

## **Open letter by Moroccan, African and European associations**

**Rabat den 04.01.2007**

### **In Morocco, the rights and dignity of men and women are scorned in the name of the protection of Europe's borders**

Shortly over a year since the tragic events of autumn 2005, sub-Saharan migrants in Morocco, who are the victims of securitarian policies pursued by the European Union and its « partners », continue to be persecuted, purely in the name of the protection of Europe's external borders.

On December 23, 2006, the Moroccan forces for the maintenance of public order carried out some large-scale raids in the working class neighbourhoods in Rabat where a large number of migrants live. Dozens of police officers and agents from auxiliary forces entered the lodgings and indiscriminately arrested the sub-Saharan migrants who were found there (including pregnant women and children) in order to take them to the Algerian border in a desert region near Oujda. In these raids at least 240 arrestations were made.

On December 25, 2006, 40 migrants from sub-Saharan Africa were arrested in Nador and taken to the border in the same conditions.

On December 29, 2006, 140 people who were stopped in Lâayoune were on their way to Oujda. On December 31, 43 people from this group were taken to the Algerian border.

Fifteen days after the start of these arrests, around 200 people were able to return to Oujda while the associations and activists on the ground in the region were left without news of around a hundred migrants who were abandoned in the border region at the time of the wave of arrests of December 23, or who were on board of the bus that left Lâayoune on December 29. According to the statements made by migrants who were abandoned on the border, most of them were stripped of their possessions (mobile phones, money) and many of them had their identity documents (passports, UNHCR certificates) confiscated or torn. Some of them suffered violence and some women were the victims of kidnappings and rapes. Many are physically very weakened, and a woman of Congolese origin who was five-months pregnant has lost her child.

These operations have been presented by the Moroccan authorities as falling within the framework of the conclusions of the governmental conference on migrations in Rabat on July 10 and 11, 2006. Therefore, they took place outside of any legal framework, including the one provided for in Moroccan Law 02-03, and without any respect for either the international texts signed by Morocco or the principles and rights recognised to migrants at this very conference. Thus their sole purpose is to demonstrate Morocco's « goodwill » in the struggle pursued by the European Union against the so-called « illegal » immigration, even when this struggle is carried out without respect for any international and national texts concerning immigration.

#### **In fact, according to several witness statements and observations by activists on the ground :**

- The arrest operations took place based « on appearance » without assessing the situation of the persons. The arrests and deportations to the Algerian border were carried

out collectively, which contravenes the Convention on the rights of migrant workers and their families (art. 22).

► At least a third (over 50) of the people who returned to Oujda are refugees recognised by the HCR in Rabat, or asylum seekers whose application is being examined ; others had travel documents and visas that were in order, and some women, of whom at least three were pregnant, and children (currently seven, of whom one is physically disabled) also suffered the same fate. These arrests thus violate the Geneva Convention on the status of refugees that forbids, notably, the refoulement of asylum seekers and refugees (art. 33) and the Convention on the protection of migrant workers and their families, both of which have been signed by Morocco, just as Moroccan law forbids the deportation of pregnant women, children, refugees and asylum seekers (arts. 26 and 29 of law 02/03).

► Apart from the previous observations, the arrests and deportations to the border were carried out outside any legal procedure (such as an appearance before a judge), particularly those envisaged by law 02-03 (article 23).

► These refoulements that may be described as « clandestine », and in any case as illegal, have moreover been undertaken towards the Algerian border, which has been closed since 1994.

A fortnight after these events, the situation in Oujda, where temperatures are currently approaching 0°C, is dramatic for the migrants, in spite of the assistance that activists and associations are trying to provide. Most of the concerned sub-Saharan migrants had lodgings in Rabat where they hoped to be able to return to as quickly as possible, but they are prevented from doing so, except for some rare exceptions, by the authorities and transport companies.

### **We condemn**

► The serious attack on human rights is perpetrated in the name of the protection of Europe's external borders.

► The attitude and pressure by the European Union towards countries bordering with the Union, for the purpose of « sub-contracting » the control of its own borders and the consequences of this practice, at the same time, to migrants and countries of origin and transit.

► The silence of UNHCR in Maroc, which is obviously unable to ensure the effective protection of asylum seekers and refugees, and therefore does no more than to entertain the illusion of a protection which, in these circumstances, only risks serving as an « alibi » for European policies obstructing the entry of asylum seekers into European territory.

► The failure by Morocco to respect the most basic rights of migrants and refugees and its international commitments, particularly those relating to the Geneva Convention on the status of refugees and the Convention on the rights of migrant workers and their families.

► consider the Moroccan government, but also the governments of the European Union, responsible for any consequences on the life and health of migrants involved in these deportations were carried out in inhumane conditions, without any concern for the rights of these people,

► insist upon the immediate return of all the deported people to their usual place of residence,

- ▶ demand that UNHCR uses all any means to fully and comprehensively carry out its mandate of providing protection, and to draw the consequences from the current events,
- ▶ call upon the embassies of the concerned sub-Saharan migrants to become aware of the situation and adopt the necessary measures for the protection of the rights of their nationals,
- ▶ demand that the Moroccan government respects international texts ratified by Morocco, and the immediate suspension of all actions resulting from European pressure in the field of immigration,
- ▶ call upon the European Union to stop any measures and pressure seeking to transfer the control of its own borders to third countries such as Morocco.

## **We call for solidarity towards the expelled migrants and the local associations that attempt to assist them in spite of their scant resources**

### **This open letter is addressed :**

- ▶ to the European delegation in Rabat, to the European Commission and to the Presidency of the European Union
- ▶ to the Moroccan Prime Minister, Interior Minister and Foreign Affairs Minister
- ▶ to the Advisory Council on Human Rights
- ▶ to the UNHCR delegation in Rabat and to the seat of UNHCR in Geneva

### **Signatories:**

ABCDS (Association Beni Znassen pour la culture, le développement et la solidarité), AFVIC (Amis et familles des victimes de l'immigration clandestine), AIDE-développement, ALCS (Association de lutte contre le Sida), AMDH (Association marocaine des droits humains), AMERM (Association marocaine d'études et de recherches sur les migrations), APDHA (Association pour les droits de l'homme en Andalousie), ARCOM (Association des réfugiés et demandeurs d'asile congolais au Maroc), Association des migrants africains en Suède, ATTAC-Maroc, ATMF (Association des travailleurs maghrébins en France), Caritas, Cimade, Collectif des réfugiés, Conseil des Migrants Subsahariens au Maroc, GADEM (Groupe anti-raciste d'accompagnement et de défense des étrangers et migrants), Gisti, Homme et environnement, Migreurop, OMDH (Organisation marocaine des droits de l'homme), Rassemblement des réfugiés ivoiriens au Maroc, Réfugiés sans frontières-Maroc.