

الجمعية المغربية لحقوق الإنسان - فرع الناظور

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Moroccan Association for Human Rights - Nador Section

NGO constituted on June 24, 1979, recognized of public utility (Decree n° 2.00.405 of April 24, 2000)
جمعية غير حكومية، تأسست في 24 يونيو 1979، معترف لها بصفة المنفعة العامة (مرسوم رقم 2.00.405 - 24 أبريل 2000)



THE TRAGEDY AT THE BARRIO CHINO BORDER CROSSING

A DESPICABLE CRIME COMMITTED BY SPANISH AND
MOROCCAN EUROPEAN MIGRATION POLICIES

AMDH Nador. 20/07/2022.

This report was drawn up following the tragedy that occurred on 24/6/2022 at the border post of Barrio chino between Nador and Melilla, which led to the loss of the lives of 27 asylum seekers and dozens of others going missing (64 cases), many getting injured and hundreds being pushed back following an unprecedented repression by the Moroccan authorities with the complicity of their Spanish counterparts.

This tragedy, since it has been better documented and more publicized, should not make us forget that hundreds of sub-Saharan and North African migrants, including many women and children, lose their lives every year on sea migration routes that have become more deadly, such as the routes of the Canary Islands or of the North towards Spain.

To all these victims of deadly migration policies, AMDH Nador presents its deepest condolences, as it does to the entire migrant community and to all the peoples of Africa.

On another hand, this documented work could not have been achieved without the selflessness and total dedication of the members of AMDH Nador to the just causes of the asylum seekers who have been suffering for many years on the Nador-Melilla migration route.

Thanks to their volunteering and field work, they have been able to convey to everyone the horrors and crimes committed by these increasingly deadly migration policies.

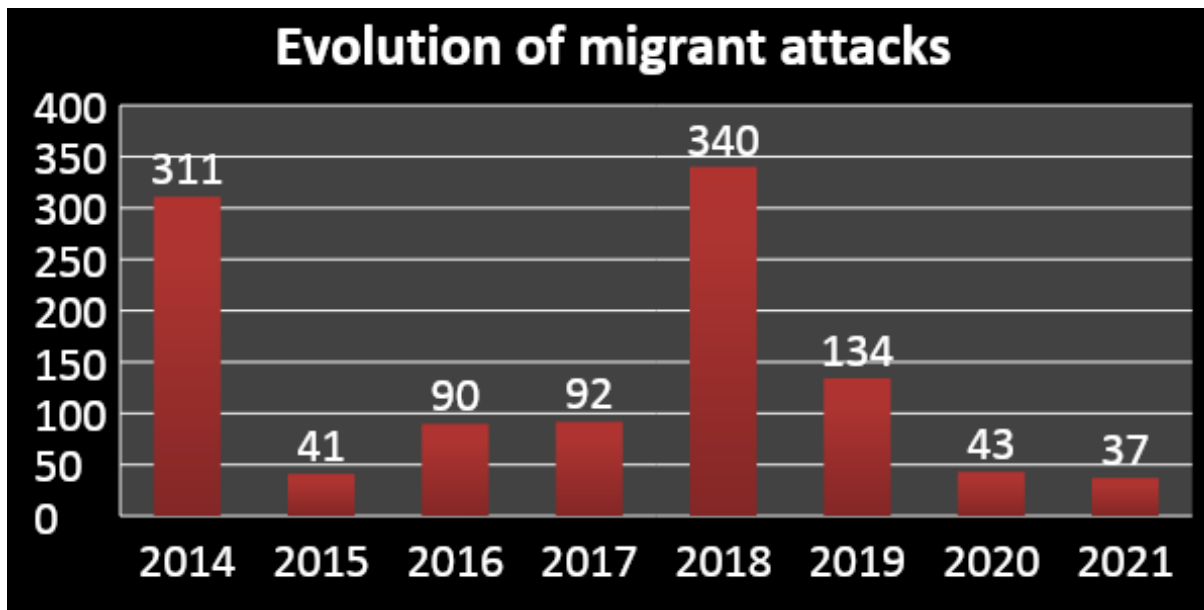
Please accept my thanks and appreciation for your commitment to human rights.

- **The context**

In order to better understand the tragedy of Friday, June 24th 2022 at the Barrio Chino border crossing between Beni Ensar and Melilla, it is necessary to go back to the context that marked the period before that date at both the regional and local levels.

Locally, this context has been characterized by a clear decrease in the indicators that evaluate the exercise of the role of police forces by Morocco:

In contrast to previous years, the years 2020 and 2021 have seen a drop in attacks on migrant camps in forests by Moroccan authorities. Only 37 attacks in 2021 versus 340 attacks in 2018, for example. This clear decrease continued during the first 3 months of 2022 during which AMDH Nador did not record any attacks on the camps.

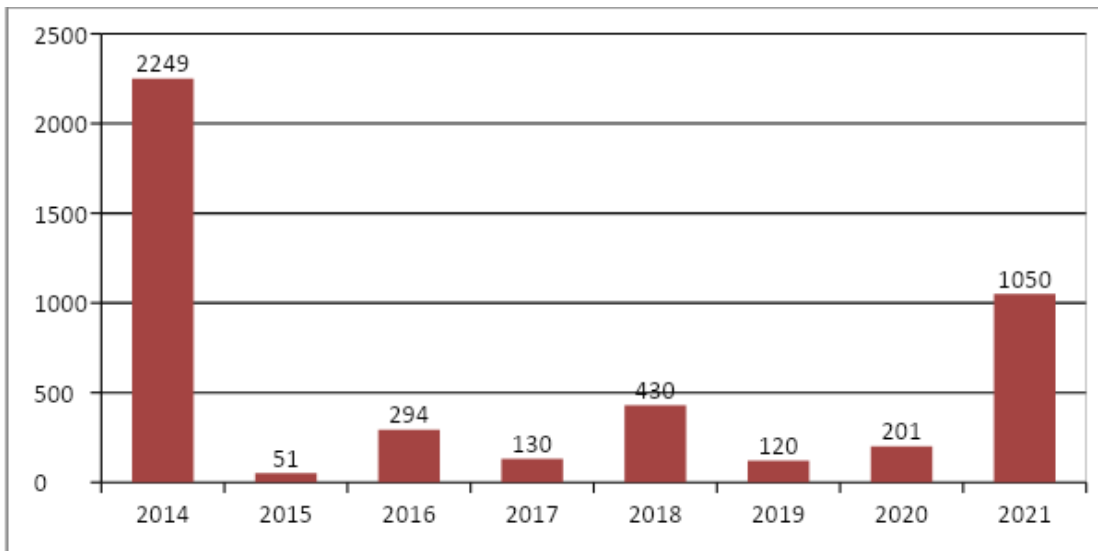


During the same period, attempts at the gate recorded a sharp increase with nearly 1050 booza (arrivals in Spain) in 2021 compared to only 120 in 2019 marking the largest increase since 2014.

This situation, which prevailed during the whole period when Moroccan-Spanish relations were frozen, and was characterized by a drop in the number of attacks on the camps and an increase of the attempted crossings at the barrier, changed completely at the end of March 2022, when the progressive normalization of these relations began.

Thus, attacks on the camps in forests resumed at a very high rate and assaults on the fence dropped during the months of April and May up until the 24th of June. 31 attacks on the camps and sweeps in forests were carried out by the Moroccan authorities during a period of only 84 days, which is almost the equivalent of the total number of attacks carried out during the whole year of 2021, and no mass crossing attempt was recorded at the fence (between April-June). Whereas, during the period before this normalization, which lasted from January 2022 until March 13th, no attacks were carried out against the migrant camps in forests.

Evolution of barrier crossing attempts and booza.



This policy of double standards, which puts the lives, health and future of our African compatriots at stake, clearly shows the cause and effect relationship between the exercising of the role of “gendarme” by Morocco and the extent and gravity of the violations committed.

- **Situation in the camps before 24 June.**

In early June and after the gathering of nearly 1,500 migrants on the heights of the Lakhmis akdim and bekoya camps, the use of drones and on-site agents by the authorities to control the numbers and daily movements of migrants was reported. For 18 days, attacks were almost daily in an attempt to dislodge the migrants.

Unlike the previous period, when only auxiliary forces were mobilized on the ground to attack the camps, this time all categories were mobilized; namely “the gendarmerie”, the mobile police, in addition to auxiliary forces and authority agents under the supervision and personal participation of the Governor of Nador and the commanders of the gendarmerie and auxiliary forces.

Violent attacks during which migrants are hunted down and arrested, camps are destroyed and property is confiscated or burned, including stored food.

The largest and most violent attacks were recorded on April 7th to 15th, May 23rd, and June 17th-18th-19th-20th et 23rd during which a surprising mobilization of Moroccan forces was witnessed forcibly dislodging hundreds of migrants settled in the Bekoya and Lakhmis akdim forests.

If at the beginning of this period, the attacks of the authorities did not involve violent confrontations with the migrants who were content to leave the camps during the attack then return afterwards, this changed from May 23rd when we witnessed, during each attack, very violent confrontations between the two parties with the use of stones on one side and tear gas on the other.

These violent clashes caused dozens of injuries on both sides and several arrests in the ranks of asylum seekers who are still being prosecuted or deported to other Moroccan cities. In the majority of cases, the injured members of the public forces were treated in the hospital of Nador, while those in the ranks of the migrants remained in the forest for fear of being arrested.

This is the only period in which asylum seekers have resorted to violence through stone-throwing against public forces in response to almost daily attacks by the authorities, destruction of their shelters and food, and being increasingly severely surrounded.

The nearly daily relentlessness of the authorities against the migrants in forests although they are very far from Melilla (Lakhmis akdim, Afrah, Bekoya located at almost 20 kms from the barrier of Melilla) reached its peak when the authorities pushed the shopkeepers close to the camps not to sell anything to the migrants

including food and water-cut in the fountain located in Bekoya from which a great part of the migrants supplied themselves. From mid-May onwards, auxiliaries of the authorities often passed by these traders to advise them not to sell anything to the migrants.

This unprecedented encirclement, which highlights the new inhumane practices included in the role of “gendarme” reactivated with force shortly after the normalization of Moroccan-Spanish relations, pushed hundreds of asylum seekers on the night of June 18th to move to the southern part of Gourougou mountain. During the 5 days in which they tried to sleep in this area, the migrants were, once again, attacked daily to prevent them from settling in this camp almost 6 kms away from Melilla.

The day of June 23rd was the hardest due to a violent attack by the authorities composed of hundreds of gendarmes, policemen, auxiliary forces and agents of authorities under the Ministry of Interior. After a warning given to the migrants to leave the camp within 24 hours, the authorities carried out the attack at around 9am. Following this attack, violent clashes took place causing several injuries on both sides with the noted excessive use of smoke bombs by the authorities to disperse the migrants. These clashes only stopped at around 6pm after the migrants had withdrawn to another mountain.

• **The fire at the Izenoudene camp.**

This is the fire that started on the morning of June 23rd at around 11am, almost two hours after the beginning of the attack by the authorities on the migrants' camp located north of the douar of Izenouden in Gourougou. The fire, while it only affected a few trees, mainly affected areas of bush and shrubs.

All the testimonies collected from the migrants confirmed that, in the face of the use of stones by the asylum seekers in these confrontations, the authorities resorted to an excessive use of smoke bombs which, according to them, were the only cause behind this fire fully controlled the evening of Saturday, June 25th.

AMDH Nador, which can neither confirm nor deny this hypothesis, finds the resort, for the first time, to this excessive use of smoke bombs in a forest environment still totally imprudent, knowing that their use can trigger serious fires (never has tear gas been used against camps in forests during all previous years).

These same witnesses confirmed that after having tried in vain to extinguish the fire with the few means they had, the asylum seekers took refuge higher up in Mount Gourougou where they stayed all night before starting their descent towards the border post of Barrio Chino the next day, Friday, June 24th at around 8 am.

These two new behaviours of the authorities are of unprecedented danger and cruelty: attacking forest camps with smoke bombs and trying to practice a food blockade against hundreds of migrants. Two new practices in the role of policemen that Morocco utilizes in the framework of this new period of Moroccan-Spanish cooperation.

It is in these severe and inhumane conditions (days of attacks and confrontations, exhausted, hunted down, malnourished, without having eaten anything during the whole night because of the destruction of the little food they had been able to get despite the blockade imposed on the traders by the authorities) that the migrants, 1500 in number, equipped with sticks and stones, headed towards the Melilla barrier.

Itinéraires des migrants depuis les campements de bekouya situés à 20 km de Melilla où ils étaient attaqués quotidiennement jusqu'au campement d'Izenouden à Gourougou d'où ils ont entamé leur descente vers le poste frontalier de Bario Chino le 24/6/2022.



• Profile of participants

Most of the migrants who participated in this attempt originate from war zones in Sudan, South Sudan and Chad (Darfur, Kordofan, Eastern Chad...). A situation comparable to the one in Ukraine, except that in this case, the asylum seekers would have to jump one of the most dangerous and militarized barriers in order to be able to present their asylum applications and benefit from international protection.

In the majority of cases, they are asylum seekers who have been living in Morocco for several months, and sometimes years, and who have entered the country from Algerian territory, generally after passing through Libya for varying lengths of time. The itinerary followed from Libya passes through the towns of southern Algeria towards the Moroccan border south of Tiouli or sometimes Doghmaniya to cross the border and concentrate mainly in Oujda, where a large proportion of them contact the UNHCR focal point to lodge an asylum application.

These itineraries, which are based on the migrants' testimonies, contradict the content of the police and gendarmerie reports drawn up for the 65 accused, which spoke of the obligatory passage of all migrants through the Algerian town of Maghnia, located further north.

In small groups, these asylum seekers returned to the forests of Nador, where most of them were settled long before the normalization of Moroccan-Spanish relations (easier to move from Oujda to Nador during this period of crisis).

These asylum seekers, a large part of whom participated in the March attempts and who saw hundreds of their companions crossing the border to Melilla without much problem, could not understand why the Moroccan authorities are now doing everything possible, not only to prevent them from reaching the barrier, but to drive them out of their camps for good.

- **The day of June 24, 2022.**

On their journey from the heights of Gourougou to the border, which lasted almost an hour, the 1500 asylum seekers did not encounter any maneuver from the Moroccan authorities to stop their advance towards the barrier or to disperse them, even when they passed the barracks of the auxiliary forces located on the heights of Gourougou. It is as if the authorities preferred to wait for their arrival at the Melilla barrier where all forces were mobilized.

This is a fundamental question to understand what will happen next: why did the authorities do everything during the previous days to disperse the migrants and move them away from the barrier (attacks on the camps, arrests, confrontations, use of tear gas...) when they were very far from the border? and why during their final advance from their last camp towards the barrier (a journey of almost 6kms), did the authorities who were on the ground do nothing to disperse them before reaching the barrier?

This change of strategy on the part of the authorities and their inaction during the entire 6 km journey can only be explained by a desire to intervene against the migrants at the barrier to gain a topographical advantage and once the migrants were rid of the stones and sticks they carried.

The decision to violently attack the asylum seekers once they arrived at the barrier, who were not armed with stones and truncheons, is undoubtedly the main cause behind the very heavy death toll, injuries, arrests and repression, given that, at that precise moment, the asylum seekers' only objective was to jump the barriers not to engage in confrontations with Moroccan forces

Letting asylum seekers arrive at the fence just to carry out these very violent attacks with very heavy repercussions, that could surely be avoided, against them is probably only justified by a desire to closely show the Spanish partner what the Moroccan side is capable of and how far it is willing to go to stop the migratory flows when both sides are partnered.

The aim is to show how far the Moroccan side can go from one extreme situation to another: from the most massive attempts of March 2nd-3rd and 8th (more than 2500 migrants participated, with no deaths, a few wounded and about 900 booza) in the context of frozen Moroccan-Spanish relations, to dozens of deaths and injuries and only 133 booza in the context of a massive but less important attempt (about 1500 participants) in a context marked by the resumption of the relations.

Without any problems, the asylum seekers arrived at the Barrio Chino border crossing at around 9 a.m. and tried to open the main gate and then to climb the barriers without any panic and without registering any jostling. A few minutes later, the Moroccan forces, who had taken position further along the bypass road that runs alongside the barrier, began to attack the migrants by throwing stones and smoke bombs. It was at this point that the first victims in the ranks of the asylum seekers fell to the ground, perhaps due to suffocation or having stones thrown at them, well before the authorities intervened in close combat.

It is clear that from that moment on, the objective of the authorities' violence against migrants (without the sticks and stones they used to carry), was not a response to the violence of the armed migrants, but above all in order to prevent them from reaching the occupied city of Melilla at all costs. To achieve this goal, the Moroccan forces, who were still receiving reinforcements, increased their use of tear gas.

The desire to arrive quickly to Melilla and to escape the repression of the Moroccan authorities through their direct intervention at the border post of Barrio Chino created serious jostling at two points near the barrier. These jostles of fear, panic and lack of vision aggravated by falls from the top of the barriers (caused by the migrants themselves or by the violence of the authorities using truncheons or stones), were behind the second death and injury toll after almost an hour of bombardment of hundreds of migrants in a place surrounded by tear gas.

Through this excessive use of gas against hundreds of migrants gathered in a surrounded space, including those who were at the top of the barrier, the Moroccan authorities tried to prevent the arrival of asylum

seekers in Melilla, before moving to assaulting the asylum seekers at about 10:30 am after diligently gathering more auxiliary forces, military and gendarmes.

It is important to note that at this stage of violence committed by the authorities, which caused two waves of injuries and possibly deaths, no ambulances were mobilized to rescue and transport the injured to a hospital. The authorities were totally focused on repressing the migrants to stop their advance towards Melilla at all costs.

It is from this hour on and after the stop of the smoke bombs that the most shocking phase begins, during which we have witnessed the most cruel, inhumane and degrading behaviours with the physical intervention of hundreds of Moroccan agents directly near the migrants: more generalized violence (truncheons, kicks and stone throwing) on various parts of the body against the asylum seekers who were on the ground, out of breath, wounded, fainting and exhausted.

Part of the repressive apparatus was directed towards the migrants who were still climbing the barriers. Dozens of migrants had stones thrown at them or were beaten on their backs and feet before being arrested and dragged under the blows of the truncheons towards a concentration area marked out by the authorities.

Like a bottleneck of barely 200 m², the injured migrants were piled on top of one another on the ground. Some of them, who were no longer alive, continued to receive blows with truncheons and kicks from the Moroccan public forces. Despite the narrowness of this place, the elements of the police and auxiliary forces continued to add the migrants arrested at both sides of the barrier by violently pushing them over the migrants on the ground despite their injuries, fractures and breathing difficulties following an hour of tear gas.

At the same time as the severely injured migrants, piled on top of each other, were crying out for help and moaning in pain and agony, the public forces continued to violently drag the arrested migrants and to pile them on top of their compatriots without taking into account their health condition. In order to handcuff and put them down on their stomachs, some migrants were trampled while continuing to receive unjustified blows from the public forces.

It is during this most cruel treatment and based on the concordant testimonies of the repressed survivors, that AMDH Nador was able to identify the first victims who died on the spot. They are : Kussay Ismail Abdelkader, Mohannad Maamoun Aissa, Abderrahim Abdellatif Ali (Hanine) and Abdelaaziz Yaakoub (Anwar).

The authorities, who could have used a larger space of concentration of migrants and treated them properly by placing them next to each other and dispatching ambulances and rescue teams, preferred to act inhumanely by piling the dead and wounded on top of each other for hours, thus endangering the lives of the survivors in an apocalyptic scene that shows the total contempt and degree of desire for vengeance against the migrants

The 20 video recordings available to AMDH Nador, of which only a part has been published, prove this cruel, inhumane and degrading treatment of the Moroccan authorities against wounded human beings in distress or dead who were piled up on the ground without any help on the spot, although still surrounded by dozens of public agents. On some videos available to AMDH Nador, one can clearly distinguish several bodies of migrants lying on the ground without any sign of life, completely inert, while Moroccan agents (auxiliary forces, police and gendarmes) continued to bring back the asylum seekers from inside of the barrier by pushing them violently on top of each other.

Some of these video passages show, without any doubt, that tear gas and rubber bullets were also used by the Spanish police and Guardia Civil against the asylum seekers while they were still on the Moroccan side stuck at the entrance of the Barrio Chino crossing.

This repressive intervention on the Spanish side was undoubtedly behind the increase in the number of victims who fell by suffocation and clearly shows the level of local coordination between the two countries: the Moroccan tear gas was mixed with that of the Spaniards fired in two opposite directions to cause maximum harm and more victims.

These cruel, inhumane and degrading practices continued for more than two hours without interruption before the eyes of Moroccan officials who did not intervene to stop the violence of their agents on the ground. Dragging the injured victims by their hind legs and piling them up by the dozens on top of each other, on top of whom other migrants were also violently pushed, was a great cruelty.

Even when the 4 ambulances (which were initially on the spot) started to be mobilized at around 11.30 am and instead of tending to the seriously injured migrants, the authorities preferred to remove the corpses, which were the first to arrive at the Hassani hospital. Afterwards, the mobilization of more ambulances made it possible to transport a large part of the injured, but with great delay.

The last ambulance journey was recorded at around 9pm. During this long period of almost 9 hours, no help was given to the wounded either by the Moroccans or by the Spanish who, only a few meters away, also had several ambulances on site.

This failure to assist people in danger shows the true face of Spanish migration policies and Moroccan-Spanish cooperation, focused exclusively on security control instead of saving lives.

The 9 deportation buses present on the site were mobilized more quickly than the ambulances and emergency services (9 deportation buses contrarily to only 4 ambulances at the beginning), showing that the main concern of the authorities, who were perhaps not expecting this very heavy death toll and injuries, was to arrest and deport as many asylum seekers as possible.

Starting 4pm, nearly 500 asylum seekers, among them many injured, were loaded into buses and driven to different regions of Morocco (Beni Mellal, Kelaâ Sraghna, Chichaoua) along the 890 km long route from Nador to Taourirt, Meknes, Beni Mellal, Marrakech and Chichaoua. That is to say, 12 hours of road, during which no food was distributed to the deportees and at the end of which, the injured and exhausted asylum seekers were "dropped off" in these areas without any food or medical assistance.

Several cases were transported by their colleagues or with the help of Moroccan citizens to hospitals in Marrakech, Agadir, Beni Mellal, Casablanca and Rabat for treatment.

Thanks to the testimonies of migrants backed by photos of the deceased, AMDH Nador was able to document the death of at least one migrant in these deportation buses. It was the young Sudanese from Darfur center Zalinji named Abdenacer Mohamed Ahmed who died on the night of 24-25 directly after having boarded a deportation bus while injured.

- **Two massive attempts and two different behaviors.**

To measure the degree of opportunism in Moroccan and Spanish migration policies and their exploitation of the suffering of asylum seekers for political, economic and financial reasons, a comparison is necessary between the attempts of the beginning of March in a context of frozen Moroccan-Spanish relations and the attempt of June 24th, which took place in the midst of the normalization of relations between the two countries.

In just one week, on March 2nd-3rd and 8th, three important assaults on the Melilla barrier were recorded, in which around 2500 migrants participated (and it was the first time that successive attempts were recorded). During these three assaults, which took place in a context of frozen relations, almost 900 migrants managed to reach Melilla, with only a few injuries, but no deaths were recorded.

With the attempt of the 24th of June, which was less important (1500 participants), the heaviest toll in the history of migration through the barriers was reached, with dozens of deaths, disappearances, and injuries and only 133 boats in a context marked by the return of Moroccan-Spanish relations.

It is the same migration route, the same actors and the same asylum seekers subject to two extreme behaviors during a short period, which clearly highlights the exploitation of this mass of asylum seekers in the political game between Morocco and Spain. The only new element is the resumption of relations between the two countries since March 14th and the subsequent meetings between the Moroccan and Spanish ministers of interior.

Putting the lives and fate of human beings in need of international protection in the middle of a political game, that has cost several asylum seekers their lives, is the real content of Moroccan and Spanish migration policies.

• **Hastily attempted burial.**

The day after the tragedy of June 24th and after having noted the extent of the tragedy, AMDH Nador had warned against a premeditated attempt by the authorities to bury them quickly without identification and without autopsy.

On June 26th 2022 at 12:15 pm, while visiting the Sidi Salem cemetery in Nador, AMDH Nador noticed an unusual presence of authority agents (Pasha of Nador, Caid of the 4^{eme} district and several auxiliary authority agents) supervising the digging of 21 graves in the part of the cemetery reserved by workers for migrants. The number of 21 graves was confirmed by one of the officials of the cemetery who told AMDH Nador that he was ordered to prepare 21 graves for migrants.

The publication of photos of this operation of digging graves on the page of AMDH Nador and the mobilization, which followed, to denounce any clandestine burial with the displacement of several international and national journalists on the spot, undoubtedly pushed the authorities to give up this burial after having only finalized the digging of 16 graves.

This cannot be a routine operation of digging and preparing graves which does not require personal supervision by the Pasha of Nador. Even after the burial was hastily canceled, the authorities stood guard at the cemetery to prohibit any presence of journalists. This was the case for the El Pais correspondent in Morocco, who was denied access to the cemetery by the Pasha of Nador on June 26th and was taken to the Nador police station, and for two journalists from El Faro de Melilla, who were blocked by two auxiliaries of the authorities presenting themselves as police officers and asking the journalists for their identity papers, on June 27th.

• **Corpses in the morgue.**

On Saturday, June 25th, around 12:05 pm, AMDH Nador paid a surprise visit to the morgue of Nador located at the Hassani Hospital. The two doors that were open to ventilate the environment where the smell of death reigned, allowed us to see the extent of the tragedy with 15 bodies of migrants thrown on the ground with visible wounds to the head, face, chest and feet lying in freshly coagulated blood. The three benches that carried the corpses from the ambulances were still covered with stains of the migrants' blood.

Those were only the corpses that were thrown on the ground in a cruel and inhumane scene striking human dignity, not to mention the corpses that were perhaps already put inside the refrigerators.

After publishing this information, the police control of the morgue was reinforced and no visit could be made accompanied with total silence of the officials. This prohibition continued even when AMDH Nador, provided with photos of some of the missing migrants, wanted to ascertain whether they were among the dead at the morgue.

• **The truth about trafficking networks**

With this return of relations, not only has the repressive hand tightened locally at the level of the camps in the forests of Nador, but a new discourse of criminalization has emerged with regard to asylum seekers in forests, accusing them of belonging to structured trafficking networks.

This discourse, absent at least from the Moroccan side before March 14th, is completely fallacious: since always, migration by jumping through the Melilla barrier was a free-of-charge type of migration open to all asylum seekers who adhere to it by personal decision through settling in the Gourougou camps without paying anything to anyone. It is the migration route that has always attracted poorer migrants who do not have the financial means to pay for a place in a convoy at sea. Moreover, on the day of June 24th, during their advance towards the barrier of Melilla, the migrants, the majority of whom were Sudanese, South Sudanese and Chadian, were joined without any constraint by other migrants of Burkinabe, Guinean, Senegalese and other nationalities to participate in this attempt.

And for a historical reminder, the migration by sea of sub-Saharanans, which is paid and completely under the hand of networks of traffickers, appeared in Nador only since 2017, directly after the completion of construction work of the 4th barrier with Melilla equipped with sharp blades. As the border has become more and more militarized, it has become difficult to cross, and migration has shifted to the sea route.

As early as 2017, AMDH Nador showed in its annual reports that the reorientation of sub-Saharan migration towards the sea route controlled by trafficking networks was just a consequence of European and Moroccan migration policies which, by making the barrier almost impassable, have, above all, favored the installation of a migration market in the hands of trafficking and smuggling networks to serve interests that have become increasingly growing.

This reorientation towards migration by sea, which reached its peak in 2017-2018 and 2019 in Nador and in Laayoune, Tarfaya and Dakhla since 2020, served the interests of Moroccan and Spanish migration policies: Morocco needed more migrants to put more pressure at the right time (the migration of the poor through the barriers of Melilla and Ceuta, difficult to control and direct, provided only 2000 to 3000 booza per year, while with the convoys at sea under the hand of trafficking networks, the booza almost tripled). Spain, on the other hand, sought to attract more European funding by positioning itself as the country that claims to be invaded by migratory flows and thus offering certain Spanish political circles a basis to attract more voters.

• **Hot backflow.**

AMDH Nador estimates that almost 100 asylum seekers were immediately turned back with scenes of serious violence against them by Spanish and Moroccan agents who penetrated beyond the barrier to retrieve them.

AMDH Nador cannot confirm that none of the 100 asylum seekers who were at once deported, subsequently died before or after being picked up by Moroccan forces. The authorities in Melilla, if they claim to be transparent, should disclose the data from the surveillance cameras and the helicopter that was flying over the area.

How can it be acceptable that the Spanish authorities, who were closely observing how the migrants were treated by the Moroccan forces, continued to summarily send them back to be beaten on the Moroccan side? Spanish authorities are to take full responsibility concerning the disrespect of the right to asylum and the violence suffered by the 100 deported asylum seekers.

• **The main violations committed.**

During this tragedy, several human rights violations were committed by the Moroccan and Spanish authorities:

- The right to asylum, mainly for Sudanese, South Sudanese and Chadians who, upon arrival in Oujda, file an asylum application with the relevant UNHCR office. The registration of their asylum application and the copy of the application at their disposal does not provide them with any protection in Morocco when they are arrested by the Moroccan authorities. Despite the fact that the head of UNHCR in Morocco has stated on several occasions that asylum seekers enjoy protection against wrongful arrest, sequestration and forced returns.

The latter do not hesitate, in most cases, to seize or tear up the copy of the application, arrest the asylum seeker and send them back to the Algerian border. Since the beginning of the year 2021, AMDH Nador has denounced, several times, these illegal practices and invited the UNHCR in Morocco to act for the protection of asylum seekers and the respect of the documents they produce by the authorities. The inaction of UNHCR Morocco and the continuation of arrests and mass deportations of Sudanese, South Sudanese and Chadians especially in Oujda and Nador has reinforced the feeling that these documents are useless and has especially encouraged the reorientation of the majority of these asylum seekers to migrate through the barrier between Nador and Melilla.

Sudanese asylum-seekers who were victims of these illegal practices were among those who participated in the attempts on June 24th, as well as those on March 2nd, 3rd and 8th 2022.

- The right to housing and accommodation worthy of a human being. Indeed, the authorities of Nador continue to forbid black migrants from any possibility to rent a house in Nador and live there as in other Moroccan cities. Thus, they push them, indirectly, to concentrate in camps in the forest in winter and summer in inhumane conditions. The dramatic story of Happiness, mother of 3 children, all burned to death in January 2022 in their forest shelters, has not made the authorities move to ensure the right to housing for all migrants, despite the letter sent by AMDH Nador to the Moroccan Minister of the Interior following this incident.

This inhumane, segregative and racist decision strangely only concerns black migrants (sub-Saharan, Sudanese, South Sudanese and Chadians) who are forced to live in the forest, while other white migrants such as Syrians, Yemenis and North Africans are tolerated to live in hotels or rented houses in town.

- The right to life, violated by these murderous migration policies that cost the lives of 27 asylum seekers on a land border crossing. If these European Spanish and Moroccan migration policies have always caused deaths on the sea migration routes, this is the first time that these same policies pushed to excess are deadly on a land barrier. This toll can be further increased by the number of missing migrants which reached 64 cases until 20/7/2022 (see annexes).

- The right to physical integrity of the asylum seekers not during the confrontations, but especially at the barrier by the excessive and premeditated use of force against migrants who did not constitute any danger, which caused dozens of serious injuries.

- The cruel, inhumane and degrading treatment that the Moroccan repressive apparatus subjected the migrants to by piling them on top of each other (wounded, dead, fainting and exhausted) during hours of violence and abuse under the eyes of the authorities.

- The immediate deportation of almost 100 asylum seekers by the Spanish authorities to their Moroccan counterparts at a time when the migrants were suffering the worst treatment by Moroccan authorities.

- The deportation by bus to the interior of Morocco of hundreds of migrants arrested without giving them food or water, including dozens of injured people who needed to be taken to the hospital (in the absence of medical staff on the spot who could measure the seriousness of the injuries, the auxiliary forces and the gendarmes were responsible for selecting the injured who were put on the deportation buses and those who were taken to the hospital).

• **The causes behind the very heavy toll of dead, injured and missing.**

Far from the official version of the facts which links all these deaths to the crushing of migrants during the rush and the falls from the top of the barriers, the truth has been recorded by several video recordings, told by dozens of testimonies and observed on the spot by the members of AMDH Nador.

First of all, the official version stops halfway in its explanation and avoids questioning the reasons that were behind the rush and the falls of the migrants presented as the only causes of this tragedy.

Migrants' testimonies affirm that no migrant has died as a result of falling from the top of the fence. During the last six years, the attempts that have been made to fall from the top of the fence have not been fatal, but they have mostly been caused by injuries that can be serious, without forgetting that these falls were largely caused by the violence of the authorities or suffocation following the excessive use of smoke bombs.

The massive use of tear gas on a narrow and surrounded area, as migrants tried to open the gate and jump the barrier was the main cause behind the jostling aggravated by the lack of vision and the fall of several migrants to the ground.

This extensive use of tear gas in a tight, encircled space is a first in the history of migration at the Melilla-Nador border. Never before have the authorities used so much gas even in larger attempts than the one on June 24th (including those on March 2nd, 3rd and 8th). Since 2014, in the most important attempts, the use of tear gas has been seen only in rare cases with exclusive use in open areas.

By resorting to this massive use of tear gas against hundreds of asylum seekers crammed into an almost closed environment, very narrow and surrounded, were Moroccan authorities unaware that this initiative could cause deaths and injuries?!

In this case, why did the Moroccan authorities proceed as soon as the migrants arrived at the border post to completely encircle the asylum seekers by not offering them any possibility of retreating to the forests of Gourougou? On the basis of our observations on the spot, AMDH Nador can confirm that if the authorities had left the possibility of retreating, many migrants could have gone into the forest and avoided the very heavy toll of dead and missing persons. This has always been the case in all previous attempts, in which migrants who failed could return to the forest.

Six serious decisions taken by the Moroccan authorities were behind this tragedy with a very heavy toll never recorded in this way on all southern migration routes to Europe:

- Why did the authorities insist on attacking the migrants almost daily even when they were in the forests further away, almost 20kms from Nador, directly after the normalization of Moroccan-Spanish relations?
- Why didn't the authorities try to disperse the migrants before arriving at the border post of barrio chino, when they were on their way on a 6 km route from the forest of Izenoudene to the border?
- Why, as soon as the migrants arrived at the border post, did the authorities mobilize almost 2000 agents of different forces to surround the migrants first and leave them no possibility to retreat and return to the forests of Gourougou?
- Why all this excessive use of smoke bombs against hundreds of migrants surrounded in a narrow and almost closed area?
- Why did the authorities begin by transporting the dead in civil protection ambulances, while the injured remained on the ground for hours without any help?

- Why did the Moroccan and Spanish authorities not mobilize any rescue teams or resources on the spot to help the dozens of migrants who were dying before their eyes? This serious situation required medical teams and not hundreds of soldiers.

These are successive decisions taken by the Moroccan authorities during only a few days, marking a new turn in the way Morocco plays the role of policeman directly after the normalization of Moroccan-Spanish relations, and which largely explain this very heavy toll of deaths, injuries and disappearances.

• **Arrests and prosecutions.**

Out of all the asylum seekers arrested on 24/6/2022, two groups of 65 migrants were prosecuted. The first group of 36 asylum seekers (see attached list) were brought before the Court of First Instance on Monday June 27th. The King's Prosecutor decided to prosecute them under arrest for the following offenses: insults and violence against agents of authority and law enforcement agencies in the performance of their duties, disobedience, destruction of public property, violation of public security, of persons and property, possession of bladed weapons, assault and battery with a weapon, facilitation and organization of the exit of a group of foreigners from the national territory in a clandestine manner, and clandestine entry and exit from the national territory.

Supported by lawyers from AMDH Nador and other associations, these defendants presented themselves remotely at the trial session of July 4th, which was postponed to July 12th and then to July 18th at the request of the defense.

The second group (list attached) consists of 29 asylum seekers, including one minor, who were brought before the Public Prosecutor and prosecuted for the following crimes: constitution of a criminal gang, and sequestration, premeditated arson, threats of murder, carrying weapons capable of harm, insults and violence against agents of authority and forces of law and order during the performance of their duties, disobedience by attack and resistance, collective agreement for the facilitation and organization of the exit of a group of foreigners in a clandestine manner from the national territory, illegal residence in Morocco, destruction and deterioration, and undermining of the general order and internal security...

Supported by the same lawyers, their first trial was held remotely on July 13th and was postponed to July 27th at the request of the lawyers to summon the 20 plaintiffs and prepare the defense. While the minor named Ahmed Omar Al Bachir aged 16 years was released by the investigating judge on July 5th and immediately recovered by a provincial commission.

During this procedure, AMDH Nador was able to note serious deficiencies that could taint the trial, which could not be fair and equitable based exclusively on the statements made by copy and paste and in very difficult conditions on the night of June 24-25 for 64 defendants who were chosen from hundreds of migrants arrested.

When the migrants were presented to the prosecutor's office on June 27th, all with injuries, the prosecutor refused the request of the defense to know where, when and how the accused were injured. Three of the migrants still had these injuries when they were presented at the trials on July 4th, 12th and 13th.

On the other hand, the police and gendarmerie reports contained several errors that refer to Sudanese nationality. Several migrants of Yemeni or South Sudanese nationality were considered as Sudanese.

• **Conclusions**

If through the tragedy of Barrio Chino, the criminal migration policies have exceeded all limits with a very heavy toll of dead, missing, wounded and deported people and a cruel, inhumane and degrading treatment at the foot of a barrier erected and financed for years by European money, the attempts to cover up this scandal and to hide the real responsible ones continue to act through several official propaganda means at national and regional levels.

Indeed, until now, both on the Moroccan and Spanish sides, the authorities are struggling to open serious and independent investigations to determine the responsibilities and the roles played by all parties.

Despite repeated requests by AMDH Nador, the judicial investigation, detailed autopsies of the bodies and the identification of the dead have still not been carried out, while the list of missing persons following this tragedy continues to grow.

AMDH Nador urges all credible human rights defenders to realize the magnitude of the tragedy and the weight of the stakes set to decriminalize migration policies and whitewash the role of European funding, for more coordination and team work to shed light on all the gray areas of this tragedy.

لائحة مؤقتة لطالبي اللجوء المفقودين على اثر فاجعة يوم الجمعة 2022/6/24
بالسياج الحدودي بين بني انصار والناظور.

الرقم الترتيبي	الاسم الكامل	الجنسية	ملاحظات
01	قصي اسماعيل عبد القادر	سودانية	4 شهادات لمهاجرين اكدت وفاته بمعبر باريو شينو نتيجة العنف وعدم تقديم العناية الصحية
02	مروان محي الدين	سودانية	
03	محمد عبد الله عبد الرحمان	سودانية	
04	جلال عبد الشكور	سودانية	
05	مصطفى ابكر يحيى	سودانية	
06	محمد يغيوب عبد الرسول	سودانية	
07	مهند مأمون عيسى	سودانية	3 شهادات لمهاجرين اكدت وفاته بمعبر باريو شينو نتيجة الضرب على مستوى الرأس وعدم تقديم العناية الصحية اللازمة.
08	عبد الله عمر	سودانية	
09	مصطفى ابرار	سودانية	
10	الزبير مرسل	سودانية	
11	ابراهيم عثمان	سودانية	
12	عادل يوسف	سودانية	
13	مخمد على	سودانية	
14	احمد المهدي	سودانية	
15	بكري صالح	سودانية	
16	خالد ابكر	سودانية	
17	احمد الحاج	سودانية	
18	محمد هارون	سودانية	
19	نبيل ابكر الملقب ب زميلا	سودانية	
20	احمد ام	سودانية	
21	ابراهيم صديق	سودانية	
22	ياسر الياس	سودانية	
23	احمد التوم	سودانية	
24	ابراهيم التيجاني	السودان	
25	صالح كمال	السودلن	
26	كور وليم الملقب جدو	جنوب السودان	
27	عادل عبد الرحمان	سودانية	
28	طارق ابراهيم	سودانية	
29	عبد الرزاق ابراهيم	سودانية	
30	يوسف عبد الله	سودانية	
31	عثمان عبد الرحيم	سودانية	
32	صدام احمد	سودانية	
33	حسن يوسف	سودانية	
34	اباذر صلاح	جنوب السودان	
35	عبد الله عمر	سودانية	
36	ابراهيم محمد	سودانية	
37	عمر احمد	سودانية	
38	فاروق صالح	سودانية	
39	عبد العزيز محمد	سودانية	
40	محمد صلاح	سودانية	
41	احمد محمد بن احمد	سودانية	
42	معتصم ادم عبد البشير	سودانية	

	سودانية	جلال عبد الشكور يحيى	43
	سودانية	السيد محمد ود انجلي	44
	سودانية	اسحاق عيسى	45
	سودانية	ابراهيم على محمد	46
	سودانية	مهدي محمد	47
	سودانية	وارث امام	48
	سودانية	عبد الله عمر	49
	سودانية	بغداد حسين	50
	سودانية	والى الدين محمد على	51
	سودانية	عبد الباسط محمد اسحاق	52
	سودانية	نصر الدين ابكر خميس	53
6 شهادات لمهاجرين اكدت وفاته بمعبر بارىو شينو نتيجة الضرب المبرح وعدم تقديم العناية الصحية اللازمة تأكد نقله الى مستشفى الناظور يوم 6/24.	سودانية	عبد الرحيم عبد اللطيف على ابراهيم الملقب بحنين	54
	سودانية	احمد بابكر محمد	55
	سودانية	بشارة ابراهيم ادريس	56
	سودانية	مازن دفع الله قالو	57
	سودانية	ادم خميس احمد	58
	سودانية	حامد يوسف	59
	سودانية	ابو بكر حسين	60
	سودانية	ابراهيم الحلو	61
	سودانية	سليمان ابكر هارون	62
	سودانية	ادم مصطفى حارن	63
3 شهادات لمهاجرين اكدت وفاته بمعبر بارىو شينو نتيجة الضرب على مستوى الرأس وتركه ينزف لساعات دون تقديم العناية الصحية اللازمة.	سودانية	عبد العزيز يعقوب الملقب انور	64

لائحة المعتقلين المتابعين امام المحكمة الابتدائية بالناظور بعد فاجعة يوم 2022/6/24.

ملاحظات	الجنسية	الاسم الكامل	الرقم
	سودانية	ولى الدين عيسى يعقوب	01
	سودانية	مصطفى ابراهيم محمد	02
	سودانية	التيجاني ابو بكر محمد داوود	03
	سودانية	محمد على محمد عصمان	04
	سودانية	ياسر عثمان سليمان محمد	05
	سودانية	مصطفى صابر ادم كرامة	06
	تشادية	مصطفى هارين ادم	07
	سودانية	الحافظ مطر عبد الله	08
	تشادية	احمد حامد بن زكريا	09
في جلسة 7/4 كان يحمل ضمادة جراح على مستوى الرأس	تشادية	داوود حسن مسمنجر	10
	تشادية	بشير يحيى فيصل	11
	سودانية	صبيحي منير ناصر محمد	12
	سودانية	محمد الضو احمد بن محمد	13
	سودانية	يوسف ادم يحيى	14
	سودانية	عبد العزيز سليمان حالي	15
	سودانية	صلاح الدين ادم بوخاري	16
في جلسة 7/4 كان يحمل ضمادة جراح على مستوى المرفق.	سودانية	على عبد الرحمان البشاري	17
	سودانية	مدثر محمد ادم	18
	سودانية	ابراهيم ادم نيل	19
	سودانية	ابراهيم محمد عبد الله	20
	سودانية	احمد محمد ابراهيم	21

22	احمد مختار محمد	سودانية
23	الياس عبد الله ادم	سودانية
24	ايوب عبد الرحمان ادم	سودانية
25	حسين ابراهيم	سودانية
26	دفع الله فاكر يوسف النور	سودانية
27	سليمان بكر هارون احمد	سودانية
28	صحراوي احمد شريف	سودانية
29	طه احمد جمعة رمضان	سودانية
30	محمد ادم محمود	سودانية
31	محمد الامين اسماعيل	سودانية
32	محمد بشير محمد	سودانية
33	مصطفى محمد علي	سودانية
34	مؤيد محمد حمد الله	سودانية
35	نصر الدين ادم يحيى	سودانية
36	نور الدين علي عبد الرحمان	سودانية

لائحة المعتقلين المتابعين امام محكمة الاستئناف بالناظور بعد فاجعة يوم 2022/6/24.

الرقم	الاسم الكامل	الجنسية	ملاحظات
01	محمد جابر ادم الدمك	تشادية	
02	صادق الشفيق موسى	سودانية	
03	نصر الدين ابكر خميس	سودانية	
04	بشير ادم حسن	سودانية	
05	ابو بكر عبد الله يعقوب	تشادية	
06	محمد هارون عبد الله	سودانية	
07	رضوان عمر ادم رمضان	سودانية	
08	مبارك هارون محمد	سودانية	
09	معتصم يعقوب جاد الله	جنوب سودانية	في جلسة 7/13 كان يحمل ضمادات جراح على مستوى الرأس.
10	محمد علي يوسف الغال	جنوب سودانية	
11	سعيد موسى احمد	سودانية	
12	محمد ابراهيم يعقوب	سودانية	
13	ايوب حسن ابراهيم	سودانية	
14	مصطفى هاري بن هاري	تشادية	
15	يعقوب محمد يعقوب	سودانية	
16	ناصر محمد ادم خميس	سودانية	
17	محمد صالح ابراهيم الراضي	سودانية	
18	اسحاق هارون محمد	سودانية	
19	مبارك ادم داوود	سودانية	
20	معتصم ادم البشير ادم	سودانية	
21	العبيد عوض محمد احمد	يمنية	محضر الضابطة القضائية يشير الى الجنسية السودانية
22	مصطفى صابر ادم	سودانية	
23	الحافظ مطر عبد الله	سودانية	
24	مصطفى ابراهيم محمد	سودانية	
25	محمد علي نور بن محمد	سودانية	
26	نصر الدين محمود ابوشنب	سودانية	
27	حمد محمد ارياب	سودانية	
28	عمر حسن عمر اسحاق	سودانية	