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Untraceable

Border practices and enforced disappearance in Morocco

March 2025



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Executive summary

The document "**Untraceable: Border practices and enforced disappearance in Morocco**" (2025) is a comprehensive research report examining the patterns of detention, deportation, and disappearance affecting migrants in Morocco. The report analyzes how migration control policies in Morocco, often implemented in cooperation with European countries (particularly Spain), create conditions for enforced disappearances and human rights violations. It presents findings from field research conducted in October-November 2024, including interviews with civil society actors and migrants.

Key findings include:

1. **Moroccan authorities systematically detain and internally deport sub-Saharan migrants** from border areas and urban centers, affecting even those with legal status or UNHCR protection, **as well as minors and vulnerable people.**
2. **These practices often constitute enforced disappearances**, as migrants are detained without formal procedures, deprived of communication means, and transported to remote areas without notification to families or legal representatives.
3. Two emblematic cases are highlighted: **the "Melilla massacre"** of June 2022, where at least 23 people died and 77 were injured during a border crossing attempt, with 70 people still missing; and **the events in Ceuta in September 2024**, which resulted in numerous arrests, injuries, and disappearances.
4. **These practices violate multiple human rights:** the right to liberty and security, prohibition of collective expulsions, prohibition of torture and inhuman treatment, right to life, and right to truth.

The study reports that Morocco's detention and deportation system creates conditions of "legal violence" that render migrants vulnerable to systematic rights violations, including enforced disappearances.

Introduction

This report stems from the collaborative endeavor between the SOLROUTES research project and the Association for Legal Studies on Immigration (ASGI), which aims to analyze the phenomenon of disappearances within the migratory context in Morocco through a socio-legal analytical framework. The investigation specifically examines the practices of detention and forced relocation of sub-Saharan migrants within Moroccan territorial jurisdiction. During the ethnographic research conducted within the SOLROUTES project in Morocco, researchers documented numerous cases of detention of sub-Saharan migrants and internal deportations that they experience following arbitrary apprehension in border regions or major Moroccan urban centers. The systematic nature of these events, which affect migrants, asylum seekers, and refugees, indicates that these are not isolated incidents but rather constitute an integral component of Morocco's policy framework for managing sub-Saharan migration. These practices manifest as border control operations whose consequences exhibit elements that can be classified as "forced disappearances."

The integration of a legal perspective with ethnographic observation facilitates a more comprehensive understanding of the juridical dimensions that constitute the violence experienced by unauthorized migrants in Morocco, elucidating **the processes through which the legislative apparatus constructs and legitimizes specific forms of exclusion**, and actual forms of institutional violence. We reference the work of scholars Menjivar and Abrego¹ who conceptualize "**legal violence**" to encapsulate the normalized yet cumulatively detrimental effects of legislative frameworks. These sociologists analyze how migrants' vulnerability is legally constructed, originating from the convergence between immigration law and criminal law as a manifestation of structural violence. There are several studies that analyse how border control practices, based on differentiated mechanisms of exclusion and inclusion², create legal and social hierarchies, making illegalised

¹ Menjivar, Cecilia and Abrego, Leisy J. (2012). Legal Violence: Immigration Law and the Lives of Central American Immigrants, *American Journal of Sociology*, 117 (5), pp. 1380–1421.

² What Mezzadra and Neilson call the 'differential inclusion mechanism' in Mezzadra, Sandro, & Neilson, Brett (2013). *Border as Method, or, the Multiplication of Labor*. Duke University Press. <https://doi.org/10.2307/j.ctv1131cvw>.

people vulnerable to exploitation and institutional violence. Policies of internal deportation and detention, as we will see, mainly affect sub-Saharan migrants, and to a lesser extent Moroccan would-be migrants intercepted in border areas or pushed back. Within a border control project which refoules anyone attempting unauthorised crossing, the element of racialisation strongly emerges: it is black mobility that is contained, it is the bodies of sub-Saharan migrants that are racialised and illegalised³.

In our analytical approach, we endeavor to examine how the political-legal infrastructure in Morocco renders sub-Saharan migrants vulnerable and susceptible to various forms of detention and deportation, phenomena that De Genova⁴ conceptualizes as *detainability* and *deportability*. Our investigation seeks to identify which deficiencies within this framework create the legal conditions enabling Moroccan authorities to conduct forced relocations and arbitrary detentions of migrants, and within this context, to determine the recurring violations of international legal standards. Our research methodology develops through the systematic examination and interpretation of cases involving forced disappearance in circumstances of arbitrary deprivation of liberty.

Concurrently, from a sociological perspective, we analyze the social implications of this legal violence: we conceptualize deportations and detentions as mechanisms of social control. Referencing De Genova's theoretical framework once more:

“Detainability persists as a fundamental (albeit diffuse) disciplinary mechanism of social control and domination. Similar to the imminent threat of deportation, the perpetually unpredictable possibility of detention becomes a defining parameter for the quotidian experience of numerous migrants. This potential risk of detention furthermore imposes a prolonged condition of vulnerability to legal recriminations and, consequently, engenders a complex and multifaceted spectrum of circumstances in which

³ See Gazzotti, Lorena (2021) (Un)making illegality: Border control, racialized bodies and differential regimes of illegality in Morocco, *The Sociological Review*, 69 (2), pp. 277–295.

⁴ De Genova, Nicola (2017) The economy of detainability. Theorizing Migrant detention. In *Challenging Immigration Detention* (pp. 160-170). Edward Elgar Publishing.

daily existence becomes characterized by precariousness, conditional constraints, inequality, and uncertainty⁵”.

The academic literature includes numerous investigations examining the policies of internal deportations and detention of migrants in Morocco, documenting their systematic implementation and impact on migratory trajectories⁶. Such practices effectively extend the frontier and expand the border regime, projecting it into peripheral urban centers where migrants are deported while simultaneously confining it within detention facilities: on one hand manifested through the coercive mobility of deportations, and on the other through forced immobilization within penitentiary or other detention institutions. The spectacular violence of pushbacks at the border is accompanied by the slow and less evident “violence of abandonment”⁷, which results in the confinement of migrants in informal camps or on the outskirts of cities, and their deportation to the south. Situations in which abandonment to precarious conditions and legal uncertainty becomes a strategic exercise of power.

Our field research was conducted during October and November 2024, comprising two exploratory missions in Rabat-Casablanca and Tangier-Tetouan-Ceuta. The methodology followed a multi-method qualitative approach that included direct field observation in urban and peripheral areas of the target regions, analysis of reports and documents regarding detention and internal deportation practices, and in-depth interviews. The latter involved 27 civil society actors (activists working in the areas visited, researchers and legal professionals) and 20 migrants who provided direct testimony on detention and internal deportation practices⁸. For security reasons, all participants have been anonymised, the identities of the

⁵ Ibid, p.166.

⁶ See, for example, El Arabi, Sofia (2021). Géographie de la dispersion des migrations subsahariennes au Maroc. Le cas de deux villes-refuge, Tiznit et Taza. Les Cahiers d'EMAM. Études sur le Monde Arabe et la Méditerranée; Gazzotti, Lorena (2021). (Un) making illegality: Border control, racialized bodies and differential regimes of illegality in Morocco. *The Sociological Review*, 69(2), 277-295.

⁷ Gross-Wyrtzen, Leslie (2020). Contained and abandoned in the « humane » border: Black migrants' immobility and survival in Moroccan urban space, *Environment and Planning D: Society and Space*, SAGE Publications Ltd STM, 38 (5), p. 887-904.

⁸ Regarding the direct testimonies of migrants, these were mainly collected between October 2023 and February 2025 by SOLROUTES in Morocco.

associations and individuals involved are not revealed in this report. All interviews were conducted with informed consent and in accordance with ethical research protocols. The contextual environment in which these missions were undertaken was characterized by significant tension, particularly in northern Morocco: the stringent control over civil society, the criminalization of migrants and those expressing solidarity with them⁹, and the sociopolitical tension following the events in Ceuta in September 2024 constrained field mobility and numerous potential meetings, necessitating prudence to prevent exposing research participants to additional risks.

In this scholarly contribution, we present a comprehensive analysis of detention practices and forced relocations of migrants in Morocco, and examine how these policies, characterized by the absence of legal safeguards for migrants and their families and the systematic violation of their fundamental rights, may constitute contemporary manifestations of forced disappearance.

The structure of this text follows a logical progression: the initial section explores the conceptual framework of forced disappearance within the migration context; the second section introduces the case study of Morocco, examining securitization policies and the criminalization of migrants; the third section focuses specifically on the analysis of detention and deportation practices affecting migrants in Morocco, with particular attention to two emblematic cases—Melilla 2022 and Ceuta 2024—supported by our empirical observations, to identify elements that contribute to violations and situations attributable to forced disappearances. The final section delineates the documented human rights violations.

⁹ See Bachelet, Sebastian, and Hagan, Maria (2023). Migration, race, and gender: the policing of subversive solidarity actors in Morocco. *L'Année du Maghreb*, (30).

1. The concept of enforced disappearance

1.1 The evolution of enforced disappearance in International Law

The prohibition of enforced disappearance in international law dates back to the laws of war, systematized particularly through [the response that the Nuremberg Tribunals reserved for the Third Reich's Night and Fog program](#). This emblematic state experimentation with enforced disappearance helped delineate key elements that would subsequently characterize the modern understanding of the crime. Subsequent development through international humanitarian law, particularly in the [Fourth Geneva Convention of 1949](#) and its Additional Protocols, provided the foundation for the protection of family rights and the requirement for information about detained persons. This framework, combined with the extensive jurisprudence developed by the Inter-American human rights system in response to systematic disappearances in Latin America, has shaped the contemporary understanding of enforced disappearance as a complex human rights violation requiring specific legal responses.

For historical and geopolitical reasons, the Inter-American Court of Human Rights pioneered the development of enforced disappearance as an autonomous violation through cases such as [Velásquez Rodríguez v. Honduras](#) in 1988, establishing principles regarding state responsibility and victims' rights that would influence subsequent instruments. The United Nations system progressively developed its own approach through the Working Group on Enforced or Involuntary Disappearances and [the 1992 Declaration](#), culminating in [the 2006 International Convention for the Protection of All Persons from Enforced Disappearance](#) (ICPPED).

Contemporary understanding of enforced disappearance encompasses multiple legal characterizations, each with distinct implications for prevention, investigation, and prosecution. The 2006 Convention defines enforced disappearance as "*the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support*

or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law." It is therefore an autonomous human rights violation characterized by three cumulative elements: deprivation of liberty, state involvement, and concealment. This definition emphasizes the continuous nature of the violation, recognizing that the crime persists until the fate of the disappeared person is clarified.

[The incorporation of this offense in the Rome Statute](#) as a crime against humanity has further introduced additional contextual elements when disappearances occur within a widespread or systematic attack against civilians. This dual characterization—as a human rights violation and potential international crime—creates complementary frameworks of responsibility and prevention.

Significantly, contemporary treaties and jurisprudence have established that no exceptional circumstances may be invoked to justify enforced disappearance. This absolute prohibition extends to states of war, internal political instability, or any other public emergency. The continuous nature of the crime also affects the application of statutes of limitations and temporal restrictions on prosecution.

The contemporary framework imposes multiple levels of state obligations. Primary obligations include prevention through legislative and administrative measures (Arts. 4 and 6 ICPPED), investigation of alleged cases and prosecution of perpetrators (Arts. 3, 10, 11, 12), and adoption of measures aimed at preventing enforced disappearances, particularly during transfers of persons deprived of liberty (Art. 17). States must maintain detailed records of all persons deprived of liberty, including minimum information on their conditions and place of detention (Art. 17). These records must be readily available to judicial authorities, family members, and legal representatives (Art. 18) to protect their legitimate interest in knowing their location and assisting them.

Implementation mechanisms operate at international and national levels. The Committee on Enforced Disappearances (CED) regularly conducts reviews of state compliance, can receive individual communications, and has the authority to make urgent interventions in ongoing cases. At the national level, states must establish

specialized investigative units with adequate resources and powers to conduct effective investigations. These units require access to documentation, detention facilities, and witness protection capabilities.

1.2 Disappearances and enforced disappearances in migration contexts

The history of disappearances in the migration context represents a dark narrative of invisibility and human rights denial. Each year, [thousands of individuals simply "disappear" within the opaque mechanisms of border control](#), transformed from human beings into mere "irregular presences" to be managed, concealed, and removed.

Pushbacks represent the apotheosis of this disappearance process. Thousands of individuals are prevented from crossing borders or territories, summarily, without any individual assessment of the risks associated with their condition. They are literally erased from protection pathways, pushed toward deserts, seas, and conflict zones where the risk of death is extremely high. The environment itself becomes a strategic part of this mechanism: environmental hazards are transformed into elements of the border control¹⁰.

Borders thus become disappearance machines. The *disappearability* of migrants is determined by the suspension of their rights: invisible in transit and with an uncertain legal status, migrants face cumulative constellations of precariousness and danger that make them vulnerable to disappearance¹¹. This is evidenced by the numerous but unspecified bodies never recovered in the Mediterranean, mass graves at borders, [disappearances along Balkan routes](#), or at [the USA-Mexico border](#). Every unrecovered body, every untold story, constitutes a disappearance.

¹⁰ See Heller, Charles, and Pezzani, Lorenzo (2017). "Liquid Traces: Investigating the Deaths of Migrants at the EU's Maritime Frontier" in De Genova N." *The Borders of Europe: Autonomy of Migration, Tactics of Bordering*.

¹¹ As defined by Laakkonen, Ville (2022). Deaths, disappearances, borders: Migrant disappearability as a technology of deterrence. *Political Geography*, 99, 102767.

[Technology reinforces these mechanisms of invisibility](#). Surveillance systems, biometric registrations, and algorithmic profiling transform migrants into "data," into risk profiles to be managed and potentially eliminated. Artificial intelligence becomes an instrument of selection and exclusion.

In this process of elimination, intersectionality plays a role of further vulnerability for migrant subjectivity. Migrant women, unaccompanied minors, LGBTQ+ individuals, and ethnic minorities face multiple risks. Their vulnerability itself becomes a factor that makes disappearance more probable.

Criminal networks complete this system. Human trafficking and migrant smuggling are not marginal phenomena but interconnected circuits [where states are not external actors but often complicit](#). Corrupt officials, underground agreements, and gray zones where human rights are negotiated all contribute to this system.

Disappearance in the migration context should therefore not be understood as an incidental event but as a systemic practice. It is the consequence of a perspective that considers some human beings as "illegal," as bodies to be managed, rejected, erased, and that transforms borders into structures of death. It is the result of policies that transform borders into machines of death. Each disappearance represents a collective wound. Each disappearing body tells of a global system that produces invisibility, that denies humanity. The fight against disappearances is also the struggle to reaffirm the value of every life, regardless of its origin.

International institutions have only recently begun to recognize this emergency and reflect on the phenomenon of disappearances and enforced disappearances in the migration context.

While it is true that behind every disappearance lie one or more human rights violations, it is equally true that not every disappearance can constitute the crime of enforced disappearance as defined by international conventions, or that it is always possible to consider all elements of such a crime to be present.

The Committee on Enforced Disappearances, in its [General Comment No. 1](#), after highlighting the position of particular vulnerability of migrants, observes that "*disappeared persons, as understood by the International Committee of the Red*

Cross (ICRC) for the purposes of its operations, are persons whose whereabouts are unknown to their relatives and/or who, on the basis of reliable information, have been reported missing in accordance with national legislation in relation to an international or non-international armed conflict, a situation of internal violence or disturbances, natural disasters or any other situation that may require the intervention of a competent state authority" and that "The main distinguishing element between a migrant who disappears and a migrant who becomes a victim of disappearance is the commission of a crime against a migrant, as provided for in Articles 2, 3 and 5 of the Convention."

[As stated by the Council of Europe](#), "The phenomenon of disappearances of migrants, refugees and asylum seekers is a largely underestimated tragedy (...) requiring policy responses throughout Europe and the world. Many contexts can lead to the disappearance, including enforced, and death of a person on the move, with many consequences and challenges for public authorities and for those searching for a missing person. The need to clarify the fate of disappeared migrants, refugees and asylum seekers, whether alive or dead, is not faced with a legal vacuum. Similarly, the disappearance of migrants, refugees and asylum seekers is not inevitable and can be prevented."

States have specific legal obligations in this area: they must prevent disappearances through concrete legislative and administrative measures, conduct thorough investigations into reported cases, ensure systematic registration of persons deprived of liberty, and guarantee their right to communication with the outside, as well as cooperate and provide maximum mutual assistance. These obligations derive from the International Convention for the Protection of All Persons from Enforced Disappearance and from customary international law.

1.3 The close interconnection between enforced disappearance and detention

The journey toward enforced disappearance [often occurs in detention centers](#), veritable juridical non-places where migrants are deprived of their identity. These

spaces—called reception centers, identification centers, hotspots—are in reality architectures of control that produce a gray zone where rights, including those of communication with the outside world, are suspended.

General Comment No. 1 of the Committee on Enforced Disappearances thus defines the enforced disappearance of migrants as a systemic phenomenon deeply rooted in contemporary practices of detention and border control. Far from being a temporary or emergency measure, migration detention configures itself as a space of juridical invisibility where human rights are systematically suspended and denied.

Administrative detention can serve a dual function in border management: it can constitute a typical element of pushback action, but [it can also be the functional conclusion of a pushback action](#). In both cases, the deprivation of liberty can constitute an essential element for the configuration of enforced disappearance, as defined by the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). The qualifying element is indeed the combination of arrest, detention, and/or subsequent expulsion, carried out through coordinated action conducted by police authorities—or state agents operating under the tacit approval of public power—which, through conduct of formal and systematic denial, remove the subject from the regime of legal protection guaranteed by the legal system. The legally relevant aspect is the will to nullify the legal status of the subject, through actions that determine their de-subjectification, such as concealment of identity (consider the seizure of identity documents or personal belongings), de facto impediment to access to any type of effective remedy or contact with family members (consider the systematic destruction of telephone devices), depriving them of the fundamental rights of recognition, freedom, and safety. Equally determinant is [the refusal to provide information about the place of detention or the denial of information about where the detention is conducted](#). Even when there is no deliberate intention to hide the fate of detained persons, the absence of precise information about the places used to detain migrant persons, their complete informality, can implicitly lead to their concealment, resulting in the integration of the crime of enforced disappearance. In some contexts, when a migrant is stopped, [their documents are seized](#), their name becomes a number, their personal history is reduced to an administrative practice.

This is the beginning of erasure. Administrative detention—presented as a temporary measure—often becomes a timeless trap.

From a theoretical perspective, the duration of this deprivation of liberty does not assume particular relevance. As noted by a [joint declaration](#) developed by the Working Group on Enforced Disappearances and the UN Committee, the temporal dimension is legally irrelevant since the violation of human rights is configured through the structural elements previously illustrated. These elements are fully integrated regardless of the duration of the event. Brevity does not mitigate the gravity of the violation; indeed, it can accentuate its traumatic impact. In the management of the border regime, however, temporality is central: detention and deportation are configured as technologies of control that reshape the geographies of migration, now accelerating, now diluting temporalities, and in fact producing forms of existential precariousness¹².

Prison detention as a criminal security measure assumes in various contexts the role of a punitive instrument and erasure of the foreign citizen's presence. The progressive criminalization of migratory movements is empirical demonstration of how not only administrative detention but also criminal detention assume a central deterrent role in border management policies. It is also evident how the dynamics described and highlighted with reference to administrative detention are specularly reproducible in the prison context. Incommunicado detention with its constitutive characteristics—lack of contact with families, with legal representatives, and information about the charges contested—become common and widespread practice in these contexts.

In the same way, practices of pushback, expulsion, or non-admission can lead to the disappearance of persons, as a result of the conduct of one or more states or the collaboration between state agents and private subjects.

Article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance establishes the prohibition of refoulement to a state where

¹² For related studies see Griffiths, Melanie (2014). Out of time: The temporal uncertainties of refused asylum seekers and immigration detainees. *Journal of Ethnic and Migration Studies*, 40(12), 1991-2009; Khosravi, Shahram (2018). Stolen time. *Radical Philosophy*, 2(3), 38-41.

there are substantial grounds for believing that the expelled person would be in danger of being subjected to enforced disappearance. However, the enforced disappearance of a person can also take place during pushback or expulsion operations at both land and maritime borders, when persons are under the direct or indirect control of one or more authorities and when such operations are denied by the authorities or if the fate or whereabouts of the person are concealed or as a consequence of the lack of international cooperation by the State party with other States regarding disappeared persons among migrants in the context of large-scale arrivals by sea ([CED - Convention for the Protection of All Persons from Enforced Disappearance - 16 Session \(08 Apr 2019 - 18 Apr 2019 - Concluding Observation Italy\)](#)). Once again, the duration of the deprivation of personal liberty or the period during which the fate of the person is kept hidden are not relevant. Even during what might be defined as short-duration enforced disappearances, the consequences remain identical: interruption of family relationships, denial of legal identity, exposure to risks to personal safety.

2. Introduction to migration policies in Morocco

2.1 The process of externalization of European borders in Morocco

The externalization policies implemented in Morocco provide concrete grounds for examining border control practices, detention, and pushback operations, as well as their consequences in relation to the previously addressed issue of disappearances and forced disappearances in the migration context.

Morocco has historically been characterized by various migratory movements connecting it to sub-Saharan Africa, the North African region, and the European continent. Until the 1990s, these movements were unregulated, primarily consisting

of circular flows within the African continent¹³. The situation changed when Morocco became the terrain for the application of the European border externalization process. This process refers to measures and agreements implemented by the European Union and Member States in the attempt to involve countries outside the nascent Schengen area, but neighboring it, in border management to control and limit the entry of non-member citizens. In this sense, countries like Morocco and others in the North African region are strategically considered "transit countries" and are required to assume a central role in the "fight against illegal immigration" through the construction of militarized borders, the establishment of internal migration policies following Eurocentric logic, the progressive cession of territory or power to European and international agencies, leveraging coercive mechanisms (such as favorable visa issuance conditions or substantial economic funding).

In Morocco, this process develops along the path of already established relations with Spain regarding migration: in previous decades, the borders of Ceuta and Melilla, Spanish enclaves in Moroccan territory, were the subject of political negotiations, where Spanish authorities in collaboration with Moroccan ones erected themselves as violent controllers of mobility spaces.

In 2003, Law 02-03 "on the entry and residence of foreigners in Morocco and on irregular emigration and immigration" was approved, introducing the concept of "regular migrant" and related requirements, limiting access conditions to social services based on this legal status, as will be elaborated subsequently. The regularization, effectively desired to reduce the potential migrant population toward Europe, also impacts migration flows not destined for the European continent, for example, the traditional movements of students, workers, and religious individuals between sub-Saharan Africa and Morocco. With the limitation of access to regular status, the presence of undocumented persons in Moroccan territory increases, who find themselves confined to informal camps or the peripheries of major cities. The inaccessibility of housing services pushes many people on the move to precarious housing solutions on the outskirts of cities or in informal camps in border areas:

¹³ See Perrin, Delphine (2016). Regulating migration and asylum in the Maghreb: What inspirations for an accelerated legal development?, in Ippolito, Francesca and Trevisanut, Seline Eds., *Migration in the Mediterranean*, 1st ed., Cambridge University Press, pp. 192-214.

spaces that Stock calls ‘limbospaces’¹⁴, as it becomes impossible to leave without documents. Being reduced to conditions of extreme vulnerability and exposed to poverty and exploitation, for them the journey to Europe effectively becomes a way to redeem themselves from marginalization.

The border is materially erected through the construction of militarized frontiers and technological surveillance systems, with the development of administrative detention mechanisms and spaces. The pushback practices against those attempting unauthorized border crossings involve the systematic use of force and violence, employed by all actors involved in border defense—Moroccan, Spanish, and Algerian police. Over the years, Moroccan civil society [has documented and denounced](#) the severe human rights violations occurring at the border. Physical violence during pushbacks at the border is reported, as are frequent police raids on informal migrant encampments, and the consequent forced deportations to cities in southern and central Morocco or to Algeria. In the latter case, individuals risk being subsequently deported to the south of the country and then to Mali, following the logic of chain pushbacks. This expulsion policy often affects even those with valid residence permits in the territory, transforming into a practice of forced internal relocation. Deportations, violent pushbacks, and direct violence primarily impact sub-Saharan citizens, with a profound racialization of control practices.

The border reinforcement process has been supported by the funds granted by the European Union. Just to give some figures, according to data reported by [State Watch](#), since 2001 the EU has allocated around €215 million in development funding for projects related to strengthening border security in Morocco. From 2014 to 2022, the European Union has allocated €2.1 billion for Morocco through the EU Emergency Trust Fund for Africa under the Neighborhood, Development and International Cooperation Instrument (NDICI - Global Europe) and other funding instruments, such as the Asylum, Migration and Integration Fund (AMIF).

Under pressure exerted by local and international civil society, in 2013 King Mohammed VI announced the “New Migration Policy,” calling for civil society and

¹⁴ See Stock, Inca (2019). *Time, Migration and Forced Immobility*. *Bristol University Press*.

government to work together to outline policy guidelines for migration management that would restore international human rights protection standards. In this way, he effectively announced that integration pathways would be granted for migrants in Morocco, thereby respecting Europe's external borders. Two exceptional regularization campaigns were launched in 2014 and 2017, allowing approximately 50,000 non-Moroccan citizens with irregular status in the territory to regularize for one year, with the possibility of renewal for an additional year. In 2014, the National Strategy for Immigration and Asylum (SNIA) was established, managed by IOM and UNHCR, an entity responsible for coordinating integration and access to social services for regular migrant citizens. In support of this effort, between 2015 and 2016, [the EU allocated 72 million euros](#).

However, this momentum was not followed by structural reforms on migration. The New Migration Policy, in fact, was not translated into law, and the two draft asylum laws, proposed since 2013, are still under discussion. Since 2013, the practices of expelling migrants toward the Algerian border have been significantly reduced. Nevertheless, the policy of internal dispersal of non-Moroccan citizens detained at European borders or arrested in the country's major cities remains constant. Structural violence and discrimination continue to persist, highlighting the gap between the official narrative and the daily reality experienced by sub-Saharan migrants in Morocco. In essence, the New Migration Policy and SNIA have proven to be instruments for maintaining an institutional facade pleasing to European partners, without a genuine commitment to the effective management of these migratory flows¹⁵.

2.2 Morocco as a crossroads of migration routes

The trajectories of migration routes in Morocco involve both land and maritime borders.

Regarding maritime exit routes, the departure areas connect northern Morocco with the Iberian Peninsula and the south of the country with the Canary Islands

¹⁵ See Gazzotti, Lorena (2021). *Immigration Nation: Aid, Control, and Border Politics in Morocco*, Cambridge University Press.

archipelago. In the first case, journeys from the north of the country were numerous until the Covid years, and included both self-organized group travel and journeys managed by intermediaries. The maritime exit route to the Canary Islands (defined as the Atlantic route), conversely, is entirely managed by intermediaries, with prices ranging between €5,000 and €8,000.

The land exit borders, however, concern Ceuta and Melilla, the only point of terrestrial contact between Europe and Africa. The two cities have historically been part of unauthorized migration routes for Moroccan citizens, particularly minors, who swim from the surrounding Moroccan coasts¹⁶, and for sub-Saharan citizens, who attempt crossing from the mountains by scaling the fences erected in 1993¹⁷, equipped with technologically advanced surveillance instruments, and constantly patrolled by military forces on both sides to thwart attempts at irregular entry. In 2015, the Spanish government effectively legalized collective pushbacks to protect its borders¹⁸. In recent years, we have witnessed a clear closure of maritime routes departing from northern Morocco and those toward Melilla. With the increasing militarization of the northern maritime border, indeed, since 2021 journeys have been drastically reduced. Regarding the Melilla frontier, the event that marked the barring of this escape route was the massacre of June 24, 2022, which we will discuss subsequently.

Concerning the exit routes currently open, Ceuta is characterized by relatively low numbers, with increases in the summer months. At present, the main route appears to be that of the Canary Islands, which, besides being very expensive, is also known to be one of the most lethal. In 2024 alone, according to [data collected by Caminando Fronteras](#), at least 4,808 people died crossing this route. Conversely,

¹⁶ As do, to a lesser extent, citizens from other North African, Asian, and Middle Eastern countries.

¹⁷ Measuring 7.8 km and 10.5 km in length respectively, and with heights of 3.5 meters for the external fence and 6 meters for the internal one; both borders feature a double border fence and are divided into three sectors, equipped with barbed wire.

¹⁸ *Tenth additional provision of Organic Law 4/2000, of 11 January, introduced by Organic Law 4/2015, of 30 March, of the Citizen Security Act 4/2015* - the Spanish government has formalized this informal practice, known as *devoluciones en caliente* ("hot returns") in Spanish legislation, renaming it *rechazos en frontera* ("border rejections"), a strategy designed to provide legal support for illegal practices. Although the law clearly states that these "returns" must respect international law, it does not provide any guarantees for them.

entries from Algeria have not ceased, increasing particularly in the summer months of 2024¹⁹, as a consequence of regional migratory dynamics: the closure of the Tunisian route, [deportations of people of sub-Saharan origin to the Algerian desert](#), and widespread violence in the Libyan context.

On one hand, Morocco's doors seem to remain open to incoming migratory movements, while regarding border management policies for exits toward Europe, different elements can be observed. The efforts to keep northern routes closed, both maritime and terrestrial, appear to divert migratory movements toward the South of the country, along the Atlantic route, for which Morocco implements few countermeasures. This, on one hand, favors migrations managed by trafficking networks, and on the other, reports a significant increase in deaths at sea.

¹⁹ Unauthorized entries are monitored in the city of Oujda by UNHCR.



Map's author: Gianmaria Dall'Asta. Title: [Sub-Saharan migratory routes through Morocco.](#)

2.3 Crimmigration: The moroccan legislative framework on migration

The adoption of coercive instruments by Moroccan authorities is part of a broader policy of criminalization of migration, which is reflected in the regulatory provisions contained in Law No. 2/2003 and Implementing Decree No. 607/2010, still awaiting reform.

As typically occurs in the context of so-called *crimmigration*²⁰, this regulatory framework sees an overlap between criminal law, immigration law, and administrative law, resulting in both a tightening of measures aimed at managing migratory flows and a lack of protections for the fundamental rights of those intending to leave the country.

Chapter VII of Law 2/03, entitled "penal provisions"²¹, is situated within this framework and sanctions illegal entry and stay in the territory of the Kingdom of Morocco—the former also in its attempted form—with the penalties of fine and imprisonment, applicable cumulatively or alternatively (Articles 42-44 of Law 2/03). In the case of irregular entry or stay governed by Article 42 of the aforementioned law, the administrative authority, when identifying overriding reasons of public order and state security, may order, as an alternative to the aforementioned penalties, the expulsion of the foreign citizen "*toward the country of which he is a citizen or toward another country, according to the wish expressed by the interested party.*"

In all cases provided for, recidivism entails an increase in the penalty up to double.

²⁰ M. Joao Guia, M. Van Der Woude, "Social Control and Justice: Crimmigration in the Age of Fear, Eleven Intl Pub", 11.10.2012: "*Crimmigration law consists of the letter and practice of laws and policies at the intersection of criminal law and immigration law. Crimmigration law has two horns. The first is the expansion of migration consequences, such as deportation or exclusion grounds that are based on criminal convictions. [...] The second horn of crimmigration law is the expansion of criminal law and criminal procedural tools as a way to regulate migration and especially unauthorized migration.*"

²¹ Included within Title One of Law 2/03, entitled "*on the entry and stay of foreigners in the Kingdom of Morocco.*"

These provisions, which therefore provide for prison detention as an instrument for controlling “incoming” immigration, must be read in light of the regulations governing the administrative regularization of foreign citizens in Morocco. Indeed, **there is a general impossibility of regularizing one’s administrative status in the country, resulting in the denial of essential rights for the realization of a dignified life project** for oneself and one’s family members, and the general inaccessibility to effective and inclusive child protection systems. Administrative irregularity prevents access to health services or birth registration, resulting in evident repercussions on the protection of the right to health, the right to a name, and personal identity in such cases. At the same time, the processes for renewing residence permits provided for by law (carte de séjour and cartes de residence) present numerous criticalities, [as denounced by GADEM](#).

With regard to refugees, the effective nonexistence of a national asylum system²² in Morocco concretely impedes the exercise of the right to recognition of refugee status. Draft Law No. 66.17, aimed at issuing a regulatory act that fully regulates the institution of the right to asylum in Morocco, has never been approved, [as denounced by the UN Committee on Enforced Disappearances](#); therefore, to date, in order to exercise this right, asylum seekers must necessarily turn to the United Nations High Commissioner for Refugees (UNHCR), [responsible for registering and defining applications for international protection](#).

The exercise of the right to asylum is therefore not guaranteed; this exposes refugees to internal deportations or deportations to third countries. Even in cases where refugee status is recognized, measures aimed at protecting and facilitating social inclusion are practically absent, reducing refugees to a peculiar condition of vulnerability.

A similar situation is found for victims of trafficking who, despite the promulgation of Law 27.14 in 2016 regarding the fight against human trafficking, are still without adequate protection, in the absence of reception facilities and specialized services.

²² Morocco: Decree No. 2-57-1256 of 2 Safar 1377 (August 29, 1957) establishing the modalities of application of the convention relating to the status of refugees signed in Geneva on July 28, 1951

These are circumstances that, in addition to providing a framework of the country's migration policy, represent some of the main push factors driving sub-Saharan migrants and refugees to leave Morocco, attempting to cross the border.

The Moroccan regulatory framework also provides for criminal consequences for those who attempt to illegally cross the border, whether they are Moroccan citizens or foreign citizens. Article 50 of Law 2/2003, without prejudice to the applicable criminal regulations on the matter, provides for a fine from 3,000 to 10,000 MAD²³ and imprisonment from 1 to 6 months for *"anyone who leaves Moroccan territory in a clandestine manner, using, at the time of crossing one of the land, sea, or air border posts, a fraudulent means to evade the presentation of official documents necessary for the completion of the formalities prescribed by law and regulations in force, or using falsified documents or usurping a name, as well as anyone who enters or leaves Moroccan territory through exits or places other than border posts established for this purpose."* Further and more severe sanctions are established against those who provide aid or assistance in attempts at irregular emigration.

3. Border practices and enforced disappearances: the Morocco case

3.1 Migrant detention and internal deportation as border practices

Deportation and detention in the context of migration in Morocco are specific tools used to control borders and block migratory movements towards the European Union. In particular, the deportation of migrants by the Moroccan authorities, usually followed by the deprivation of personal freedom, takes place systematically in a context of indiscriminate violence that frequently results in the injury, even death, of people fleeing, as will be illustrated later through the cases reported.

²³ Equivalent to approximately €300 and €1,000.

As mentioned above, **attempts to cross the border are opposed by the police authorities with the adoption of punitive** measures, which include arrest for violation of both Law 2/03 and the Penal Code, followed by imprisonment, which in some cases takes place in ‘informal’ prisons, although the Moroccan authorities deny the existence of unmapped penal institutions.

The instruments of punishment also include **collective internal deportations**, used by the Moroccan authorities to remove migrants from the border areas. These are informal practices, having no basis in Moroccan legislation, and therefore illegitimate.

These measures, together with the violent repression of attempts to cross the border by the Moroccan authorities (often carried out in concert with or with the support of the Spanish authorities), are among the **main causes of forced disappearance** in the Moroccan migration context, as well as violations of other fundamental human rights.

In the following paragraphs, we report two emblematic cases of the response of the Moroccan authorities to collective attempts at emigration - the so-called ‘massacre of Melilla’ of 24 June 2022 and the case of Ceuta in September 2024 - which concretely illustrate how these mechanisms translate into forced disappearances and other serious violations of human rights, and then delve deeper, through testimonies collected in the field, into the concrete methods of detention and deportation that characterise the Moroccan repressive apparatus in the migratory context.

3.2 Border practices as viaticum to enforced disappearances

The Melilla massacre²⁴, June 24, 2022. The tragic events of 24 June 2022 in Nador-Melilla²⁵ have left an open account: in addition to the 23 officially declared deaths and 77 injured, dozens of people have been lost, both during the event and in the following days.

The events took place after days of increasing pressure on the migrants camped in the forests around Nador, subjected to continuous raids by the police and a blockade that even prevented them from accessing food and water through local traders. At dawn on 24th June, about 1500 people, mainly asylum seekers from conflict zones such as Sudan, South Sudan and Chad, began their descent from Mount Gourougou towards the Barrio Chino border crossing with the intention of crossing it. The group moved undisturbed for about 6 km, even passing in front of an auxiliary forces barracks, which, however, did not intervene. The group reached the border post at around 9 a.m., and immediately tried to open the main gate and climb the barrier. It was only at this point that the Moroccan forces intervened: strategically positioned along the ring road that runs alongside the barrier, they launched a massive attack against migrants with stones and tear gas. The first victims of the day were caused in these hours, probably by suffocation or hit by bullets, even before any direct contact with the police.

The most dramatic phase developed in the following hours. At around 10:30, after almost an hour of continuous tear gas bombardment in a restricted and surrounded space, the authorities launched a direct assault mobilising further auxiliary forces, military and gendarmes. What witnesses describe as a 'choke point' of just 200 square metres was created, a small space where the injured migrants were piled on top of each other in what would prove to be a lethal domino effect.

²⁴ For a detailed reconstruction of the events, see the [Border Forensic](#) report; and the AMDH Nador section report, 'La tragedie au poste frontalier de Barrio Chino', 20 July 2022.

²⁵ The border between Nador and Melilla is a favoured crossing point, mainly for geographical reasons, especially for sub-Saharan citizens entering Morocco from Algeria. Oujda is in fact only 15 kilometres from the border and about 130 kilometres from Nador.

Initially, there were only four ambulances on site. The first rescue operations began only at around 11:30 a.m., and priority was given to transporting the corpses rather than the injured. The last ambulance trip was recorded at around 9:00 p.m., leaving many of the injured without adequate medical assistance for almost nine hours.

In contrast to the scarce presence of rescue vehicles, nine buses had been mobilised to repel the migrants, highlighting the real operational priorities. Approximately 500 migrants were subsequently subjected to forced repatriation to various regions of Morocco, travelling distances of up to 890 kilometres, making it extremely difficult to monitor their conditions and whereabouts. In several cases the migrants suffered serious injuries as a result of the pushbacks, according to the AMDH report at least one person died on one of the buses for this reason, and some people disappeared during these operations.

During these events 65 migrants were arrested.

Following the events in Melilla, 77 people were reported missing, as reported in the [report of the United Nations Working Group on Enforced Disappearances](#). With regard to the bodies found, civil society reports difficulties related to identification and attempts to conceal the bodies. The impossibility of accessing the morgue of the Hassani hospital, where the AMDH had documented the presence of at least 15 bodies, prevented the identification of possible victims among the people reported as missing. Even when the association had photographs of the missing, the authorities denied access, reinforcing police control over the facility. The attempt at concealment became evident when, on 26 June, the AMDH discovered the preparation of 21 graves in the Sidi Salem cemetery, under the supervision of senior local officials. Only the public denunciation of the association prevented what appeared to be an attempt at hasty burial without identification of the bodies. **One year later, of the 77 disappeared, only 7 have been identified in Moroccan prisons.** The fate and whereabouts of the others has not yet been clarified.

The case of the 65 migrants subjected to legal proceedings is emblematic of this opacity. Divided into two groups - 36 before the court of first instance and 29 before the Court of Appeal of Nador - the charges referred to violations of law 02/03 and

the Moroccan Penal Code²⁶. Many of them presented obvious injuries during the hearings, as documented in the sessions of 4, 12 and 13 July. However, when the defence asked for clarification on where, when and how the accused had suffered those injuries, the prosecutor refused to provide an explanation.

The police reports do not establish whether the accused persons are involved in all the alleged offences and crimes, and during questioning the alleged victims, members of the public forces, were unable to recognise the accused as their assailants. It appears that the accused persons are held symbolically responsible for acts allegedly committed by over a thousand people.

The documentation of the AMDH reveals specific cases of particular concern. For example, during the trial it emerged that some defendants of Yemeni or South Sudanese nationality were mistakenly recorded as Sudanese in the police reports, creating further confusion about their identity and making it more difficult for their families to locate them. Among those arrested was a 16-year-old minor, who was later released. The situation is further aggravated by the practice of drafting standardised ‘copy-paste’ reports for all the accused, who, according to the testimonies collected, signed without knowing their content, as confirmed during the hearings and meetings with lawyers in prisons. This practice makes it extremely difficult to reconstruct the individual circumstances of arrest and detention.

The repression of the assault on Fnideq-Ceuta, September 2024. In September 2024, a collective attempt to cross the border of Ceuta involved thousands²⁷ of people. The call for mass migration started on social media ahead of 15 September, in a period that was already tense for that border: in fact, Moroccan authorities reported over 11,300 attempted crossings just in the month of August. Attempting to cross into the enclave were young people, many of them minors, North Africans

²⁶ They were accused of violations of the 02/03 law on migration, including aiding and abetting illegal immigration, organising illegal immigration and illegal entry into the territory. Regarding the Moroccan Penal Code, the charges included violence and contempt towards public officials, acts of rebellion, damage to public property, illegal carrying of weapons, assault, armed gathering on a public road, premeditated use of violence against public officials and damage to public utilities. In some proceedings, people were also accused of belonging to a criminal organisation habitually dedicated to aiding the illegal emigration of other people.

²⁷ The available data varies: some associations talk of 2,000 people, others of 4,000.

(mainly Moroccans, then Algerians and Tunisians) and sub-Saharanans²⁸, who in the days leading up to 15 September headed towards Fnideq, the last Moroccan city before the European border, without being stopped by the controls. Only on 15 September the authorities blocked access to the territory of Fnideq and the previous cities (Tangier, Tetouan). However, passage was granted to the media and to associations dealing with migration.

During the day, aspiring migrants attempted to cross the border in various ways: some swam from the Moroccan coast, others tried to climb over the barrier. Once again the police violently repressed the attempts, launching tear gas and attacking the migrants, with the support of a Spanish Civil Guard helicopter that for the occasion was also flying over the Moroccan side of the border. The clashes resulted in dozens of injuries. Also in this case the slowness and inadequacy of the rescue services was criticised: some citizens of Fnideq requested medical assistance for 3 young people seriously injured in the clashes and suffering from dehydration, but the ambulance, which arrived more than an hour after the call was made, refused to take any of the injured people.

The disproportionate levels of violence were denounced in the following days on social media, which shared [videos and photos](#) depicting rows of young people sitting on the ground, wearing only underwear, next to the Auxiliary Forces vans, and with deep wounds on their backs. The death toll for the day also includes deaths due to clashes with the police and attempts to cross by sea, but the numbers are unclear. Several bodies were found along Moroccan beaches in the following days.

Here too, detention and forced transfers were used as a means of rejection and dissuasion. Between 11 and 16 September 2024, 4,455 would-be migrants were arrested, including 3,795 Moroccans (141 of whom were minors) and 519 foreigners (164 of whom were Algerians). The charges brought by the Tetouan Public Prosecutor's Office concern violations of the Penal Code relating to crimes of rebellion, carrying weapons, threatening public order or opposing the execution of orders of the public authorities, and violations of Law 02/03 on illegal migration, i.e.

²⁸ According to information shared by some local associations, the sub-Saharan migrants were mainly from West Africa (Mali, Burkina Faso, Ivory Coast, Senegal, Guinea Conakry) and to a lesser extent from Chad, Sudan, Cameroon, Gabon and Sierra Leone.

attempted illegal migration, aiding and organising clandestine emigration. The sentences requested range from 2 to 9 months' imprisonment and fines of 1,000 dirhams (approx. 100 €). Subsequently, the charges under Law 02/03 were declared non-contestable at the request of the lawyers who pointed out that Ceuta, according to Morocco, is an occupied city and therefore cannot be considered an external border.

After the arrests and the administrative procedures, dozens of buses left the region of Fnideq for other cities in the practice of internal deportations. 18 coaches carrying 941 people (400 Moroccan, 500 sub-Saharan and 41 Algerian) arrived in the city of Marrakech, Fkih Ben Salah, Kelaa Seghana, Youssoufia and Chichaoua. The deportations also involved women and numerous minors. About 200 people were transported to Beni Mellal, while about 150 migrants arrived at the Khouribga bus station, but according to the information gathered, the police were present at the station to prevent migrants from taking buses to return to Rabat or Casablanca. There were also reports of injuries among the displaced persons transported. Dozens are missing as a result of these events.

3.3 Observations and analysis

The cases of Melilla 2022 and Ceuta 2024 are emblematic in revealing the border policy implemented by Morocco. In both circumstances, hundreds or thousands of people managed to reach the border areas despite the massive presence of law enforcement officers in these areas and the authorities' response was violent and disproportionate and only took place near the physical barrier. Furthermore, in the case of Ceuta, this happened in front of journalists and representatives of human rights organisations, who then had a role in testifying what had happened. This dynamic suggests the existence of a precise demonstration strategy, aimed in particular at the Spanish authorities: in a dramatic way, the intention is to emphasise to European partners the consistency of migratory movements towards the European Union, and, at the same time, the ability of the Moroccan authorities to repress them at high costs, even endangering the life or personal freedom of the people. The political relations between Morocco and European countries are in

constant negotiation, in which irregular migration becomes for Morocco a political bargaining chip²⁹, used to obtain greater rights for its diaspora, or in foreign agricultural or fishing production agreements, or, furthermore, in political pressures regarding the Western Sahara.

The methods of detention and deportation observed in Morocco frequently evolve into situations of ‘forced disappearance’, characterised by the absence of legal protections and violations of fundamental rights. In fact, the family members of detainees are systematically deprived of information regarding the fate or whereabouts of their loved ones. In this section, based on the data collected during our field research, we illustrate the elements that configure the practices of deportation and detention of migrants as potential cases of forced disappearance.

Arrests and forced relocations. The research conducted highlights that, even in large cities, Sub-Saharan citizens are arrested and deported to the border areas on a daily basis. Formally, the stops are aimed at verifying the legal status of the persons, but they are in fact transformed into illegitimate arrests. The testimonies collected reveal that these operations are conducted by uniformed auxiliary forces or by people in civilian clothes who do not qualify as state agents, creating situations of legal uncertainty and placing those detained in a vulnerable position.

“They come towards you, they don’t have uniforms, they don’t have badges and they ask you for your documents. And you tell them, “Why are you asking me for that?” and they don’t even introduce themselves, they don’t show their badge. They say they are the police or something like that, and that they want your name and documents” (T., December 2024).

²⁹ Morocco’s cooperation with the EU and its member countries has been described as ‘strategically intermittent’, see Gross-Wyrtzen, Leslie and Gazzotti, Lorena (2021) Telling histories of the present: postcolonial perspectives on Morocco’s “radically new” migration policy, *The Journal of North African Studies*, 26 (5), pp. 827–843.

Being in possession of documents and showing them does not interrupt the detention, not even for those holding UNHCR certificates, which should guarantee residence and free movement in the territory. Testimonies collected confirm that even people with regular status are victims of such practices:

*“Even if you have a UNHCR document, they stop you, take your paper, then pass it to their colleague, who then gives it to the other.. **and the paper disappears.** After they’ve asked you for it! And they say you don’t have the documents, they grab you by force and send you away” (T., December 2024).*

“They look at your face and then at the photo of the UNHCR document and say ‘that’s not you, I can see it’s not you’. Even if the document is yours! Then they put your document in their pocket and arrest you as if you didn’t have it!” (N., Rabat, March 2024).

We have been told that during these stops, sub-Saharan citizens are threatened with arrest and deportation, often followed by an attempt to extort money in exchange for their release. The sums demanded vary from 100 to 200 MAD (about 10-20€), the equivalent of one, two or three days’ work.

*“I have often been stopped in the evening when returning home from work. They look in my pockets and take whatever they find. **If you resist, they beat you,** and you are alone, one against three” (D., Rabat, February 2024).*

Arrested persons are transferred to **informal facilities**³⁰, where they are held for an average of 2 hours, or directly to the police station, where they are held for up to 12 hours, to check the documents in their possession, to collect information and to take their fingerprints. The information gathered in the testimonies also emerges from a [report published by GADEM](#) that documents this operational procedure. The procedure is different for those who are stopped while trying to cross the border or in the adjacent areas, which mainly concerns sub-Saharan citizens but also Moroccans.

T. tells of an experience of deportation after being pushed back at the border in Ceuta: “(...) If you’re unlucky, they hit you. Otherwise they take you and put you in a place, in a sort of hut, which is in the open, in the cold. It’s fenced in, but it’s open, they put you there even if it’s raining. You feel the rain, you feel the wind, the cold... the forest is like that. They take your fingerprints and then they take you to the van. They don’t give you anything, just a loaf of bread the size of your palm and a piece of cheese to eat” (T., Tangiers, December 2024).

During detention and identification, **people are deprived of their money, phones and other personal belongings** and are loaded onto deportation buses. The confiscation of mobile phones deprives people of the means to communicate their situation or location to family, friends or support networks.

People arrested at the border often report serious injuries sustained during the crossing or during repatriation. B. tells us that he was intercepted by the Spanish police after falling at the Ceuta barrier, fracturing his arm, but was handed over to the Moroccan authorities who directly loaded him, albeit wounded, onto the truck

³⁰ From what we have observed, informal facilities are unofficial spaces where people are de facto held before being transferred to police stations or directly loaded onto buses for transfer. For detentions that take place on public transport, for example, there are rooms inside railway stations used for this purpose.

for transfer, without having received any kind of medical assistance (testimony of B., Casablanca, June 2024).

Forced transfers take place on buses that typically travel at night to cities in the centre-south of the country, up to hundreds of kilometres away. The people are then forced to get off near the outskirts of the cities in the early hours of the morning or late at night, thus making them invisible, without means of returning home and unable to ask for support.

These practices are accompanied by frequent and excessive use of force, as found in almost all the accounts, and they also affect minors and people in vulnerable conditions, despite the evidence of their condition. The absence of any formal procedure, the lack of identification of the agents, the confiscation of means of communication, the destruction of personal effects and any documentation in the possession of the intercepted persons, the condition of forced isolation create a consolidated and impenetrable system in which violence and violations of rights take place in the shadows, without any possibility of monitoring, intervention or effective remedy.

Detentions. The detention that follows arrest during crossing attempts occurs in flagrant contrast to and violation of the fundamental rights of detainees and prisoners. Starting from the fact that, for both Moroccan and sub-Saharan citizens, **no communication of the arrest and detention status is sent to family members.** This practice falls within a system for the search for missing persons in Morocco that is already structurally lacking: the procedure for searching for a missing person consists, at the police stations, of simply filling in a paper form with personal details and an indication of the place of disappearance. This complaint is not forwarded to any competent bodies nor is it followed up by any effective investigation by the authorities. Even if a missing person is in fact detained, it is not easy for the family to access this information, even from the police. We have also found that when detainees are transferred to another facility, the transfer is not communicated even to the defence lawyer, who has no way of accessing information regarding the place of transfer, and is therefore compromised in his defence activities.

Following the events in Ceuta in September 2024, many Moroccan families were looking for their relatives involved in the attempted assault, and, in the hope that they were in prison, they asked for information by going from time to time to the various prisons in the northern region of the country. In these circumstances, some Moroccan families try to enlist the support of local organisations, which however operate with extremely limited means and resources and with informal tools.

The situation is further aggravated by the fact that, inside prisons, **the possibility of making telephone calls is conditional on payment**, effectively preventing those in poverty - often also as a result of the seizure of their belongings - from informing their families about their situation. Sometimes, as we have seen in some cases, it is the defence lawyer who takes on the task of establishing contact with family members, a task that is particularly complex when dealing with sub-Saharan citizens. In these latter cases, there is the added difficulty of cooperating with diplomatic representatives: for example, following the massacre in Melilla, the Sudanese embassy showed very little cooperation with either the organisations or the families.

As for the arrest of sub-Saharan citizens, a further obstacle is the frequent erroneous registration of personal data, a phenomenon attributable both to administrative inefficiencies and to the tendency of the migrants themselves to provide false information for fear of repercussions on their migration project, including possible repatriation. This circumstance makes it extremely difficult for lawyers and family members to carry out searches, as they are unable to recognise their clients or relatives in the lists of detainees.

4. Human rights at a glance: border disappearances, detention and forced transfer of migrants in Morocco

The policies implemented by the Moroccan authorities, often in collaboration with or with the support of the authorities of other neighbouring countries and/or member

countries of the European Union, which have been examined in this report, result in serious violations of the human rights and fundamental freedoms of migrants.

Without claiming to be exhaustive, the following is a general overview of potential human rights violations, focussing on some profiles of particular interest that are useful for thinking about enforced disappearances in the context of migration.

Most relevant violations:

- a. Right to liberty and security of person and arbitrary detention of migrants
- b. Prohibition of collective transfers, expulsions or rejections and ‘devoluciones en caliente’ at land borders
- c. Prohibition of torture and inhuman and degrading treatment
- d. Right to life, arbitrary deprivation of life, duties of investigation and protection obligations
- e. Right to the truth

4.1 The right to liberty and security of person and arbitrary detention of migrants

The Universal Declaration of Human Rights establishes the right to life, liberty and security of person (art. 3) and also states that no one shall be subjected to arbitrary arrest, detention or exile (art. 9). These rights are also enshrined in the International Covenant on Civil and Political Rights, which also provides for procedural guarantees in the event of detention (art. 9). In any case, “Any individual deprived

of his liberty shall be treated with humanity and with respect for the inherent dignity of the human person” (art. 10).

At a regional level, the African Charter on Human and Peoples’ Rights (ACHPR) establishes that “every individual shall have the right to liberty and to the security of his person. No one should be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained” (art. 6). The Charter, which is a binding legal instrument and provides for both individual and collective rights, has not, however, been ratified by Morocco [in protest against the participation of the Sahrawi Arab Democratic Republic in this treaty](#). However, as of 31 January 2017, Morocco has joined the African Union.

In the specific context of migration, it is important to recall what the United Nations Human Rights Committee stated in its General Comment on Article 9 of the International Covention on Civil and Political Rights³¹, namely that Detention during immigration proceedings is not per se arbitrary, but detention must be justified as “reasonable, necessary and proportionate in the light of the circumstances and re-evaluated as it extends over time (...) Decisions regarding the detention of migrants must also take into account the effect of detention on their physical or mental health. (...) The inability of a State party to effect the expulsion of an individual owing to statelessness or other obstacles does not justify indefinite detention”.

The United Nations Working Group on Arbitrary Detention, which brings together independent experts who investigate cases of arbitrary arrest and/or detention, considers the deprivation of liberty to be arbitrary when migrants, refugees and asylum seekers are subjected to prolonged administrative detention without the possibility of administrative or judicial review or remedy. [Already in 2013, the Working Group, during a visit to Morocco](#), reported having received complaints

³¹ OHCHR General comment No. 35 on Article 9, Liberty and security of person, <https://www.ohchr.org/en/calls-for-input/general-comment-no-35-article-9-liberty-and-security-person>.

regarding mass arrests and violence in the context of raids and the detention of migrants and asylum seekers, particularly in the north of the country.

4.2 Prohibition of collective transfers, expulsions or rejections and ‘devoluciones en caliente’ at land borders

Collective [expulsions are prohibited by several human](#) rights treaties; similarly, similar conduct aimed at removing groups of foreign persons from the territory of the State, such as pushbacks or forced transfers, may result in the violation of the same provisions.

The African Charter on Human and Peoples’ Rights (ACHPR) expressly prohibits collective expulsions. In particular, Article 12 (5) of the ACHPR states that ‘the collective expulsion of aliens is prohibited’. Collective expulsion is that which affects national, racial, ethnic or religious groups globally’.

Morocco, which as mentioned is not among the signatories of the African Charter, has instead signed the 1951 Geneva Convention on the status of refugees, whose art. 33, establishes the principle of non-refoulement, which forbids the return of refugees to territories where their life or freedom would be threatened.

This principle is further reinforced by the United Nations Convention against Torture, which prohibits the transfer of people to countries where they risk being tortured.

Article 22, paragraph 1 of the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families, also ratified by Morocco, states the following: ‘Migrant workers and members of their families shall not be subjected to measures of collective expulsion. Each case of expulsion shall be examined and decided individually.’

In 2023, the United Nations [Committee on the Protection of the Rights of Migrant Workers and Members of Their Families, in recognising the progress made by Morocco](#) in protecting the rights of Moroccan citizens employed expressed concern

about reports that migrant workers of sub-Saharan origin had been subjected to discriminatory treatment, including arrest and expulsion to their countries, to other Moroccan cities or to the eastern border.

Equally relevant, in the case of collective refoulement of migrants carried out by the Moroccan authorities in collaboration with the authorities of a European country, and in particular in cases of refoulement at the border between Morocco and Spain, is Article 4 of Protocol No. 4 to the European Convention on Human Rights (ECHR). According to this provision, the concept of collective refoulement refers specifically to the act of expelling or turning away a group of people without an individual assessment of their personal circumstances and therefore, unlike the ACHPR, it is not linked to specific criteria.

However, the most recent jurisprudence of the ECHR regarding the violation of the prohibition of collective expulsions has had a negative development in a case of refoulement by the Spanish authorities.

In the case of *N.D and N.T. v. Spain*, in 2015, the ECHR was approached by a Malian citizen and an Ivorian citizen who complained of a violation of art. 4 prot. 4 ECHR in relation to the rejection ('devoluciones en caliente') suffered near the fences that delimit access to the enclave of Melilla from Moroccan territory. With the sentence handed down on 3 October 2017 in the case *N.D. N.T. v. Spain*, the ECHR recognised the violation by the Spanish authorities of Article 4 of Protocol No. 4 and Article 13 of the Convention in conjunction with Article 4 of Protocol No. 4 (right to an effective remedy). In 2020, the Grand Chamber, to which the case was referred at the instigation of the Spanish authorities, while recognising the summary nature of the expulsion, ruled out the illegality of this conduct by introducing an exemption from state liability linked to the so-called "[negligent conduct](#)" of the applicant. Secondly, the Court considered that the lack of an individualised procedure was a consequence of the behaviour of the applicants themselves.

Collective rejections of migrants often take place outside of legal procedures through conduct characterised by forms of deprivation of liberty without any form of control by the judicial authority, without any registration or notification of formal

measures, as we have seen, accompanying such conduct [with the destruction of documents, personal effects and mobile devices](#), thus preventing the persons from communicating with their families or from being traced and identified.

4.3 Violation of the prohibition of torture and inhuman and degrading treatment as a consequence of collective transfers and pushbacks and arbitrary detention

Torture, codified in the 1984 UN Convention, is defined as the intentional infliction of severe physical or mental suffering, characterised by a specific intent (extortion of confessions, punishment, intimidation or discrimination) and the systematic nature of the harmful action. Inhuman and degrading treatment, while not reaching the threshold of torture, must exceed a minimum level of severity assessed according to parameters such as duration, physical/mental effects and the vulnerability of the victim. It typically manifests itself through inadequate prison conditions, unjustified isolation, disproportionate restraint or lack of medical assistance.

The qualifying elements include the deliberate infliction of suffering, humiliation offensive to human dignity and the creation of a state of anxiety and inferiority. The minimum procedural guarantees include access to legal defence, the right to inform third parties and an independent medical examination.

Both constitute non-derogable violations of fundamental rights, as reaffirmed in General Recommendation No. 2 of the CPT.

Protection against such abuses is absolute and includes the prohibition of the use of extorted evidence, the obligation of effective investigation, the criminal responsibility of the perpetrators and the right to compensation for the victims, without the possibility of derogation even in emergency situations.

Article 1 of the aforementioned [Declaration on the Protection of All Persons from Enforced Disappearance](#) adopted by the United Nations General Assembly states

that “1. Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in the international instruments in this field. 2. Any act of forced disappearance places the persons who are subjected to it outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the norms of international law that guarantee, among other things, the right to recognition as a person before the law, the right to liberty and security of person, and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a serious threat to the right to life”.

As highlighted by [various international organisations](#) and as already described in the specific paragraph relating to cases of forced disappearances in the context of violent push-back operations, the dramatic push-back from Nador-Melilla on 24 June 2024 is an emblematic example that allows us to illustrate in concrete terms what is meant by violation of the prohibition of torture and inhuman treatment. In addition to the violence perpetrated that day, the climate of impunity that has arisen around this abuse is alarming. Years after the event, no official has been held accountable for their actions. Instead of using the judicial system to identify those responsible for the massacre, Morocco has used its courts to continue oppressing the survivors, sentencing dozens to detention for alleged violent acts and other crimes. The Spanish judiciary, on the contrary, found no evidence of violations and therefore closed the investigation. The case is currently the subject of an [inquiry](#) by the United Nations Working Group on Enforced Disappearances.

4.4 Right to life, arbitrary deprivation of life, duties of investigation and obligations of protection

The right to life and the right not to be arbitrarily deprived of life is a fundamental human right, protected by international and regional treaties, by customary international law and by the internal legal systems of all States; due to its absolute value, the right to life does not allow for exceptions, it must be protected without any discrimination and respected even during armed conflicts or other public emergencies, as enshrined in the following declarations and conventions: “Everyone has the right to life” (art. 3 Universal Declaration of Human Rights) and “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life” (Art. 6 par. 1 of the International Covenant on Civil and Political Rights); “The right to life of migrant workers and members of their families shall be protected by law” (Art. 9 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families).

The right to life must be recognised for every human being without discrimination and States must investigate all deaths thoroughly, independently and effectively. Failure to investigate is in itself a violation of the right to life.

The procedural obligations that derive from the duty to protect human life require States to make every possible effort to identify the deceased and allow families to know the place of burial.

In the report “[Unlawful death of refugees and migrants](#)” Agnes Callamard, Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions, highlighted how the duty to investigate is central to upholding the right to life and recalled the right of the relatives of deceased refugees and migrants to participate in the investigations into their deaths and to obtain information on the causes of death: they also have the right to fair and effective access to justice; to adequate, effective and timely compensation; and to recognition of their status

before the law'. Furthermore, "States have specific protection obligations, including the duty to act with due diligence to prevent arbitrary deprivations of life by private actors. (...) The duty to prevent encompasses all measures of a legal, political, administrative and cultural nature that guarantee the safeguarding of human rights, and [requires] that every possible violation of these rights be considered and treated as an illegal act, which, as such, may result in the punishment of the person committing it, as well as the obligation to compensate the victims for the harmful consequences. This duty is violated when States fail to act with due diligence, which requires an assessment of: (a) how much the State knew or should have known; (b) the risks or likelihood of harm; and (c) the seriousness of the harm.

Any act of forced disappearance can also constitute a serious violation of the right to life, not only in the event of the disappearance of the disappeared person but also in terms of a violation of the obligations of protection and prevention. Article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance provides that any individual who claims to be a victim of a violation of his or her rights protected by the Convention by a State Party may lodge an individual complaint with the Committee. Such a [complaint may](#) also be lodged to request protective measures to safeguard the life or integrity of the complainant, witnesses, relatives of the disappeared person, their defence counsel or any person participating in the search and investigation who may be placed at actual or potential risk.

4.5 Right to truth

"[Relatives of missing](#) persons, unaware of the fate and whereabouts of their loved ones, often hover between hope and despair, wondering and waiting, sometimes for years or even their entire lives, for news that may never arrive. The families of the disappeared, as well as the people and organisations that support them in their search for truth and justice, struggle daily as they navigate complex legal frameworks and institutional contexts. It is likely that stigmatisation, threats,

harassment or reprisals are used to discourage their research and investigative activities.”

The right to the truth or the right to know the truth is recognised as an individual and collective right both in the context of conflicts (art. 32 Additional Protocol I to the Geneva Conventions of 12 August 1949, relating to the protection of victims of international armed conflicts) and also in times of peace.

‘Each victim has the right to know the truth about the circumstances of the forced disappearance, the progress and results of the investigations and the fate of the disappeared person. Each State Party shall adopt appropriate measures to this end’ (Art. 24 of the International Convention for the Protection of All Persons from Enforced Disappearance).

‘The full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations’ and corresponds to the State’s duty to preserve memory ([Impunity: report of the Independent Expert to Update the Set of Principles to Combat Impunity, Diane Orentlicher](#)).

‘The right to the truth in relation to enforced disappearances implies the right to know the progress and results of an investigation, the fate or whereabouts of the disappeared persons, the circumstances of the disappearances and the identity of the perpetrators. The right to the truth in relation to enforced disappearances should be clearly distinguished from the right to information and in particular the right of relatives or other persons with a legitimate interest, their representatives or their legal counsel, to obtain information on a person deprived of liberty. (...) the right of relatives to know the truth about the fate and whereabouts of disappeared persons is an absolute right, not subject to any limitation or derogation’ ([Working Group on Enforced or Involuntary Disappearances, General Comment on the Right to the Truth in Relation to Enforced Disappearances](#)).

The right to the truth is also expressly codified in some regional instruments and national laws.

In Latin America, the adoption of the Inter-American [Convention on Forced Disappearance of Persons](#) and the work carried out by numerous national commissions on disappearances has led many States to adopt regulations that implicitly or explicitly recognise the right to the truth.

In Argentina, Law 26.548 of 2009 on the National Genetic Data Bank has been fundamental for the right to the truth in the cases of the children of the desaparecidos and for the identification and search for the children of the desaparecidos.

Article 78 of the Ecuadorian Constitution states: ‘Victims of crime shall enjoy special protection, shall be guaranteed not to be revictimised, particularly in the gathering and evaluation of evidence, and shall be protected from any threat or other form of intimidation. Mechanisms for comprehensive reparation should be provided, including, without delay, truth and full disclosure, restitution, compensation, rehabilitation, guarantees of non-repetition and satisfaction of the violated right. A system of protection and assistance for victims, witnesses and participants in the process should be established. In [Mexico, the right to the truth has constitutional status](#).

In the African context, Tunisia approved the Transitional Justice Act of 2013, which defines the fundamentals of transitional justice in Tunisia and refers to a regulatory framework that includes truth, criminal proceedings, reparations and institutional reforms. In Morocco there is no specific codification of the right to the truth, despite it was one of the recommendations of the Instance Équité et Réconciliation (IER), set up in 2004 by the Conseil Consultatif des Droits de L’Homme (CCDH) to investigate human rights violations that took place between 1956 and 1999, as well as cases of forced disappearances in prison under the regime of Hassan II (the ‘years of lead’). The victims of arbitrary detentions during the Years of Lead and their families have been recognised as having the right to compensation, but there are no provisions that make truth a national right.

Conclusions

The research presented in this report reveals a deeply concerning pattern of human rights violations occurring within Morocco's migration management system. Through field research conducted in 2024, the support of documentation available on the subject and the analysis of two emblematic cases - the Melilla massacre of June 2022 and the events in Ceuta in September 2024 - the report demonstrates how the Moroccan authorities systematically implement practices that constitute de facto enforced disappearances in the context of migration. We recall that enforced disappearance is an autonomous human rights violation characterised by three cumulative elements: deprivation of liberty, State involvement and concealment.

At the heart of these violations is a border control system that operates in a legal grey zone. The detention and forced transfer of migrants, especially those from sub-Saharan Africa, takes place without adequate legal procedures and documentation. This practice creates a situation in which individuals effectively disappear into an opaque system, with their whereabouts unknown to family members, legal representatives or support organisations.

Several key elements of enforced disappearance are evident in Morocco's treatment of migrants. First, there is the **arbitrary deprivation of liberty**. The research documents how migrants are regularly detained without formal arrest procedures, often **by unidentified agents or by those who do not present credentials**. This also occurs when migrants are in possession of valid documents, including UNHCR protection certificates. These detentions have no legal basis and no procedural guarantees.

Secondly, **the State systematically removes the means of communication and documentation**. The authorities routinely confiscate mobile phones, identity documents and personal belongings, making it impossible for detainees to contact their families or support networks, effectively creating the conditions for disappearance. There is also a widespread pattern of transferring detained migrants to remote locations, often hundreds of kilometres away. These transfers usually take

place at night, with migrants being left in unknown places without the resources to return or to contact support networks.

Research highlights significant gaps in recording and identification systems. When migrants are detained, their information is often inaccurately recorded or deliberately falsified, making it almost impossible for families or lawyers to locate them. The absence of comprehensive detention records creates a situation where people can effectively disappear within the system.

The cases of Melilla 2022 and Ceuta 2024 illustrate these patterns on a larger scale. In Melilla, the violent repression of an attempted border crossing resulted in at least 23 deaths and 77 injuries, with 70 people still missing more than two years later. Similarly, in Ceuta, thousands of migrants have been subjected to violent push-backs, arbitrary detentions and internal deportations, with dozens of people subsequently declared missing.

These practices violate multiple international human rights obligations, including the right to liberty and security of person, the prohibition of collective expulsions, the prohibition of torture and inhuman treatment, the right to life and the right to the truth. The externalisation of European border control has created incentives to support these practices. Morocco, which receives substantial funding from the European Union for immigration management, demonstrates its 'effectiveness' through violent demonstrations of border control, to the detriment of the fundamental rights of migrants and their lives.

Appendix 1³². List of direct testimonies on deportations and detentions³³

	NAME	AGE	COUNTRY OF ORIGIN	PLACE AND TIME INT.	AUTHOR
1	N.	30+	Guinea C	Rabat, Nov 2023	SOLR
2	D.	17	Guinea C	Rabat, Feb 2024	SOLR
3	DG.	33	Sierra Leone	Rabat, Oct 2024	SOLR
4	Th.	21	Guinea C	Tangeri, Dec 2024	SOLR
5	J.T.	27	Guinea C	Rabat, Apr 2024	SOLR
6	Tr.	28	Guinea C	Rabat, March 2024	SOLR
7	B.M.	24	Sudan	Oujda, Nov 2024	SOLR
8	M.	17	Guinea C	Oujda, Nov 2024	SOLR
9	J.	18	Sud Sudan	Oujda, Nov 2024	SOLR
10	Dj.	22	Guinea C	Casablanca, June 2024	SOLR
11	M.P.	24	Guinea C	Rabat, March 2024	SOLR
12	Ch.	31	Guinea C	Rabat, March 2024	SOLR
13	Th.	21	Guinea C	Rabat, March 2024	SOLR
14	Mo.	25	Sudan	Oujda, Nov 2024	SOLR
15	Mah.	30	Guinea C	Rabat, March 2024	SOLR
16	Lam.	26	Guinea C	Rabat, March 2024	SOLR
17	T.B.	24	Guinea C	Rabat, March 2024	SOLR
18	Di.	16	Cameroon	Oujda, Nov 2024	SOLR
19	S.	31	Cameroon	Tetouan, Nov 2024	SOLR - ASGI
20	B.	38	Sud Sudan	Casablanca, June 2024	SOLR

³² For security reasons, no details are given, not even general information, about the members of civil society who participated in the research.

³³ All the interviewees are men.