

MODULE 4. DETENTION CENTRES

Capsule 2. Fence-side deportations.

2018 saw the highest number of migrants arriving in Spain in the entire historical series, 64,120 people both by sea and by land at the borders of Ceuta and Melilla. Equal to the number of people that can fit in a football stadium. The previous highest figure was in 2006, with 48,180 people, where more than half of the arrivals were made through the Canary Islands.

The reason for this increase in arrivals, which reactivated the Alboran route as the main migration route from Africa to Europe, was entirely predictable. Especially because of the agreement signed between Italy and Libya in 2017, which led to the blocking of this route, and following the agreement between Greece and Turkey in 2018.

When Spain is declared the main entry point for migrants into European territory in 2018, both Spain and Morocco establish themselves as priority areas in the 'defence' of the EU's borders, with Spain being, on different occasions, the spokesperson for Moroccan interests in the framework of multilateral negotiations with the EU, as well as the defender of its own interests. In both cases migration, and human lives, are a bargaining chip for an economic and political game.

The current President of Spain, Pedro Sánchez, comes to power on 7 June 2018. Pedro Sánchez and his team of ministers, from the Spanish Socialist Workers' Party (PSOE), take office with a set of socialist promises that heralded better days for migration. On 14 June 2018, the Interior Minister of the new government, Fernando Grande-

Marlaska, announced that he would "do everything possible" to remove the concertinas (barbed wire) from the barriers at the borders of Ceuta and Melilla.

On 17 June, the rescue ship Aquarius, chartered by the NGOs SOS Mediterranean and Médecins Sans Frontières, disembarked in Valencia in a humanitarian action by the Spanish government to take in 630 people rescued in the Mediterranean, following the refusal of the Italian and Maltese governments.

"Our decision, first of all, reaffirmed the European humanitarian spirit: "We will not allow people to die in the Mediterranean". Moreover, at the political level, the twofold message we are sending to our partners is: "We show solidarity and we are responsible". So we are going to ask for solidarity and responsibility from all countries. That should always be the case in Europe, that is the underlying dynamic underneath purely European policies, a combination of solidarity and responsibility' (Pedro Sánchez, 2019: 15).

On 26 July 2018, 612 people managed to reach Spanish territory by jumping the border fence in Ceuta. This entry is the largest recorded since 2014 in a single attempt, when 500 migrants managed to reach Melilla after jumping the border fence.

The Spanish Association of Civil Guards issued a statement accusing the government of lack of protection, referring specifically to the announcement of the removal of the concertinas which, in their opinion, would lead to greater security problems. Opposition parties accuse the government of causing a "call effect" by introducing more humanitarian migration policies.

The media amplify the events with alarmist headlines such as the following: "more than 40,000 sub-Saharanans bide their time"; "Alarm over 50,000 sub-Saharanans waiting in Morocco to cross into Spain", or else "The assailants at the Ceuta fence are "paramilitarily" trained".

1,200 sub-Saharanans are on the outskirts of Melilla to attempt a violent entry into Spain".

During this jump, a total of 27 people were returned, expelled to Moroccan territory at the foot of the fence, without any of the protections and guarantees of international and Spanish immigration legislation being applied to them: the nationality and age of these persons were not identified, no legal assistance was offered, thus preventing "the possibility of the persons being able to apply for international protection, to detect whether they are minors, potential victims of trafficking or whether there is a risk that the persons will suffer torture, cruel, inhuman or degrading treatment or punishment in the country of origin or provenance after being returned" (IRIDIA, 2020: 86).

Although President Pedro Sánchez, in his investiture speech, had promised to put an end to these practices, Interior Minister Grande-Marlaska, after the events that took place, denied that these returns had been carried out in the July 26th jump. His argument was that the beginning of Spanish territory is not the fence but the line that the Guardia Civil would demarcate with its presence.

By not recognizing these practices, there is no publicly available data on the number of hot returns carried out, nor on the tactics used by the agents to return people.

The Guardia Civil accuses 10 of the migrants who jumped the fence in July of belonging to a criminal organization, damages and attacking the authorities. These 10 people were arrested at the CETI on 28 August and brought before the investigating judge in Ceuta. Of the 10 accused - one person from Togo identified as the "leader of the assault", two from Cameroon and seven from the Republic of Guinea -, two of them were sentenced by Court number 5 in Ceuta to prison, which could be avoided on bail, as they were considered to be the organizers of the assault.

The Spanish government had interceded for Morocco with the EU, expressing the need to approve Morocco's request for 60 million euros to increase its material and human resources in the fight against irregular immigration. The EU then urgently released the 55 million euros from the Emergency Trust Fund for Africa, approved for the Border Management Programme for the Maghreb Region (BMP-Maghreb) to reinforce border management strategies in Morocco and Tunisia.

One month after, on 22 August 2018, 116 people managed to cross the fences of Ceuta, slightly injuring seven Guardia Civil officers and five immigrants, the latter hospitalised with deep cuts to their limbs and thorax.

"I want them out now," the Minister of the Interior, Fernando Grande-Marlaska, demanded from Madrid a few hours after the jump.

On this occasion, the government carried out a new method of expulsions by collectively expelling in the following 24 hours the 116 persons who had managed to reach Ceutí soil. The framework for this collective expulsion was the agreement signed in Madrid on 13 February 1992, Agreement between the Kingdom of Spain and the Kingdom of Morocco concerning the movement of persons in transit and the readmission of foreigners who entered illegally (BOE no. 100; 25 April 1992: 13969-13970).

Through this agreement, the rejected persons, instead of being returned directly or locked up in a police station or a CIE, were transferred to judicial premises where an expulsion procedure was initiated before an official lawyer, after which they were handed over to Morocco.

Although lawyers were present, which distinguishes it from hot deportations, the speed and novelty of this type of expulsion meant

that it was not possible to provide adequate information on the right to asylum.

According to statements by the Ceuta Lawyers' Association, legal assistance, in groups of 10 migrants and one lawyer, was used "to cover the process", and that no lawyer knew that the ultimate aim was collective expulsion. None of the people interviewed applied for international protection or asylum. This expulsion was denounced by the Council of Europe and other civil society organisations.

TEXT SOURCE

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