Syrian citizens could enter the offices, not registering any asylum claims of citizens from sub-Saharan countries.

“ We are from the Democratic Republic of Congo. We dress as the Moroccans dress, completely covered so as to not show that we are black. We had to pay on the Moroccan side, wanted to pass that part and then seek asylum on the Spanish side, as Syrian women do. There were no problems on the Moroccan side and we arrived at the Spanish side and there the police saw us. We wanted to seek asylum, we explained. I speak a little Spanish I learned at school. The agent left us sitting, I thought he would take us to the office, but it was not so. We were led away and they began to argue with the Moroccans and the Moroccans later detained us. The offices are not for black people I heard them say”, explains V., from the DRC after an attempt to seek asylum in Melilla.

We have noted with respect to emergencies that may arise in Ceuta and specifically with people injured on the fence that the reaction to emergencies that occur elsewhere in the State is different. 112, despite being an emergency service, where there is a protocol between the different bodies and entities (health workers of public health services, Red Cross, State security forces...) that coordinate to provide assistance depending on the emergency that has arisen, it seems to be subordinated to what the security forces decide at all times.



65. Melilla Hoy, "Quedará claro que quienes saltan la valla no serán refugiados" 10 February 2015. Available at <http://www.melillahoy.es/noticia/49146/politica/>

In one of the alerts of an attempted jumping of the Ceuta fence, a call was made to 112 in the awareness of badly injured people at the fences. 112 took all relevant information, but given the delay of the health services, 112 was called again and they explained that the Civil Guards were in the area. When 112 was asked if the Civil Guards had medical personnel, 112 merely replied that it could not intervene because the medical arrangements at the fence, even in situations of tragedy, are the exclusive responsibility of the Civil Guards.⁶⁶

“ I had been badly beaten up. I was bleeding and could not see because the blood from my face didn't allow me to see. I was at the top of the fence, but I thought I was going to faint and fall. I climbed down, and I felt the hand of a Spanish guard, he took my arm, I thought he had seen that I was in a very poor way, but he pushed me hard and then I noticed the arm and stick of a Moroccan soldier”. *RA, hospitalized in Tangiers after jumping the fence.*

“ How did he die, where, why, when, how to see his body? Dozens of questions. But now that he is buried in Morocco, could you send us handful of soil from his grave? That land we will bury next to our ancestors according to our tradition, and that way we can rest, that way we can mourn”, *sister of B., one of those who died at the Ceuta fence.*



66. “The Red Cross, it says, intervenes “when it is called”: “It is an intervention for migrants arriving at the barrier or by sea. (...) The Civil Guards ‘activates’ us and the ambulance arrives where the GC tells us to come. A Red Cross nurse makes a “sorting”, i.e. a quick check-up. “First aid can be provided on-site or we transfer to the hospital if necessary.” The main health problems at the barrier are bruises, blows, fractures and cuts “Ceuta and Melilla: Open sorting centers at the gates of Africa. Joint report of December 2015. Available at: http://www.gadem-asso.org/wp-content/uploads/2016/05/Report_conjoint_Ceuta_and_Melilla_centres_de_tri_a_ciel_ouvert_aux_portes_de_l_Afrique_2015.pdf

At the fence of Melilla

10 attempts to enter via the Melilla fence have documented. **983** of them forced displacements were recorded, including **86** adolescents between the ages of **13** and **17**

273 seriously injured persons were recorded, especially with fractures and cuts, including **25** adolescents between the ages of **15** and **17**

258 pushbacks were also recorded, including **56** adolescents between the ages of **14** and **17**

Forced displacement consists in arresting people who unsuccessfully attempt to enter the Spanish territory and sending them to different cities of southern Morocco, far from the Spanish enclaves.

At the fence of Ceuta

13 attempts to reach Ceuta through the fence have been recorded

In these **1115** forced displacements were recorded of which **213** were adolescents between the ages of **14** and **17**

466 seriously injured persons were recorded, including **17** adolescents between the ages of **14** and **17**

311 pushbacks were also recorded, including **68** adolescents between the ages of **14** and **17**

Six people died in this border during the jumps.

Chapter IV

Deconstructing the border war: Processes of resistance and resilience

Deconstructing the border war: Processes of resistance and resilience



Sylvie Agnes Sambou

Solidary bravery

When I arrived at the Canary Islands after seeing my colleagues die, after going through thirst and penalties, they locked me up in the CIE and it made me feel very sad and regretful. Police treatment was very bad. The police wanted us to report the captain and said that we would get papers, money, freedom and a very nice house in return.

When the police started to mistreat me, pushing me or insulting me, I ended up regretting having come to Spain and prayed a lot to God. I ended up shunning police questions, I was tired, I refused to talk to them.

When I discovered Babacar was in prison I felt very desperate, very sad, I cried a lot. He was innocent and had nothing to do with the skippers and what they had accused him of. Here we do not know anyone and do not handle the language to defend ourselves. That's why they accused him, because he didn't even speak French and could not defend himself. They spoke to him in French and he replied with a 'oui', but really he did not know what he was being asked.

I decided to testify in the case of Babacar because what the police have done is unfair. It is very unfair because what they accuse him of is not true. The police will not find the real traffickers because it does not do its job properly.

Still, I am very grateful to the good people I have met in Spain, also to those who have helped Babacar.

One of the keys to the building of the war that the Spanish authorities have generated on its borders has been the dehumanization of the other.

“We are commodities in the hands of European policies, commodities in the hands of Morocco that opens and closes the border when it wants, commodities when Europe needs us to be labour, commodities when Europe needs our women. We know it's a policy where some human beings are a commodity. But that cannot affect us, we have a clear goal and it is to look for a future for our families, our people. We remain colonies one way or another, colonies stripped of their wealth and development”, A., a Gambian community leader.

“If it is not human we do not have to protect the rights of the same, if it is not human we do not have to mourn upon death, if it is not human we do not even have to bury”, B., a Nigerian community leader.

“Nobody is psychologically prepared to live day after day with the experience of having a missing relative. We need a final page in order to continue. Our day to day life consists in learning to survive”,⁶⁷ Asociación SOS desaparecidos.

67. Website of SOS desaparecidos: <http://sosdesaparecidos.es/>

68. “Se dice cultura, se piensa raza”. Aime Marco. Economía Digital S.L., p. 78.

Indeed, not to search for the missing or not to put the means to identify the dead is one of the Spanish border strategies to dehumanize the other. The human being begins to be understood as such when he decides to bury those who die. Depriving relatives and those who are close from the right to mourn has been one of the most effective Spanish ‘border war’ practices.

This war has been accompanied by strong media propaganda where migrant communities are also drawn as hordes that encourage violent invasion of the territory, and therefore the industry and the business of war involved is truly justified.

The war has also allowed consolidate the neo-racism where race lost much of its component visible signs to be more, to derive a discursive construction about who yes and who does not deserve to be citizens.⁶⁸

Thus, in a time of rising populism as a form of construction of politics, the term people can be posited in two ways. It may be posited appealing to an underprivileged social majority that seeks greater democratization of the State and the distribution of wealth against the elites. Or it can be posited in a reactionary sense, staying apart from the most underprivileged, as are migrants.

Against racist and xenophobic discourses (be it in reactionary populism, be it in current liberal democracies), one should note the ability of migrant communities to become empowered citizens capable of claiming their rights. But it is precisely in transit countries hired for outsourcing where migrant communities are most vulnerable. It is not easy to face the violence generated by the militarization in the ‘border war’.

When we refer to migrant citizens from sub-Saharan Africa, there is a concept that is key to building alternative networks for survival. This is the Ubuntu, the community.



“Europe was a very crowded place filled with finite limits, a group of small countries with known borders (although disputed) within which there were known amounts of people. This environment led Europeans to develop ideas of private property, citizenship and even a fair distribution of wealth. But the unlimited Africa, which lacked these confines, evolved differently. Kingdoms and empires

rarely contacted, and their boundaries were not so much borders as a gradual loss of influence. That meant that citizenship was not a contract between the individual and the State as in Europe, but rather a question of numerous and overlapping loyalties to the family, village, clan, region and empire, with culture, religion and language acting as additional loyalties... A system based on collective rights was far more practical.

If the individualism that emerged in Europe in the seventeenth century could be summed up in the Cartesian phrase –I think, therefore I am, the African communalist response was –I am because you are’. I am because I belong, because I participate, because I share

This set of communal values are now known by its name in southern Africa, Ubuntu. If the individualism that emerged in Europe in the seventeenth century could be summed up in the Cartesian phrase ‘I think, therefore I am’, the African communalist response was ‘I am because you are’. I am because I

belong, because I participate, because I share”.⁶⁹

With this different conception of the reality of community organization, criminalizing and victimizing migrant communities by linking all conceptions of collective construction with mafias has been fairly easy.

“ When I reached the Maghnia forest⁷⁰ they demanded money, between 100 and 200 euros, as the right of way. As it is near the border of Morocco, it is much more difficult to oppose as the risk of being sent to the north of Mali is always there again. Then you pay. But when I arrived at Bel Younech, it was cheaper, but I said no, I would not pay 50 euros. There was a smaller group of serakole⁷¹ and I joined with them without paying. We participated in general meetings with the other communities. Life in the forest is very, very hard, but there is something that makes us Africans survive more than the Bangladeshis and Pakistanis, and this is that you'll never go without food, not if there is anyone of your people, someone who has your same surname, someone who knew someone in your family”, A., a 16-year-old Guinean, from an interview in Castillejo.

The right to move is part of many cultures of migrant communities from the sub-Saharan Africa. Therefore, migration is internalized as a right.

69. La Gran Grieta, El Despertar de África. Perry, Alex. Editorial Ariel, 2016, pp. 64,65.

70. Informal camp in Algeria, close to the border with Oujda.

71. The people of Soninke in wolof.

72. “Réadmission de migrants : Le Mali n’a signé aucun accord ! “. Bamako News. 14 April 2016. Available at: <http://news.abamako.com/h/150964.html>.

“ Many times we realize what borders mean when we reach the Sahara. Moving is something natural, especially in Africa because borders are totally artificial limits imposed by the colonizers. Agreements with the government of Mali and Nigeria will be very problematic because they want our governments to also criminalize those who want to leave, but moving to develop your community is not negative. That is why Mali has refused to sign the agreement with the European Union”,⁷², A., a Malian community leader in rights brigades in Tangier.



Migrants respond to the criminalization and stigmatization

In the various discussions held during the production of this report, responses were given to the following questions chosen by members of migrant communities as forming the basis of the discourse of criminalization and stigmatization of people on the move.

Through this research, members of migrant communities and community leaders replied to a number of statements that build the discourse of the Spanish border war.

“Migrants are violent in jumping the fences”

“If they were violent during this time there would not only be mortal victims on one side of the war. ‘Who of you can jump a ditch, pass through concertina wire, climb up two six-meter fences and keep running? Perhaps it is the strength and faith that is scary. It is strange because we are many people but the reality is there, the dead are on our side and we have only been accused of minor offences, which often are produced by the collision itself between bodies. There is a slogan when we organize and it is to do no harm. Force our entry without causing pain and the blood that falls to the ground is our own’, D., 42, a community leader from Cameroon.

“The materials seized from violent people jumping the fences”

“The ladders, the spikes on shoes, hooks for hands, clothes to avoid cuts. The fence has become increasingly more complicated. Clinging with your fingers to climb is impossible, so we have evolved while you evolve in the control and the goal is also to avoid pain. Imagine how these elements cut”, M., a Guinean, in a testimony of Rights Brigades in forests near Ceuta and Melilla.

“Mafias control jumps over the fences”

“Of course there is organization, of course we are organized, to move a group of 600 people we must be organized. But, organizing is something wrong? Is it something punishable? Many times, when we jumped the police questioned us as to who organized it, we must indicate the companions, but they are wrong when they seek mafias. I do not know what the concept of mafia in European States, for us they are also a mafia. And they are also involved in the business of our passage, there are officials who charge, or small boats that leave at a certain time, or pass through hidden in a car. We have seen corruption in border officials of Ceuta and Melilla, when you pass through by car or when you pay to enter through the front door, but you’re not going to complain because it is one of the ways of passing”, O., a Nigerian community leader in a settlement up in the North.

“When you come across in the Canaries, Tarifa, they always ask for the captains”

“ Another form of self-organizing have been the toys⁷³, we just have to buy them among those of us who we will ride on it, we try to find people who know the sea to go on the toys, but there are cases of kids who have even traveled free. There's greater risk, perhaps you pay the moto-mafia⁷⁴, and can pay too and help people who have no money to travel. There are no captains as you think of, there are people who may have been at sea before. And then the strongest row, and the others bale out water with a small bucket”, A., 28 años, líder comunitario maliense.

According to statements by various representatives of migrant communities, the fewer guarantees of access to rights at borders, and the more militarized the zones of entry are, the greater the opportunity for criminal networks to operate.

“ You laugh when you see how captains are searched for, or how they are trained before leaving, maybe they give them the material and for two days teach them to sail with it. Many people are desperate and therefore accept, they know they risk going to prison but they accept. What is a mafia? There is much to discuss on this, and on what mafias are for Europeans”, L., Ivorian in Bel Younech Rights Brigades.



“ We left near Bouyafar. The captain held the compass, several hours passed and we saw him increasingly nervous, looking at the compass strangely. Another passenger told him he was not looking at it correctly and then he got angry threw it overboard. After several hours, we saw land and disembarked. We had reached Morocco again, after spending eight hours out at sea. The captain confessed that he had not seen the sea in his life, he had been given the compass and shown how it worked. He was crazy to go to Europe and did not have enough money, so they had made a discount”, S., Cameroonian, in Nador Brigades Rights.

73. Toy rafts used to cross the Strait. Usually between 6 and 11 people travel in them who organize themselves to buy the material and enter the sea with the toy.

74. Name with which migrants refer to vehicles that transfer people to the place of departure to try to reach Europe.

The quest for rights as an alternative to the narrative of victimization and objectification

The debates that were generated in the different migrant communities on victimization and objectification of the people on the move ultimately made reference to the situation of women and children on the move. Against the stories of victims, against the sale of women's bodies, they responded by drawing paths in the quest for rights.

“ We arrived in the morning, we were four. We finally climbed, at the end we were two on top of the fence. Below were Civil Guards watching us. We had to resist because if we did they would call the Red Cross and we would not return to Morocco. Balance between the blades is hard, but the worst thing is that you feel cold, but also heat, you think you're going to get dizzy and fall. I was 30 hours, my companion a few more. It was my companion who told me, 'you are very tired small one, climb down, when the guards see you see that you are a child they will not return you'. But they did, on the fence it matters not whether you're smaller or larger, perhaps a Spanish law”, *B., a Guinean with 14 years' experience explains of entry through the Ceuta fence.*

In the accounts of women and migrant children we have analyzed there is a very strong component of seeking rights rather than economic opportunities. Feminization is important in various borders of the Spanish State. In the period analyzed by this report, the large influx of migrant children, especially adolescents between the ages of 14 and 17, calls our attention.

They came mainly from Guinea Conakry, (mostly male), Cameroon (adolescents of both sexes), Senegal and Ivory Coast.

Adolescent women tried to find strategies to overcome sexual violence, although many are engaged in begging and prostitution.

Many of them came in trafficking networks, small and familiar, or had fallen into networks operating along the way. A violence that continues once they reach the destination countries, since most exploitation occurs through the demand of the European market. Regarding adolescent boys, there seemed to be less violence, but at least 10 cases of sexual violence during their stay in the woods to try to enter via Ceuta and Melilla were detected.

Sexist violence traverse women, girls and adolescents in migratory transit as in the countries of origin and in the countries of destination. Their bodies become places of violence, especially sexual, and also an instrument of power. All women, girls and adolescents who participated in some of the activities that were the basis for the report, reported having suffered sexual violence, be it from the population of the places of transit, security forces from different countries in their migratory path or from males in the migrant communities.

Violence
Mendicity
Resilience
Resistance
Trafficking
Exploitation
Prostitution

“ In the first rape, I had a bad time, in the second as well, then I learned to look for a man who could be my ‘husband’ and try to have him take care of me. It reduces the number of rapes to one person and you also have a chance of other things. The bad part are the pregnancies, you end up pregnant and having a baby on the way is a horror”, T., a 20-year-old Cameroonian.

The feminization of poverty and migration has put women, girls and adolescents at a disadvantage. It has also meant that in the context of demand in the countries of origin, victims find labor specific niches, such as the care industry and the sex trade.

“ Crossing and fucking are two verbs that are linked to many of us. Crying is a verb that is forbidden, unless it helps to survive”, P., a Liberian community leader.



During the period of this PAR report many migrants took from Morocco the route to attempt the crossing from Libya was performed. Many of these people were women, and many of them victims of trafficking. The cheaper crossing from Libya has made trafficking networks find a place to

send women. They pay \$ 500 per person including transportation from Morocco and passage at sea if the networks offer numerous women ‘s groups.

“ She died at sea, we saw the video of her rescue and it was her, frothing at the mouth. It seems that her children did reach alive. But where are those children, who are going to worry whether they have a family, children of a poor Nigerian, who was going to dedicate herself to something... you know, anyhow. It’s very sad, I refused to go, I told my Madame that was not the deal. The route of Libya is very bad, I want to cross but there are so many people dying in Libyan hell”, O., a 19-year-old Nigerian.

They are women and adolescent victims of border, network, exploitation violence, but they are also resilient people.

Women, girls and adolescents also show great resilience, rebuilding themselves through different strategies to cope with the violence they are subjected to by a border control system that victimizes them or exports them like merchandise through various criminal networks.

Many of them live with feelings of guilt, fear, submission, low self-esteem, which somatised, in most cases, through bodily pains and nightmares.

The stories mention long walks, transport in lorries crossing the desert, and especially companions dead by violence. Memories are confused and distant and victims talk about their own experiences in the third person. It is sexual violence and control of the body that defines power over the victims, because it is not visible but is

hidden, and has important effects on the sexual and reproductive health of women, girls and adolescents.

Trafficking networks in some contexts of origin are perceived by women and adolescents as an opportunity to facilitate movement, as a part of achieving the migration project. In addition, trafficking in human beings and/or the exploitation is sold by criminal networks as an opportunity for community development against the militarization of borders.



The areas prior to access to border crossings are the moments of greatest danger. Because in those areas, according to women and adolescents, there is greater vulnerability.

“ Even the security forces abuse, then you are alone, you and the violence, no one will protect you, because the police are also there inflicting violence”, L., a Cameroonian, in an interview in workshops with women and adolescents.

The crossing of borders, forced displacements after detaining when crossing and raids in the border areas are part of the stories of violence told by migrant women and children.

There are two survival activities practiced mostly by women and adolescent girls: begging and prostitution. Some seek to escape these activities through the sale of food or small business.

“ When I go to beg, I cover up, I give a Muslim name to my children and myself, and then beg. When I prostitute at night in the maqui [74]I dress up with my false eyelashes, my nails, my miniskirts. At least, I do not do like other women, the money I get is for my children and me and with it I will pay my crossing”, O., Nigerian.

Women and adolescent victims of border violence are aware that their survival depends on strategies related to gender and that at the border they are just another commodity passing through. Many are concerned about their daughters, growing up in those areas where the women's body is a commodity and they are regarded as a commodity.

75. Bars not authorized to sell alcohol that are in homes or in the woods.

Processes of resistance to violence

Asking migrants on how to report rights violations, discussions gave the following responses:

Resistance to violence. Complaints

- Legal proceedings to report the violence that occurs in border war zones are seen by most victims with whom this PAR has worked as futile efforts.

Why not complain? Is there not violence? Is there not a desire to seek justice

- Most complaints are unsuccessful, and migrants end up assuming that violence is part of the migratory transit, a kind of tax payable at the border crossing.
- Victims who participated in this PAR noted that they lacked documentation to prove their parentage, in the case of children and adolescents they also did not have documents to prove their age.
- Lack of evidence to prove the violation of rights to which they had been subjected. They could not even prove they had been there at that time.
- Many of the violations reported in this report occurred between the testimony of the victims and the perpetrator.

- In the cases of rights violations in the access to fences, the normalization of violence in the Spanish State and the legalization of certain forms of violence such as pushbacks, have meant that not even by providing documentary evidence have the relevant courts taken judicial measures.
- On the other hand, the victims fear that if they report they may suffer retaliation from the host countries.
- They also mention fears of not being heard or believed by the authorities. They even explained that when they found lawyers or representatives of social organizations after crossing,⁷⁶ they were not supported by them enough to lodge a complaint, they did not feel in a position of trust, or protected in some way as to take the step towards laying an information.
- Procedures last long periods of time, and the person does not yet have stability to face the revictimization that comes from talking about the situations of violence suffered. They need reparation of the damage caused in a shorter space of time, and they do not see legal proceedings as an instrument to achieve this.

76. This happens either because of the mobility of migrants, who do not have a fixed place and do not keep in contact with the staff of social organizations, or because of the precariousness of the professionals who work, in many cases, with little impact and with poor follow-up. Monitoring of victims of violence or human rights violations is also a challenge for the civil society.

Families of victims struggling for truth, justice and reparation.

The work of migrant communities is to support the wounded in transit and at crossings, as well as to warn about people missing and/or dead. They use social networking and keep the contacts of families in their countries of origin.

The presence of the families of people missing and dead in the Spanish borders demanding justice has been a phenomenon on the rise since 2014, after the Tarajal tragedy.

Their struggle has brought a new vision of the official narrative on the border war, providing a more human dimension. They have also managed to introduce the concepts of justice, truth and reparation in the debate on social transformation⁷⁷.



77. "Strengthening the importance of migrants as social actors and families' potential impact results in a profound change in our increasingly exclusive society" Fundación para la Justicia[76] y el Estado democrático de derecho (Mexico).

Deaths and disappearances of migrants have a psychosocial impact on families, but also on the communities of origin. In addition to legal consequences for the family. Thus, the relatives also become victims of the border war.

“ Being announced his death is horrible, but at least knowing where he died, how he died and where he is buried. To see photos, though you have not seen him, to see pictures of his final resting place. This relieves you, allows you to start to mourn and to grieve. But when you do not know how he died, nor why, or where, or where his body lies, then the pain is eternal, it never ends. At the borders our children go missing and in these borders our soul also goes missing”, F., *Cameroonian, sister of a missing person.*

Going missing is one of the greatest tortures suffered by families of migrants who say that the suffering generated by the uncertainty of knowing what happened to their missing relative is never-ending.

“ We were told that a Canadian ship passed, saw them and picked them up and the 60 are now in Canada”, *relatives of people who were on a boat gone missing in the Canary Islands route.*

Families also may suffer social, legal and economic problems directly caused by the disappearance of their loved ones.

“ My children have not been able to receive any inheritance from their grandfather, we cannot prove that their father is dead, then his part is pending his return. So I am a widow that is not. I cannot marry again and I have to work to support my three children”, *testimony of F., from Senegal.*

Not being able to legally prove the death of a person has consequences for different administrative and legal procedures concerning the life of relatives. Legal and socio-economic problems that according to families never end as long as the disappearance continues.



In the case of mass disappearances, these also have an effect on the communities and villages where they come from.

The families of the victims have a right to know in order to grieve and receive psychosocial support, as well as to have the opportunity to bring claims on a legal level.

In most of the disappearances and deaths on the Spanish border relatives have been unable to have claims stand in respect of negligence or potential liability of the Spanish State in the death of their sons and daughters.



“ We have appointed a lawyer to represent us, but they did not accept it, as we were told that we could not prove that our relatives were those who had died, they did not accept our appointee. But we want to be in court proceedings because they are our victims, it is our pain and we need to know the truth”, *Asociación Familias Víctimas del Seis de Febrero*⁷⁸.

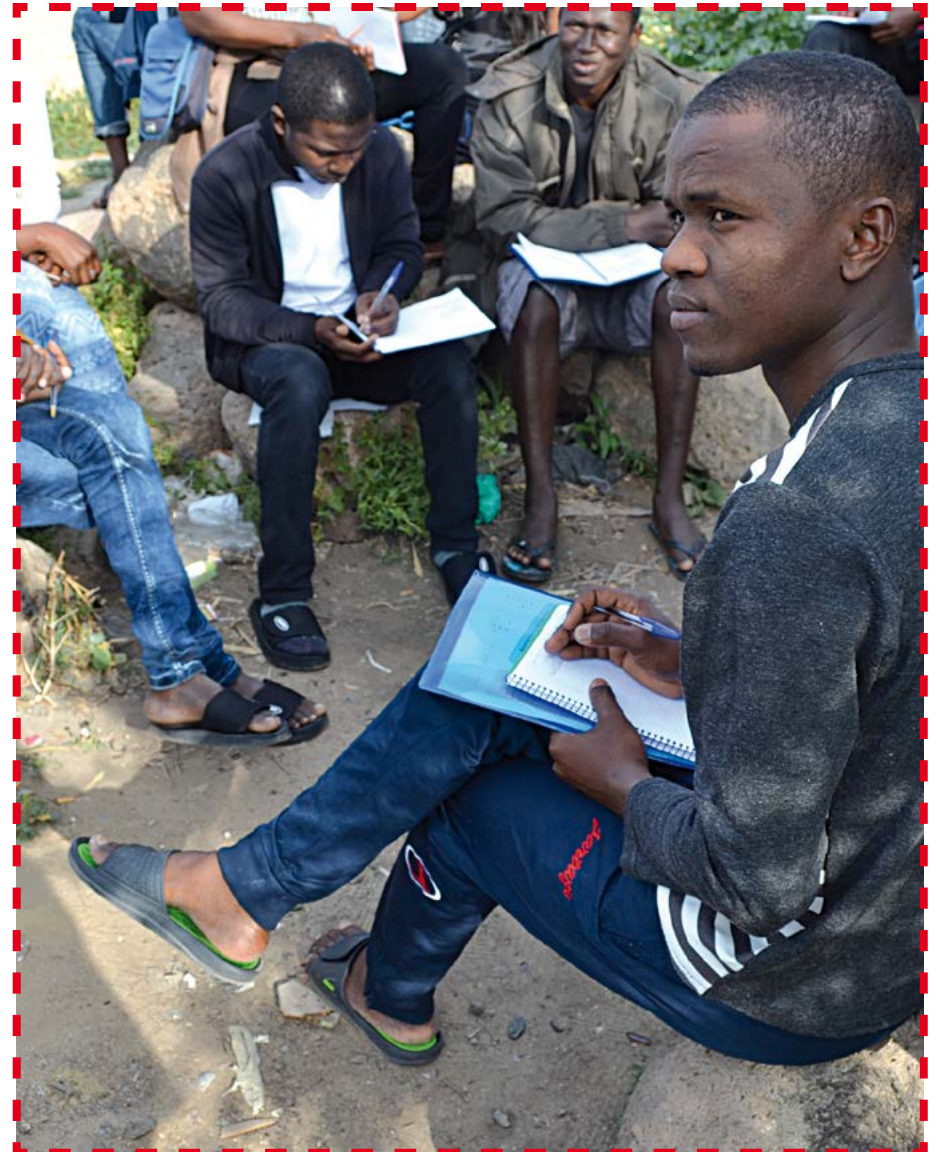
78. The Asociación de Familias de Víctimas del Seis de Febrero tried to legalize itself with the name Asociación de Familias de Víctimas de Tarajal, but the authorities rejected the name because it is a Spanish territory and to avoid problems of a diplomatic nature, according to the authorities.

One of the elements that the Spanish State takes advantage of is that the families of the victims mostly do not have sufficient financial means nor the ability to move so as to be able to continue searching for the missing or denouncing the circumstances in which they died.

“ We applied for a visa and it was hell. We try to apply for it at the embassy instead of the company that manages visas. First because it is cheaper and second because we were hoping to be better treated in the embassy since it is a sensitive issue, we asked for visas to go see the graves of our dead, to run DNA tests and put your name on nameless graves. But they did not attend to us, they took us to the company. We wanted to apply for a group visa that is cheaper but instead forced us to pay person per person. Then we were denied the visa on the grounds that our trip to Spain was not sufficiently justified. It was a very hard blow, much, much, because denying the right to see the final resting place of a relative is one of the worst possible insults to a human being”, *Asociación de Familias de Víctimas del 6 de Febrero*.

The Spanish State has not committed itself to the process of reparation for relatives of border victims. Reparation processes are slow, especially in States such as Spanish, where there is no democratic culture of reparation.

Therefore, one of the struggles to bring to the fore as an example of community resistance through this PAR, is that initiated by relatives of the victims of Tarajal, a thought and action building process that has been called Tarajal: Transforming pain into justice.



One of the consequences of this struggle has been the reopening of the case by Order of the Provincial Court.

Because society and the judiciary has been permeated with this human dimension that gives victims the presence of their families. Border victims are not only political causes in either direction that open debates on the opening or not of territories, they are above all else people whose rights are systematically violated in border areas.

The order, reopening the Tarajal case, was a first step toward reparation, and it has been so not only because of the reopening, but because the order finally speaks of persons, of required investigations although the offenses happen in the context of borders. At last, those who died there that day are dignified, giving them back their category of people. Relatives of the victims felt that this order was a first step toward reparation.



Because the pain caused to the Tarajal families was not only the day they lost their loved ones, but continued with government statements, with the statements of the Interior Minister and the representative of the Civil Guards. Pain followed with the court denying families to be present at the court proceedings, with the apathy of the public officials in identifying their dead, with the denial of visas to identify their dead, and the order of Examining Court of Ceuta that shelved the case and which was, in the opinion of the families, an insult to the dead.

This whole process of denying reparation has also been torture and mistreatment for relatives.

The Asociación de Familias de Víctimas del Seis de Febrero managed to hold, for the first time in three years after the death of their relatives, a tribute in the form of grieving.



Relatives of border victims usually grieve in silence, unseen, because when we talk about people on the move, of migrant citizens, stigmatization and criminalization also reaches countries of origin as relatives are ashamed to say where their children died, as if they were guilty of something.

So the tribute was an act of shedding the blame and stigmatization that migration policies had caused, and therefore the motto of the relatives in the tribute was Our children also have dignity, they are also deserving.

The process of Transforming pain into justice, is a transnational



project because only from this approach can we fight against borders and does it form part of something larger, which is the search for truth, justice and reparation. Victims can and should be responsible for and the main actors of this search.

What can the reparation be? The reparation can even be a handful of earth.

It's what Larios' mother asks for, one of the people who may be buried in Ceuta and is yet unidentified, to the shame of the public administration and citizens.

It is true that it is for 'border war' victims to be present it is much more complicated and it is much easier to make their demands invisible. Because we talk about people on the move, with administrative situations that hinder their access to rights. Because we talk about migrant citizens socially stigmatized and because we also talk about



racism and classism latent in our society that are impediments to the pursuit of truth, justice and reparation.

What we do on the basis of this project is to find the conditions for families of victims of tragedies and 'border war' to be at the centre of what happens around these tragedies, either at a judicial or institutional level. When we progressed with the project we realized how much lay ahead of us.

What can the reparation be? The reparation can even be a handful of earth.

It's what Larios' mother asks for, one of the people who may be buried in Ceuta and is yet unidentified, to the shame of the public administration and citizens.

Also for Brice's sister, a man who lost his life on the border of Ceuta in the area of Benzú, in a jump over the fence, and his body stayed on the Moroccan side.

For both, reparation began with a handful of the earth where the two are buried. Take that earth and make a grave next to his ancestors is necessary for the family to grieve.

So reparation goes from a piece of earth to the creation of an association of families of border victims, an association that may in the future interface with public administrations and put on the political agenda what is happening in that 'border war', where human losses exist only on one side.

Burying the dead with dignity and searching for the missing in the border war is one of the demands of the families of victims.

In the Spanish border, among other things, there is no record of missing persons, wrong autopsies have been performed on potential victims of border violence⁷⁹. Muslims have been buried in under 24 hours under Catholic rites without waiting for the presence of their families.⁸⁰ To the survivors of tragedies of the Spanish border (either boats or fences) the Protocols for victims of multiple tragedies⁸¹ should apply, giving priority to the person as such over the Migration Act.

Searches for missing persons in border tragedies must be just as diligent as if they were persons of Spanish and/or European nationality.

Spanish embassies in countries of origin should be the means for communicating to relative's disappearances or deaths, making way for the recognition of bodies through DNA, or by providing the necessary documents to relatives to travel where the bodies of their loved ones are.

A record of missing persons⁸² is essential for the dignity of border victims and to start reparation processes, as is to establish protocols between rescue services and border control authorities to record persons who asked to be rescued and were not found.



79. "The Audiencia does not rule out that the forensic reports of the recovered bodies in the beach of Ceuta were prepared with "unnecessary haste". These bodies were buried in Ceuta just one day after being recovered, and the order highlights that there were no interesting "specific analyses" to determine if the Civil Guards' behavior influenced the death, such as "toxicological and histopathological" tests, Público, 12 January 2017. Available at: <http://www.publico.es/sociedad/audiencia-ceuta-prsias-innecesarias-autopsias.html>

80. Echarri, Carmen. "Un regreso (imposible) a Senegal". El Faro de Ceuta. 20 January 2017. Available at: <http://elfarodeceuta.es/2017/01/20/regreso-imposible-senegal/>

81. "In Section 4 of the protocol, it is necessary to establish a family attention and "ante mortem" data collection area, an area that will have four basic zones: information point, office for receipt of complaints, "ante-mortem" office or "ante mortem" data collection zone and health, social and psychological care. The Royal Decree itself states that, in addition to other professionals, there will be teams of psychologists both at the information point and in the family attention zone." "A national action protocol for multiple victim's events is approved with the presence of psychologists." Infocop. 4 May 2009. Available at: http://www.infocop.es/view_article.asp?id=2372

82. In Italy, the special Commissioner of the International Commission on Missing Persons (ICMP) is collecting information on missing persons in the Italian borders, encouraging the coordination of administrations that have to become involved in their search.

Epilogue

In Memoriam



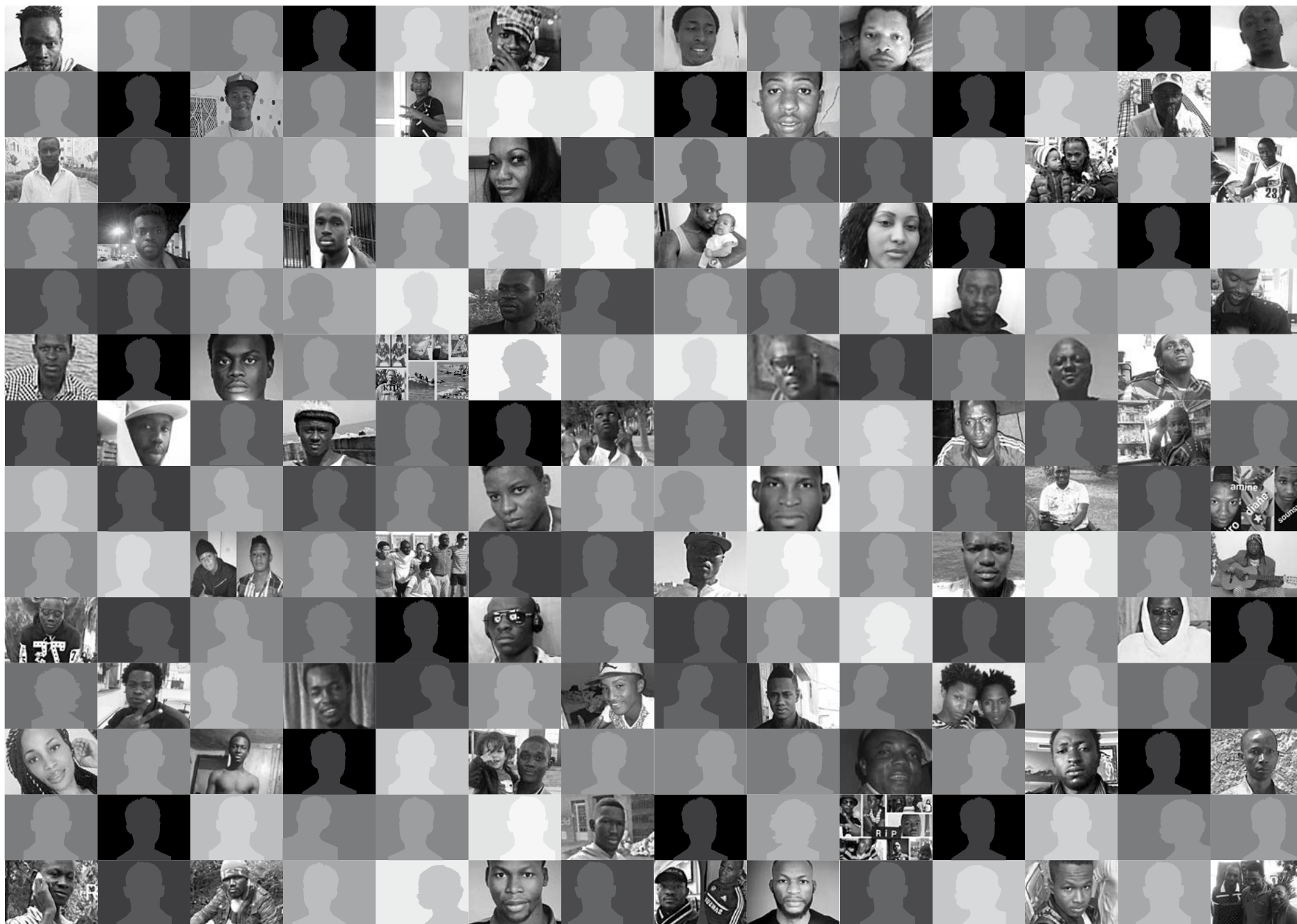


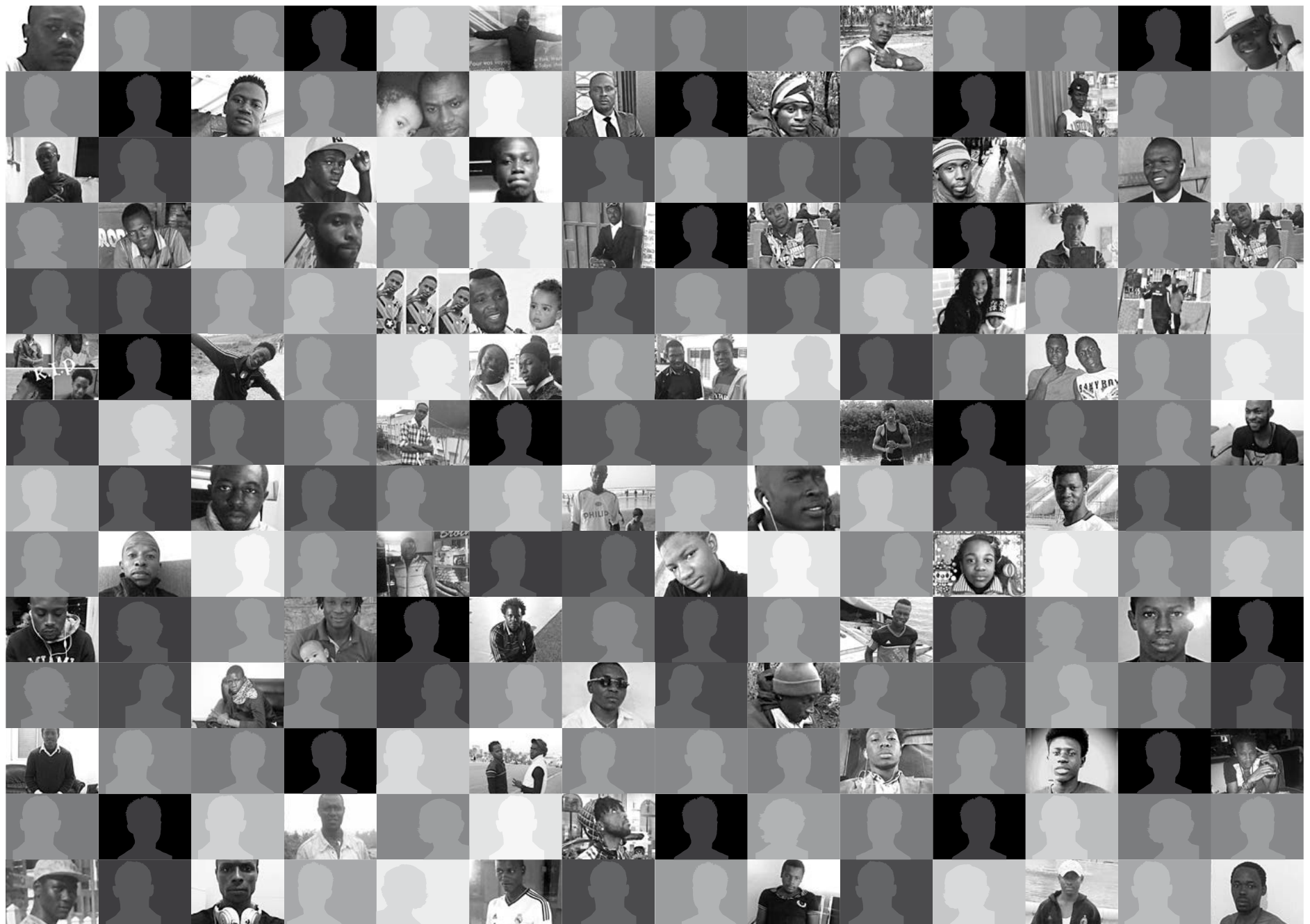
In Memoriam

We cannot end this report without thinking about them. They fell at the foot of a fence, they disappeared at sea. Victims lie buried in unmarked graves.

They left families, fathers, mothers, siblings, also sons and daughters. Their names were sullied by the authorities that murdered them by action or omission

Many people are hoping to know the truth about their deaths, see the pain of their families redressed, and that justice is finally a requiem to their memory.





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The logo features the text "CA-MINANDO" on the top line and "FRONTERAS" on the bottom line, both in a bold, black, sans-serif font. A red dashed line is drawn across the text, starting from the left, passing through the middle of the words, and ending on the right. The line is slightly irregular, giving it a hand-drawn or stamped appearance. The word "CA-" is smaller and positioned to the left of "MINANDO".

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