

BORDER VIOLENCE ON THE BALKAN ROUTE

PEOPLE TRYING TO REACH ASYLUM IN THE EU VIOLENTLY PUSHED FROM
CROATIA AND SLOVENIA TO SERBIA AND BOSNIA-HERZEGOVINA



MAY 2017 – DECEMBER 2018



INTRODUCTION

Thousands of people on the move are attempting to travel through the so-called Balkan route with hopes of reaching asylum in Europe. Since there is no legal and safe transit for them, they come to the EU's external borders to play the "game", a term they use to refer to irregular border crossing attempts. Instead of reaching safety, the vast majority are pushed back; they are denied access to the asylum procedures, often brutally attacked by EU border authorities and deported back to marginal and temporary living conditions in Serbia and Bosnia.

Since May 2017, the grassroots organization *No Name Kitchen*, together with *Rigardu*, *Balkan Info Van* and *SOS Velika Kladuša*, has been collecting testimonies from victims of illegal push-backs and abuses by EU authorities. Firstly, we started in Šid, a small town in Serbia near Croatia, which was an initial hot spot for people trying to reach sanctuary in Europe. Since June

2018, we have continued in Velika Kladuša, a border town in northwestern Bosnia and Herzegovina, which people have been using as an alternative pathway to Europe. These reports are being used by a network of organizations, such as *Are You Syrious?* and the Center for Peace Studies, for litigation, lobbying, and monitoring purposes.

While being present along the Balkan route, we have observed an increase in the deployment of police forces and violent practices, making legal and safe transit to Europe impossible. We have received consistent reports from men, women and children, of abuses that remain either uncovered or denied, leading to no prosecution of the perpetrators and continued border violence. We have compiled this document to expose the violent places, practices and victims of the EU's external borders.



Informal camp settlement in the Serbian border town of Šid, [Photo taken in July 2017, by Karolina Augustova]

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OUR STRATEGY

The organizations involved in collecting testimonies of push-backs and border violence in the region are staffed by independent volunteers and activists. Despite operating under different organizational structures, we have developed a standardized framework for recording and relaying the crimes occurring along the EU's external borders. Our methodology places the highest value on informed consent of victims, confidentiality and a sensitive portrayal of each individual case. We talk with people after they are pushed from Slovenia/Croatia to transit spaces, where we provide regular assistance.

We believe that victims of border violence should have the autonomy to share their experiences and our aim is to respect that narrative by giving respondents the

opportunity to tell their part within this story of borders. We use help of translators to receive reliable and accurate information from the people of various national, social, and economic backgrounds. We also cooperate with the medical staff of Médecins Sans Frontières, who often treat injuries of those pushed back and provide them medical documents, proving physical attacks by border patrols.

All of our reports are compiled and archived on www.borderviolence.eu. While the reports concern only one push-back, we stress that the people who shared their testimony with us are almost always the victims of more than one instance of abuse by EU authorities. Some have experienced the trauma of push-backs and border violence over 20 times.



The injured eye of a Syrian man which he attributed to an attack by the Croatian border police during his push-back from Croatia to Bosnia [Photo taken in Velika Kladuša, BiH, November 2018, by Jack Sapoch].

“PUSH-BACK”

The term push-back is a key component of the situation that unfolded at the EU borders (Hungary and Croatia) with Serbia in 2016, after the closure of the Balkan route. It now continues along the Croatian border with Bosnia and Herzegovina. Push-back describes the informal expulsion of those intending to seek asylum in EU territory without due process, in contrast to a deportation. Push-backs have become an important, if

They [Croatian police] caught us, broke our mobile, tortured us, and after 30 minutes deported us. They directly deported us. No police station, no procedure. The process was illegal.”

21-year-old man, Pakistan

unofficial, part of the migration regimes of EU countries.

Throughout the testimonies of push-backs, we have identified patterns consistent with the following acts: denial of access to asylum, indirect violence and humiliation, and direct physical violence. Beyond these acts, police have also been reported to deny the age given by a minor, falsify his/her age in official documents, and force people to sign documents written in a language they do not understand. While some isolated incidents occur without violent and inhumane practices, it can be summarized that pushbacks hold the hallmarks of structural and intentional violence.



A young Bangladeshi man, showing his injured eye after his push-back from the Croatian border back to Bosnia.

[Photo taken in Velika Kladuša, BiH, November 2018, by Jack Sapoch]

PUSH-BACKS IN NUMBERS

We have analyzed the testimonies of push-backs from EU soil to Serbia and Bosnia between May 2017 and December 2018. These cases represent only a small portion of the victims who we met and who felt able to share their trauma. Even so, they represent a harrowing reality which has been shielded from the public eye through the apathy and inaction of EU policymakers.

The numbers presented below are comprised of the painful stories of people who play border “games” – journeys spent walking through unmarked mountain

terrains, surviving without food and water for days, coping with harsh weather, cooperating with smugglers and negotiating live mine fields, with the hope of reaching asylum in the western or northern Europe. As the tables below indicate, the majority of those who talked to us after their push-back from EU territory were denied access to the asylum procedures. Around 40% of those pushed back to Serbia reported being attacked by border patrols, predominantly by Croatian police, and similar violence described around 84% people illegally deported to Bosnia.

REPORTED PUSH-BACKS FROM CROATIA TO SERBIA (MAY 2017 – MAY 2018)

Pushed-back	215*	100%
Denied access to asylum procedures	126	60%
Physically attacked	99	45%
Verbally threatened	32	15%
Deprivation of food or water	11	5%
Robbed	55	25%
Damaged private belongings	27	12%

REPORTED PUSH-BACKS FROM CROATIA TO BOSNIA (JUNE – DECEMBER 2018)

Pushed-back	141	100%
Denied access to asylum procedures	106	74%
Physically attacked	119	84%
Verbally threatened	95	67%
Robbed	107	75%
Damaged private belongings	48	34%

***Note:** each number presents one report, which includes the groups between 1 – 60 persons.

WHO ARE THE VICTIMS?

Individuals and groups trying to reach asylum in the EU are considered as irregular border crossers and are often treated as criminals due to the lack of legal transit to asylum. Those who are pushed back and abused at the borders consist of all nationalities travelling through the Balkan route: Afghan, Pakistani, Syrian, Rohingya, Iranian, Algerian, Nigerian, Palestinian, Yemeni or Cuban.

We have observed that the most typical victims are young men with dark skin, travelling without their families. Those physically attacked during push-backs have most typically been men expressing their wish to claim asylum in Croatia or Slovenia or trying to negotiate with police officers their rights. Simply by asking, people are deemed to be provoking or somehow aggravating the police officers.

Nonetheless, the victims of push-backs also consist of women, children and the elderly. Like single men, families have almost no options of applying for asylum from the external borders of the European Union. For families with small children, the border “games” are



Photo taken in Velika Kladuša, BiH, Summer 2018, by Karolina Augustova.



Photo taken in Velika Kladuša, BiH, November 2018, by Jack Sapoch.

particularly harsh as they often struggle to walk for days in mountain terrains. For this reason, families often rely on people smugglers, whom they pay thousands of euros to be transported by car from Croatia further into Europe. Families walk to prearranged points in remote locations in Croatia and Slovenia and wait to be picked up by a “taxi”. They often end up waiting for days with limited food and water, only to be discovered by border patrol agents and pushed back.

In several cases, children and women reported to us that they either had to observe violence perpetrated against their family members or were physically attacked themselves while border authorities were pushing them back from Croatia to Serbia or Bosnia.

“Police kept shouting at us to go fast [back to Bosnia]. I was holding in my arms my three years old daughter and they kept beating me while I was holding her, so I fall on the ground and my baby got injured her back. They also pushed my 9 years old daughter.”

Father of a family, Iran

THE PEPETRATORS

The persons committing push-backs and violence against people on the move are mainly Croatian police officers, collaborating with Slovenian and Serbian police. These perpetrators operate in groups consisting predominantly, but not exclusively, of male officers.

People describe being abused mainly by police in black or dark blue uniforms. A few report being attacked by men dressed plainly in civilian clothes. Often, those who have been expelled from Croatia to Bosnia report being pushed back and attacked by police units whom they refer to as “commandos”; officers dressed in black, wearing baclava masks.



A man from Bangladesh showing an injured lip, after his push-back from Croatia to Bosnia. [Photo taken in Velika Kladuša, BiH, September 2018, by Karolina Augustova].

Some have reported the involvement of local population in this system of control. Individuals describe witnessing Croatian and Slovenian officers pay locals bribes in exchange for acting as informants in the initial detection of people passing through the interior and border areas.

Of those who have been detained in Slovenian police stations, few have been provided with help from translators. Translators are often reported as having refused to translate their information accurately, leading to their exclusion from asylum procedures and accordingly push-backs. Others stated that a translator asked them to pay him money in exchange of helping them to proceed towards asylum procedures.

It is important to also consider the tacit support that EU institutions and authorities supply the Croatian state with in carrying out this violence. The EU supports violent border practices through the provision of technical equipment and training, available from the EU's Internal Security Funds. So far, it has supported 22 projects worth in total 18 million euros (1). In this way, member states allow Croatia to do the “dirty work” of border enforcement.

The Croatian Ministry of Interior has remained focused on denying or discrediting these allegations of violence. This standpoint has been echoed by structural EU actors. German Chancellor Angela Merkel has praised the Croatian border authorities for an “excellent and professional job of border protection” in line with EU standards (2).

“The worst thing is that they are insulting us, they start laughing and make jokes when they are starting to beat us...In this moment, you start to feel that you are not even human. You just try to escape, just to run and go and then they make you fall down again and start beating you. And this is the worst part, you just want to survive, and they make you fall down and start laughing and start beating more and more.”

30-year-old man, Syria

PUSH-BACK PRACTICES

DENIAL TO ASYLUM

Around 60% of people who we spoke to in Serbia, and 80% in Bosnia told us that they were denied the access to asylum procedures. When the respondents expressed their wish to apply for asylum in Croatia or Slovenia, police refused their requests without due process. Some groups described their requests being either ignored or shut down by words: “shut up”, “asylum is closed”, “no place for you here”. Many who have tried to articulate their asylum requests verbally

“We asked for asylum in Croatia, few times. But the police just kept telling us to be silent and quite.”

17-year-old boy, Pakistan

have been targeted disproportionately and silenced by verbal or physical attacks. Those in the custody of border police officers are forced to comply by remaining silent.



Phones brought back from the border [Photo taken by Adis Imimovic Pixi in Velika Kladuša, BiH, November 2018].

CONFISCATION AND DAMAGE OF PRIVATE BELONGINGS

In Serbia, the robbery and damage of private belongings took place only in a third of push-backs. In contrast, those pushed back to Bosnia reported that the Croatian border police regularly stole their money, ID cards, bags and power banks. Mobile phones, in particular, are common items of theft or destruction by Croatian authorities. Smashed smartphones are almost more common than working phones in transit camps along the Bosnian border. In the winter of 2018, the troubling trend of Croatian police burning the belongings of refugees and migrants began to emerge.

“They [Croatian police] took my money and stole everything and broke my phone. No money. From home, they sent us money, we bought new phones and power banks. But everything we bought, they stole and broke again.”

22-year-old man, Afghanistan

PHYSICAL VIOLENCE

Through interacting with individuals who have experienced push-backs, one can immediately notice the hallmarks of violence. Black eyes, sprained ankles, broken legs and arms, pepper spray burns, and footlong bruises from baton strikes all signify the extreme violence consistently practiced by border police during their push-backs. The most common violent practices have been carried out using batons, kicks, hits, punches, and in few cases electric cattle prods. Around 80% of people reported violent treatment during push-backs in Bosnia and 45% in Serbia.

“When I was on the ground, the policeman gave me electric shocks into my neck. I told him that I had heart problems. But he kept beating me. He stopped beating me when he seemed to be tired of it. I got up and wanted to put my shoes on. But he started beating me again, even when I was on Bosnian land.”

32-year-old man, Algeria



The wounds of a man after returning from the Croatian border [Photo taken by Pablo Herrerías Valls in Velika Kladuša, BiH; Summer 2018].

While some receive a few hits from batons while being told to run back to Bosnia, others experience extensive torture. People often describe that once they arrive at the border area, police open their van door and point torches into their eyes to make the people blind. Then, one by one, the officers take them outside and tell them to run through a forest where they have set up “traps”. Some describe ropes strung between trees intended to

make people trip over while others have reported water deliberately dumped on the road from barrels, designed to make individuals slip and fall. Once a person falls, officers physically attack the individual with batons, kicks and punches. Some attacks took several minutes, until the person suffered several injuries. Others have described being pushed back from a hill or into a river while being forced back to Bosnia.

DETENTION

People have also described further mistreatment through their confinement for hours as a means of punishment; being kept in cells during detention or driven to the borders in “combi”, which are effectively mobile isolation rooms with no windows, light and ventilation. These vehicles are fitted with a lone fan system that can pump hot air into the darkened passenger area. In a majority of cases, victims describe the nausea and vomiting brought on by motion sickness. Several have reported police officers using a pepper spray inside the back of the vans in which people were driven to the border.

“They put us in car with no windows and ventilation. We are 17 persons with the children, they put us into very small van, into a boot. They were driving very fast, like on purpose. Some started vomiting inside and children started crying. It was really awful. It was harder than the beating.”

32-year-old man, Palestine

THREATS AND INTIMIDATION

“At the border, there was just a steep hill full of trees and thorny plants. The police took a gun and put it into my head and shouted: “Go! Go! Go!” and I was so scared, I thought he was going to kill me.”

42-year-old woman, Iran

Around 15% of people being pushed back to Serbia and 72% to Bosnia described being subjected to discriminative messages and threats. The verbal insults often concerned their country of origin, race, or religion. Other verbal abuse has consisted of accusations of affiliations with smuggling or terrorism. Several have also reported being threatened with the use of firearms such as instances where authorities placed a gun against their heads or were shooting either into the air or around their body.

SEXUAL HARRASMENT

People have been also inappropriately body-searched. Particularly women reported they have been stripped naked and sexually harassed either while being detained by police officers or at the border areas before they were pushed back. Some women have reported that male officers touching their breast or genitals while searching their body. These incidents happened in front of the eyes of their children and husbands who could do nothing due to the lack of power they have against the police forces.

They [Croatian police] were touching my small daughter and my wife. They kept touching them and touching them. You know, they were touching me wife everywhere. I said to them: “Please, brother, don’t touch my wife and daughter, please, don’t touch them”. I kept asking them, “please, don’t touch them”. But they told me: “Shut up!” and kicked into my legs.”

29-year-old man, Iran

VIOLENT BORDER PLACES

Push-backs occur in a handful of semi-rural, secluded border locations in order to minimise the risk of witnesses. In Serbia, people reported being pushed back mainly by the Tovarnik train station and in forests nearby Batrovci, close to Šid (viz. map below). In Bosnia, people described violence and push-backs on offroads and forests close to the border areas surrounding Velika Kladuša, Šturlić and Bihać (viz. map below). These push-back points are most often close to streams or downward sloping hills, which serve as a natural tool of assistance for the police officers carrying out these actions. People are pushed into the streams or down the hills.

Violence has also been committed against people on the move at the place of their arrest, in vans, and inside of police stations.

“We were four persons in two containers [of a truck]. [Croatian] police stopped the containers at the border crossing between Serbia and Croatia and opened the doors. When the officers saw us, they got inside and started beating us by sticks [batons].”

17-year-old boy, Afghanistan

Looking at the times in which the most violent cases occur it is also evident that border police use the cover of night, delivering people to the border with Bosnia and Serbia frequently between the hours of 10 pm and 6 am. In the dark, the officers conducting these violent border practices can't be seen, decreasing the chances that their identities might become compromised.



PUSH-BACK AND THE LAW

While EU states have the right to protect their borders, targeted violence and illegal push-backs demonstrate a flagrant violation of international, European and national laws by the Croatian and Slovenian border authorities.

Pushing asylum seekers out of EU territory constitutes a violation of international asylum laws and human rights. According to the *non-refoulement* principle, EU states are obliged to assess the case of asylum seekers regardless of whether they are granted the status of a refugee* and thereby international protection (3).

Furthermore, according to the EU Directive on Asylum Procedures (2005/85/EC) all people on the move, including those recognised as 'irregular' migrants, are entitled to information about asylum, translation assistance, the ability to present their case to a competent authority, notification of the outcome, and the right to appeal a negative decision (4).

"From my experience, what I read in books, what I listen to in the news, when you catch someone inside some country without papers, just take him outside the border. Don't touch him, he is not an animal, he is a human like you. Why did 13 police beat me for ten minutes in the dark, in the night? It is not legal."

27-year-old man, Algeria

Finally, push-backs including violent practices by the EU border authorities are against the absolute prohibition of torture and inhumane or degrading treatment or punishment under Article 3 of the European Convention on Human Rights, and the prohibition of collective expulsion (5), which applies to all displaced persons, both irregular migrants and asylum seekers.



A man walking towards the makeshift Trnovi camp, after the first snowfall in November.
[Photo taken in Velika Kladuša, November 2018, by Angélica Sánchez-Martínez].

COSTS IN LIVES

The policy of closed borders does not discourage people from dangerous and irregular border crossings. Faced with a lack of safe, legal pathways towards asylum in Europe, the only way of escaping poor living conditions in transit and exercising the right to claim asylum in Europe is to engage in even more dangerous border crossing attempts. Violent border defence mechanisms only make refugee journeys more hazardous and lives, already scored with countless episodes of violence, that much more painful.

“I need to finish my dream and my future. I need to reach Europe. And if this is not finished, I finish my life. Maybe death, maybe walk.”

29-year-old man, Egypt

In some cases, border crossing “games” end deadly. It has been confirmed that a six-year-old girl from Afghanistan was hit by a train and died when she was travelling with her family after being pushed-back to Serbia in the night-time in November 2017. In September 2017, a young Algerian man lost his life in Serbia when accidentally touching an overhead cable, trying to hide in a train. Another life was lost in November 2018 when a man from Algeria died while trying to cross the Rupa river in Slovenia. These cases are far from the the only incidents of death along the Balkan Route.

“The water took a man who was with us. When we were caught by the Croatian police, we told them that this Syrian man died in the forest. They only said that this was not their problem but our problem.”

34-year-old man, Iraq

In 2015 and 2016, 27 migrant deaths were recorded along the Western Balkans route, where in comparison none were recorded in 2014 (6). Between January and August 2018, the UNHCR report that 26 people are known to have died while travelling through the Balkans (7).



A marker in Velika Kladuša erected in memorial of a man who died in transit somewhere between Croatia and Slovenia [Photo taken in Velika Kladuša by Luca Bonaventura].

Due to the marginal and clandestine corners of society that people on the move exist in, it is likely that most deaths along the Balkan route remain undetected or ignored by authorities. We have received several reports from returning to transit points after their push-backs describing that they saw a person dying while crossing rivers or mountain terrains. For example, a group from Iraq, who tried to reach Europe with two small children in October 2018, said that they saw a Syrian man drowned while trying to cross a river in Croatia.

CONCLUSIONS

Every night, more people are being attacked, robbed, humiliated, and pushed back to makeshift living conditions in Balkan transit zones. We are asking here, how many more children, women and men need to be stripped of their basic human rights, beaten, and denied their right to asylum?

The EU borders should be protected against potential threats and not against people who have been displaced from their homes due to violent conflicts, poverty, climate change, and repression. Seeing people returning injured from the border back to dismal living conditions along the Balkan Route on a daily basis forces us to ask: is it migrants we should fear? Or is it the weaponized EU border system that poses the biggest danger?

“Why the European Union does not take any action? Why are they allowing them to beat us? This is history that the whole world is witnessing. We are shocked why no one is taking action against the Croatian police who is taking our money, beating all of us; men, women, children and old people. They don’t care, they just beat and push back everyone because we are illegal people. This is illegal, and the European Union should take an action against the Croatian police.”

22-year-old, Pakistan

While concluding this report, we seek recognition of this systematic violence from EU authorities and call for their action to protect persons in need of safety in Europe. Denial of this border violence and continued apathy from EU policymakers results in a lack of legal punishment for the perpetrators. Further, it indirectly encourages the continuation of these practices. The inaction of member states can only be understood as condoning the violence of the EU’s external borders, making all of Europe complicit.

To protect the lives of people on the move transiting the Balkan route, we seek dignified and legal treatment of all potential asylum seekers who enter Croatia or approach official Croatian border crossings, where they must be granted the possibility to ask for asylum in the presence of independent monitoring bodies (NGO’s) and official translators for their language. After this, they should be transferred to reception centres for asylum seekers (e.g. Porin and Kutina) instead of being violently pushed back to Bosnia-Herzegovina or Serbia. The lack of legal and safe pathways to Europe only results in more clandestine border crossing “games”, violence, trauma and death along the Balkan route.

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* Refugee is only a person who proves to be persecuted in hers or his country of origin for reasons of race, religion, nationality, membership of a particular social group or political opinion, has the right to be granted the status of refugee (UNHCR, 1967).

