



Border Violence Monitoring Network

Annual Torture Report 2023



Adriatic Sea

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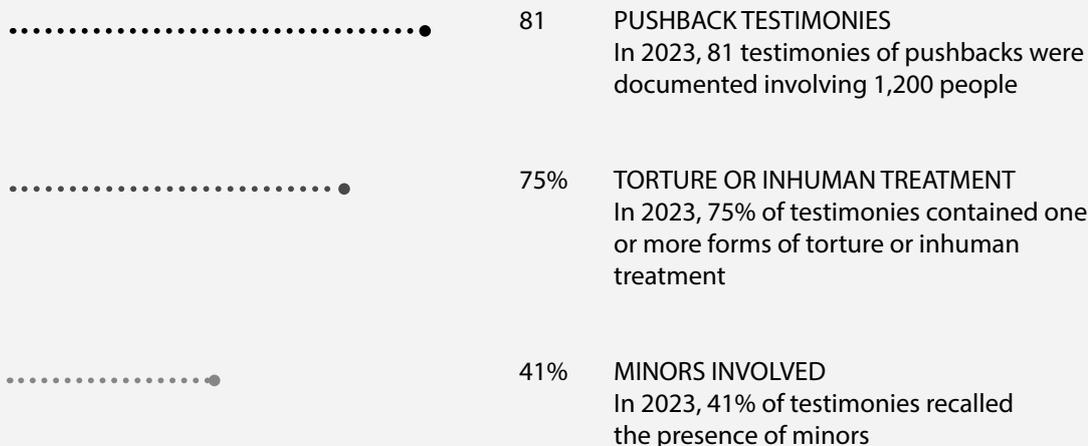
The Border Violence Monitoring Network (BVMN) is a coalition of NGOs and collectives that monitor and document illegal pushbacks and police violence along the European Union's (EU's) external borders. Since the formulation of the Network, our monitoring and documentation activities have increased and expanded to encompass the Western Balkans and Greece, as well as frequently documenting chain-pushbacks from Central European States, such as Italy and Slovenia.

The 2023 Annual Torture Report is the fifth consecutive annual report published by BVMN detailing the mass proliferation of torture and inhuman treatment during pushbacks at or within European borders. The evidence included within this report, in the form of summaries of pushback testimonies, are the amalgamation of the work and expertise of BVMN's field-based member organisation. As demonstrated in previous annual reports, extreme cruelty has become a hallmark of border management policies across the EU. This systematic use of extreme violence, cruelty, and torture by State officials is now seen as an informal State policy carried out with almost total impunity.

In 2023, BVMN's field-based member organisations gathered a total of 81 testimonies of pushbacks, documenting the ill-treatment and abuse of approximately 1,200 people. These accounts came from survivors who were pushed back from countries including Albania, Croatia, Bosnia and Herzegovina, Bulgaria, Greece, Hungary and North Macedonia. The testimonies collected in 2023 contribute to a larger body of evidence amassed since 2017, which includes over 1,761 pushbacks affecting 30,091 people.

BVMN's analysis shows that in 2023, 75% of all pushbacks involved at least one form of torture, inhuman, or degrading treatment. The high number of minors involved in these abuses is particularly concerning, with at least 41% of testimonies indicating the presence of at least one minor. Additionally, 35% of testimonies reveal that at least one woman was also present during the pushbacks.

OVERALL TORTURE STATISTICS



In 2023, BVMN observed significant policy changes and developments that drastically and negatively impacted the rights of people on the move transiting through or living in the Western Balkans and Greece. Key developments include:

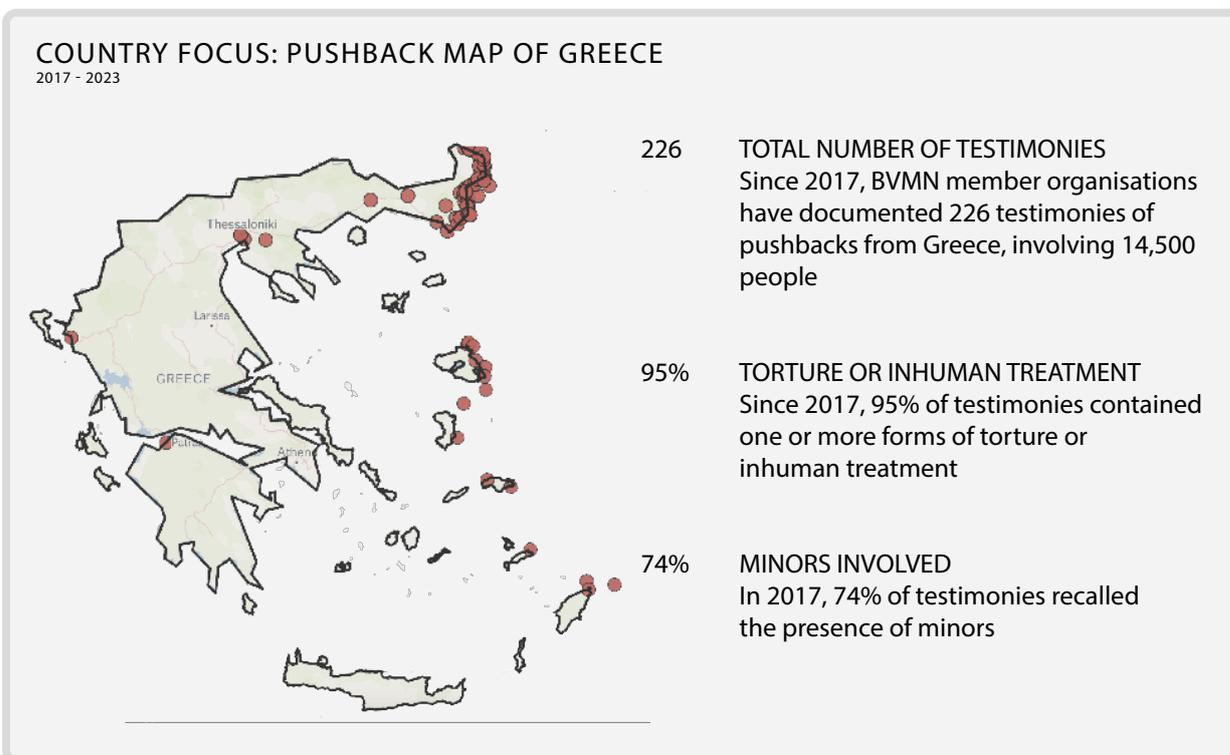
DEVELOPMENTS IN GREECE:

Greece: In 2023, Greece continued to advocate for increased fortification and externalisation policies. In February 2023¹, the Greek Prime Minister, along with the Prime Ministers of Austria, Denmark, Estonia, Lithuania, Malta, Latvia, and Slovakia, signed a letter to the European Council and the European Commission. This letter called for "significantly increasing swift returns of third-country nationals without legal stay in the EU" and "developing safe third country arrangements with relevant countries along the EU's external border and beyond."

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In March 2023, the Frontex Executive Director² announced that together with Greek Ministers, they had agreed on a plan to expand the agency's support for 'return-related activities'. As part of this dedicated action plan, Frontex publicised that it will provide Greece with reinforced operational and technical support for both voluntary and forced returns.

In June 2023, Greece experienced a devastating tragedy when an estimated 600 men, women, and children died after an overcrowded fishing boat, the *Adriana*, capsized in international waters off the town of Pylos, Greece. This shipwreck sparked global outrage, with reports revealing that the Hellenic Coast Guard had been alerted to the ship approximately 15 hours before it capsized. Observers³ criticised the Coast Guard for their actions and omissions, which they believe contributed to the shipwreck and the significant loss of life due to their failure to mobilise appropriate rescue resources.



1. Statewatch. (2023). 'Eight states appeal to European Council: more fortification, deportation, externalisation, and "strategic communication"'. Available at: <https://www.statewatch.org/news/2023/february/eight-states-appeal-to-european-council-more-fortification-deportation-externalisation-and-strategic-communication/>
2. Frontex. (2023). "Frontex Executive Director and Greek officials agree on cooperation on returns". Available at: <https://www.frontex.europa.eu/media-centre/news/news-release/frontex-executive-director-and-greek-officials-agree-on-cooperation-on-returns-iNUJcF3>
3. See; Solomon, Forensis, the New York Times, Der Spiegel, El Pais, Lighthouse Reports, and the Washington Post
4. ECRE. (2022). "Joint Statement: EU admits Croatia to Schengen Without Regard to Abuses at the Border". Available at: <https://shorturl.at/650gR>
5. EUAA. (n.d.). "4.2.6. Assessing transfers to specific countries". Available at: <https://euaa.europa.eu/asylum-report-2023/426-assessing-transfers-specific-countries>
6. Border Violence Monitoring Network. (2023). "19 Civil Society Organisations: "Days left" for EU legislators to save the right to asylum". Available at: <https://borderviolence.eu/reports/19-civil-society-organisations-days-left-for-eu-legislators-to-save-the-right-to-asylum/>

DEVELOPMENTS IN CROATIA

Croatia: In January 2023, Croatia became the 27th country to join Europe's Schengen Area, a move that eliminated border control between Croatia and other EU States such as Slovenia and Hungary to its north. Observers⁴ noted that the decision by the European Council to admit Croatia, despite systematic human rights abuses, including the use of pushback and torture, set "a bad precedent for future Schengen enlargements and for the EU's intention to enforce compliance with human rights standards inside the Schengen zone". Further to this, in September 2023, the Dutch Court⁵ issued a ruling that permitted the resumption of Dublin Returns to Croatia. Dublin Returns to Croatia were previously cancelled by the Dutch Council of State, noting that various sources and reports that showed "that there were serious indications that pushbacks did not only take place when third country nationals crossed the border illegally but the risk of pushbacks existed also for third country nationals who were readmitted by Croatia from other Member States."

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DEVELOPMENTS IN SERBIA

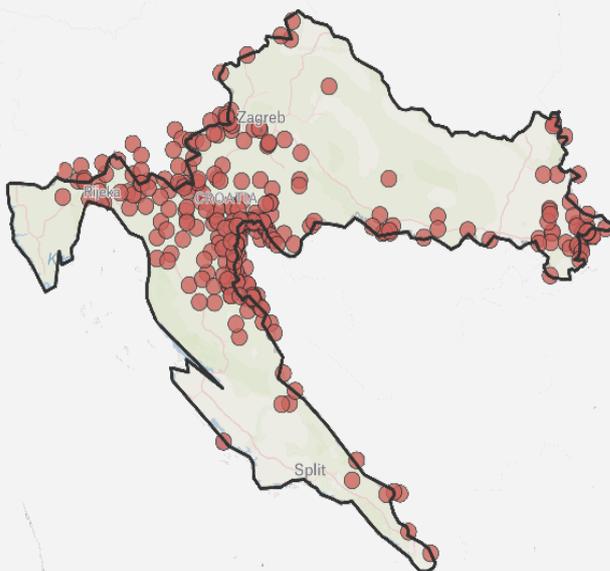
Serbia: On October 28th, the Serbian Minister of the Interior Bratislav Gašić, announced a sweeping military and policing campaign to fight against "organised crime and irregular migration". The so-called "special operation" involved police units from Serbia and Hungary, including the heavily armed Serbian Gendarmerie special military units and led to daily raids amongst the forested areas in Horgos, Northern Serbia. Photos published by the Serbian Interior Ministry showed the participation of armed men wearing balaclavas and camouflage uniforms, and heavily armed tank-like vehicles in the raids. As part of the so-called "special operation", reports also emerged of people being violently evicted from temporary living sites near the Serbian - Hungarian border and forcibly placed in official reception centres.

DEVELOPMENTS IN POLICY

EU Policy: In 2023, BVMN continued to express significant concern regarding the proposed New Pact on Migration and Asylum that was announced by the European Commission in 2020 as a way to "regulate, harmonise and coordinate Member States' management of irregular arrivals." Together with multiple other human rights monitoring and advocacy organisations, BVMN expressed concern⁶ with how the Pact, once implemented, would lead to an increased use of detention, the deepening of "externalisation" policies and the lowering of procedural safeguards.

COUNTRY FOCUS: PUSHBACK MAP OF CROATIA

2017 - 2023



1,029 TOTAL NUMBER OF TESTIMONIES
Since 2017, BVMN member organisations have documented 1,029 testimonies of pushbacks from Croatia were recorded, involving 11,481 people

89% TORTURE OR INHUMAN TREATMENT
Since 2017, 89% of testimonies contained one or more forms of torture or inhuman treatment

41% MINORS INVOLVED
Since 2017, 41% of testimonies recalled the presence of minors

DATA COLLECTION

The Border Violence Monitoring Network, through its field-based member organisations, document pushbacks and other attributed human rights violations enacted by State authorities against people on the move. The testimonies and data on pushbacks are collected by independent voluntary field experts using a standardised recording framework that recognises the importance of both hard data (timings, dates, locations, officer and vehicle descriptions, photos of injuries, medical reports, and other corroborating evidence) and qualitative narrative accounts of the pushback incidents.

BVMN's independent field experts are trained on how to conduct semi-structured interviews with respondents in precarious situations who are typically retelling highly traumatic events. The interview methodology has been designed to protect anonymity and avoid re-traumatisation. Suggestive or leading questions are avoided, with some questions rephrased through the interview to ensure a clear and substantiated narrative. Throughout the interview, questionable remarks or judgements by the respondent can be respectfully challenged and can lead to the report being discredited and not included in our database.

The implementation of a shared standardised recording framework across all locations and organisations within the Network, allow BVMN to identify patterns of physical, structural, and psychological violations, and to identify various locations and perpetrators involved within pushbacks.

DATA ANALYSIS

For this report, BVMN's extensive evidentiary database of pushback testimonies was systematically analysed to identify patterns of abuse and misconduct carried out across the country of focus. Once a pattern of abuse and misconduct was identified, a summary of incidents that highlighted the specific typology of violence was produced and analysed against existing domestic and international legal mechanisms to identify if a case for misconduct could be made. These summaries are included within this report.

EXCESSIVE AND DISPROPORTIONATE FORCE

As outlined by Nils Melzer, the UN Special Rapporteur on Torture⁷, pushbacks “routinely involve the threat or use of unnecessary, excessive, or otherwise arbitrary force”. The unnecessary, excessive, or otherwise arbitrary use of force by law enforcement is incompatible with the absolute prohibition of cruel, inhuman, or degrading treatment, especially where such force intentionally and purposefully inflicts pain or suffering on powerless individuals, who are unable to escape or resist⁸.

Furthermore, the use of force generally cannot be regarded as lawful, necessary or proportionate if it is used as a form of retaliation and humiliation⁹ or as a method to prevent persons from entering a State’s territory¹⁰. The use of force must always fulfil a “necessity” and proportionality requirement. If the use of force has not been made strictly necessary by the person’s conduct, it will be seen to diminish human dignity and is in principle an infringement upon the prohibition of torture¹¹. The obligation of State parties is both to refrain from the unnecessary use of force and to ensure effective investigation of allegations of ill-treatment and violence.

Testimonies collected by BVMN’s field-based organisations routinely depict police officers brutally attacking transit groups with police batons, improvised weapons such as tree branches or metal rods, or through kicks and punches. These attacks often involve multiple officers and are carried out over a prolonged period against individuals or groups who are already detained, handcuffed or compliant. The severity of violence carried out by State authorities against people on the move is supported by the continued impunity for perpetrators and the ongoing concealment of these crimes.

USE OF ELECTRIC DISCHARGE WEAPONS (EDW)

Electric Discharge Weapons (EDW) are a form of “less lethal weapons” designed to inflict pain or suffering as a means of repelling or otherwise coercing the targeted persons¹². The use of EDWs must adhere to the principles of necessity and proportionality, and in the view of the European Committee for the Prevention of Torture (CPT), should only be used in situations where there is a real and immediate threat to life or risk of serious injury¹³.

Recognising the evidence of EDWs being used to threaten, debase, or intentionally harm, the Committee for the Prevention of Torture has affirmed that, by their very nature, EDWs lend themselves to misuse¹⁴. To date, across multiple reporting locations, BVMN’s field-based member organisations have collected testimonies recalling police officers punitively using electric discharge weapons to intentionally inflict pain and suffering in situations where the victim is compliant, and on some occasions, already in handcuffs.

In situations where an EDW has been used, the CPT states a post-incident procedure should be initiated to review and report on its use. EDWs should be equipped with a memory chip that records the time, duration and intensity of any use, and CPT recommends that this data be stored and made accessible for review by the competent authorities.

7. United Nations Human Rights Council. (2018). Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A/HRC/37/50. Available at: https://www.ohchr.org/Documents/Issues/Torture/A_HRC_37_50_EN.pdf

8. Ibid.

9. Ibid.

10. Ibid.

11. See: Bouyid v. Belgium. App no. 23380/09 (ECHR 2015).

12. UN General Assembly. (2017). Extra-custodial use of Force and the Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A/72/178. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/223/15/PDF/N1722315.pdf?OpenElement>

FORCED UNDRRESSING AND GENDER-BASED VIOLENCE

Recognising the potential to create feelings of anguish and humiliation, the use of forced undressing has been viewed as a debasing policing tactic with the potential to be in direct violation of the principles of the prohibition of inhuman and degrading treatment and have been deemed a violation of ECHR Article 3¹⁵. Gender-based violence, including sexual harassment and assault, is carried out by officials as a means of asserting power and control. This violence is both a crime and a major human rights violation. While both men and women can be subjected to this violence, women and girls are more at risk because of the imbalance of power and socially constructed gender roles.

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Testimonies collected by BVMN's field-based member organisations have shown the systematic use of forced undressing and the theft or destruction of clothing during pushbacks. BVMN attests that forced undressing of individuals or minors in front of larger groups, and especially selective or punitive forced undressing for an extended period constitutes a cruel act with the intention to humiliate and intimidate victims, and thus amounts to torture or ill-treatment.

BVMN is additionally concerned with testimonies that depict police officers forcibly undressing and destroying the clothes of transit groups during adverse weather conditions, potentially endangering their physical health, and exposing them to the risk of hypothermia.

THREATS OR VIOLENCE WITH A FIREARM

The threat or use of excessive force with a firearm is prohibited under international law. According to the UN Special Rapporteur on Torture, any use of "an otherwise permissible weapon, irrespective of its lethal or less lethal design, in order to intentionally and purposefully inflict pain or suffering on a powerless person, always amounts to an aggravated form of cruel, inhuman or degrading treatment or punishment or even torture."¹⁶

Additionally, this treatment incorporates psychological harm since it has been established that Article 3 of the European Convention on Human Rights (ECHR) incorporates either physical or mental suffering. Hence, mock executions with a firearm or discharging a firearm directly at an individual should only be understood as a clear and sustained violation.

Testimonies collected by BVMN's field teams in 2022 have demonstrated that authorities have used firearms as a tool of violence or to threaten or invoke fear amongst people on the move during pushbacks. Similar to other typologies of violence, BVMN is concerned about the use of firearms in the presence of unaccompanied children or minors as evidenced in various testimonies. BVMN asserts that such use of firearms is a technique often used by authorities as a method of torture or inhumane treatment, which has caused physical and psychological harm to people on the move.

INHUMAN TREATMENT INSIDE A POLICE VEHICLE

Since 2017, BVMN has documented treatment inside police vehicles, including periods of detention and conditions during transportation, that we assert is in direct variance with international standards developed by the Council of Europe, the European Committee for the Prevention of Torture and the UN. In view of the Council of Europe¹⁷, "unacceptable conditions during transfers of prisoners may amount to inhuman or degrading treatment or punishment". This includes transport in extremely cramped conditions¹⁸, lack of heating,

13. CPT. (2010). 20th General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). CPT/Inf (2010) 28. Available at: <https://rm.coe.int/1680696a87#:~:text=In%20the%20report%2C%20the%20CPT,line%20with%20the%20Committee's%20standards.>
14. Ibid.
15. Valašinas v. Lithuania. App no.44558/98. (ECHR 2001).
16. UN General Assembly. (2017). Extra-custodial User of Force and the Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/72/178. Available at: <https://www.ohchr.org/en/documents/report-use-of-force>
17. Council of Europe. (2019). Parliamentary Assembly, Resolution 2266: Protecting Human Rights During Transfers of Prisoners. Available at: <https://pace.coe.int/pdf/5d053242f448b9748c80ffce2273423870aeebf03326667a8259ffe25682ae848428feba12/resolution%202266.pdf>

ventilation, and sufficient safety measures such as safety belts, which could be considered aggravating factors leading to breach of the ECHR.¹⁹

If persons are transported for long periods of time, the CPT states that “arrangements should be made to allow detainees to have access to sanitary facilities or to satisfy the needs of nature in conditions offering sufficient privacy, hygiene and dignity. When travelling by road, this implies the organisation of regular stops”.²⁰ BVMN have continually documented that people on the move are frequently denied water or access to sanitary facilities during transit or detention in police vehicles.

Testimonies collected by BVMN’s field-based members evidence the use of unofficial or improvised vehicles such as freezer trucks or vans to detain and transport people on the move, which constitutes a breach of international standards. Furthermore, an analysis of pushback testimonies evidence that during transportation in police vehicles, people on the move are subjected to extreme temperatures, overcrowded conditions and dangerous or reckless driving, a practice which BVMN attests is widespread and deliberate.

INHUMAN TREATMENT INSIDE A DETENTION FACILITY

International human rights standards mandate that detention facilities should be of an appropriate state of repair, cleanliness and be of a reasonable size for the number of people they are used to accommodate²¹. Furthermore, to ensure detainees are not subjected to inhuman conditions, detention facilities should have sufficient access to daylight, heating, ventilation, electricity, or water, as well as suitable bedding or clothing.²²

Whilst the direct conditions of detention facilities may amount to torture or inhuman treatment, the United Nations Special Rapporteur on Torture²³ has affirmed that detention itself can also amount to torture when it is based solely on migration status and “intentionally imposed or perpetuated for such purposes as deterring, intimidating or punishing irregular migrants”.

Across all years of reporting, BVMN’s field-based member organisations have documented evidence that clearly demonstrates how people on the move are being routinely subjected to detention during pushbacks, and how the treatment, conditions or purpose of detention may amount to inhuman treatment.

18. Council of Europe. (2019). Parliamentary Assembly, Resolution 2266: Protecting Human Rights During Transfers of Prisoners. Available at: <https://pace.coe.int/pdf/5d053242f448b9748c80ffce2273423870aefb03326667a8259ffe25682ae848428feba12/resolution%202266.pdf>

19. Vlasov v. Russia, App no. 78146/01. (ECHR 2008); Voicu v. Romania, Third Section, App no.22015/10, (ECHR, 2014)

20. See: <https://rm.coe.int/16808b631d> and in Greece: Visit 2013, § 150, Greece: Visit 2009, § 153, United Kingdom: Visit 2005 (November), § 23, Lithuania: Visit 2000, § 118

21. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. (2018). Training Manual on the Prohibition of Torture and Inhuman and Degrading Treatment and Punishment. Available at: <https://rm.coe.int/training-manual-prohibition-torture-eng/1680933627>

22. Modârcă v. Moldova [Fourth Section], § 63-69, App no. 14437/05, (ECHR 2007). Available at: <http://hudoc.echr.coe.int/eng?i=001-80535>

23. United Nations Human Rights Council. (2018). Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/37/50. Available at: https://www.ohchr.org/Documents/Issues/Torture/A_HRC_37_50_EN.pdf

EXCESSIVE AND DISPROPORTIONATE FORCE

In 2023, BVMN identified a clear and systemic trend of the use of excessive and disproportionate force perpetrated by State authorities towards people on the move during pushbacks, with 73% of testimonies recalling evidence of such ill-treatment. Violence used by State authorities is indiscriminate and sustained, and often at multiple points during the pushback, for instance at the initial apprehension, in detention and again upon arrival at the pushback location. Additionally, 37% of testimonies that reported cases of excessive violence and disproportionate force included the presence of women during pushbacks, and 42% reported minors being present.

The testimonies summarised in this section detail the use of kicking, punching, and beating with either batons or improvised weapons such as tree branches by State authorities, causing significant injuries to victims of pushbacks. 92% of the testimonies documenting excessive violence report that transit groups were subjected to being beaten by either a baton, hands or other improvised weapons including tree branches and the hilt of a gun. Other forms of violence include kicking, water submersion and the use of police dogs to either attack or debase.

The first testimony presented within this section, recorded by No Name Kitchen, summarises a pushback testimony in which the respondents recalled being attacked with such voracity, including by tree branches fashioned into improvised weapons, that they were left urinating blood for days after the attack. The second testimony, recorded by an anonymous BVMN partner, contains a detailed account of pushback in which the respondent was attacked with a wooden baton, strangled, forced into women's clothing and pushed back through a river.

INCIDENT A

In a testimony recorded by No Name Kitchen²⁴ on the 2nd April 2023, a group of six men (between 18 and 35 years old) were apprehended next to the Croatian village Trnovi and pushed back to Bosnia.

The respondents stated that after crossing the border and walking for 30 km in Croatian territory, five men and one woman wearing dark blue uniforms stopped the transit group at 10pm (near to Trnovi). One of the men wore night vision glasses. They had a white four-seater car (Toyota), with "Policija" written on it, which matches the description of either the Croatian border police or Croatian regular police. The respondents recalled seeing a drone flying next to the officers.

The respondents explained that they were trying to run away when one of the officers fired his gun in the air which made them stop running. The drone began to emit a very loud sound, and the men were forced to sit on the ground. The officers started kicking, punching and hitting the respondents with tree branches. They were beaten in their faces, their backs, and almost in every part of their bodies for 30 minutes. One member of the group was urinating blood for many days after this incident.

24. Border Violence Monitoring Network. (2023). "The officers were laughing and joking, singing along to the sound emitted by the drone while they were hitting them" reported by No Name Kitchen. Available at: <https://borderviolence.eu/testimonies/april-2-2023-between-hadzin-potok-and-durin-potok/>

The respondents explained that one of the officers tried to break their feet/ankles one by one. They explained that the officers were laughing and joking, singing along to the sounds emitted by the drone while they were hitting them. The members of the group explained that they were body checked and were forced to undress. Later, the officers would give them back only their underwear, or their underwear and pants. While the officers were body-checking them, they broke their phones, except the ones they liked, which they decided to keep. The officers also stole their money (330 euros) and their shoes. At one point, a member of the group asked for water, and instead, the officers poured a bottle of water over his head.

The respondents recalled that they were then forced to get into the back of the car. They were beaten one by one before getting into the vehicle and were then driven for what felt like 20 minutes. The officers drove extremely fast and stopped suddenly a few times, which caused the members of the group to fall on each other and against the walls of the car, injuring themselves. While doing this, the officers were laughing and making fun of them. The respondents reported that at 12am they arrived at the pushback location, which was in the forest close to the Bosnian border, somewhere in the area between Hadžin Potok and Đurin Potok.

At that point, they were forced to get out of the van one by one, and were beaten again by the officers, who punched and kicked them for one hour. The officers started shouting and insulting them in English, except for one who shouted at them in Greek. They also threw stones at them. The respondents were eventually able to run away from the officers, but still had to walk for 17 hours without their jackets and shoes, and it was only 2 . Eventually they reached Velika Kladuša, they slept there for a while as they were very tired, and then took a bus back to Bihać.

INCIDENT B

In a testimony recorded by an anonymous BVMN partner , the respondent, 35 years old, reported being alone when he was apprehended near a gas station in Orestiada, Greece, by a man and a woman he believed to be police officers on 17th September 2023. The two police officers were driving a blue and white car that the respondent recognised as a Greek police car. The respondent showed his passport to the police officers. The policewoman called two other men, identified as police officers in civil clothes. The two men arrived in a white van, which had no symbols or signs on it. The respondent was taken in the van which drove for 30 minutes to a police station, where they picked up another man. During this stop-over, the two men driving took the respondent's ring and phone.

After another hour of driving, the group was taken to a forest. The respondent described seeing a fence with barbed wire, separating the border between Greece and Turkey.

The two men who drove told them to "not make any move". The group were brought to six men in plain clothes and their faces covered by balaclavas. The respondent was instructed to look down, to avoid eye contact and was subjected to violence by the men in balaclavas.

The respondent described being beaten in the back with a wooden baton. Soon after, two or three other men tried to strangle him. While trying to guard his personal belongings, the respondent was repeatedly beaten on his arms and his leg, which became swollen and painful. The six men with balaclavas

25. Border Violence Monitoring Network. (2023). "As soon as I turned to jump, one [of the men wearing a balaclava] slapped me on the ear. Still now, I cannot hear 40% or more" reported by Anonymous Partner. Available at: <https://borderviolence.eu/testimonies/september-17-2023-at-the-land-border-between-greece-and-turkey-near-the-fence/>

body-searched the transit group, who were forced to undress and had their money, clothes, and shoes stolen. While they were body-searched, the group were slapped and shouted at in English “Where are you from? Where do you want to go? Why are you in this area? Where did you enter?”. The respondent reported that the violence lasted for at least one hour. After being beaten and robbed of their belongings and clothes, the group were forced to wear women’s clothes.

At this point, the six men with balaclavas tried to push the transit group back to Turkey by swimming in the river. However, the men with balaclavas noticed men in camouflage uniforms standing on the other side. The respondent suspected that the men were Turkish military officers responsible for guarding the border. The respondent assumed that the group of six men with balaclavas wanted to avoid being seen by the Turkish military so, instead of taking the transit group to the other side, they just pushed them into the river to swim to the other bank by themselves. The respondent was slapped in the ear by one of the men wearing a balaclava as he turned to jump.

The respondent felt significant pain in his ear, and due to this injury, almost lost consciousness and felt very dizzy while swimming in the river. The Turkish men in military clothing promptly arrested the transit group. The respondent recalled that he could not walk due to the injuries he sustained in his leg. He described being beaten and kicked on his injured leg by one of the Turkish men in military uniform. A few hours later, during the night, the transit group was transferred to a military vehicle and taken to the outskirts of the Turkish city Meriç.

CONCLUSION

People on the move are extremely vulnerable: often exhausted from their transit and unable to access legal or physical protection. Frequently stripped of their clothing, mobile phones and money before being exposed to excessive force for prolonged periods of time, the violence experienced by people on the move puts them in an even more vulnerable position. Often significant injuries are sustained from this violence and medical help is denied, meaning that there is an increased risk of long-term physical and psychological afflictions, as well as an increase to the risk of life of people on the move whilst they are being pushed back.

The two incidents described in this section exemplify the type of physical violence people on the move are subjected to by European State authorities. In both of these testimonies, it clearly highlights that humiliation is a prominent aspect of the excessive force that these two respondents were subject to: by state authorities laughing and joking whilst attempting to break bones of respondent A, to forcing respondent B to wear women’s clothes after being beaten and forced to undress. Both the use of force with the purpose of humiliation, as well as the severity and intensity of violence, has been seen to amount to a violation of ECHR Article 3²⁶, and thus testimonial evidence clearly shows how European authorities are acting outside of the parameters of international law. Furthermore, the ECHR requires States to not only refrain from unnecessary use of force but also mandates States to protect individuals from such use of force and to effectively investigate allegations of ill-treatment and violence.²⁷

26. *Cestaro v. Italy* [GC], § 170-190, App no. 6884/11, ECHR (2015). Available: <http://hudoc.echr.coe.int/eng?i=001-153901>; and *Bartesaghi Gallo and Others v. Italy*, § 114 and 117 Application nos. 12131/13 and 43390/13, ECHR (2017). Available (FR): <http://hudoc.echr.coe.int/eng?i=001-174443>

27. Council of Europe. (2014). *Effective Investigation of Ill-Treatment: Guidelines on European Standards*. Available at: <https://rm.coe.int/16806f11a3>

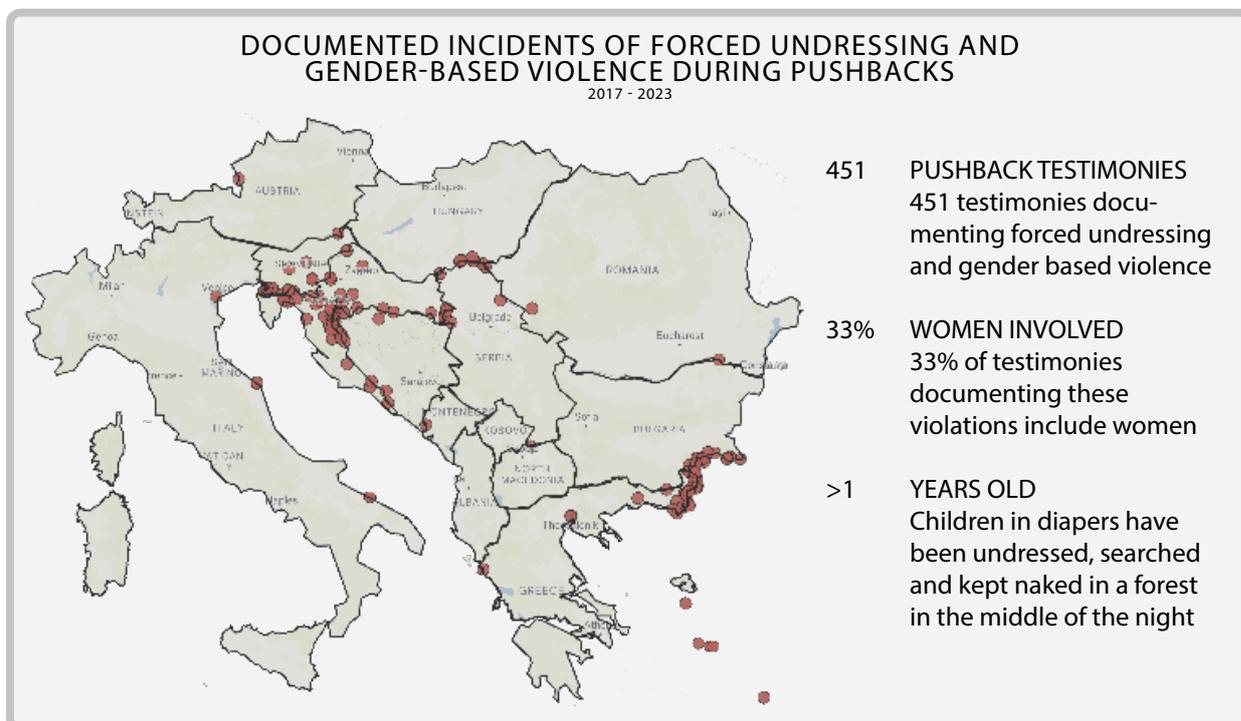
FORCED UNDRESSING AND GENDER-BASED VIOLENCE

BVMN’s field-based member organisations document the use of forced undressing and gender-based violence as a degrading, humiliating, and illegal practice used by border authorities against people on the move. 18% of pushback testimonies in 2023 included instances of forced undressing or sexual violence. A further examination of testimonies shows that in 2023, 46% of transit groups subjected to forced undressings by State authorities contained minors. It is important to note that sexual violence is a greatly underreported issue, and these testimonies likely represent just a fraction of the true number of people on the move being subjected to such violence.

Across many of these incidents, men, women, and children are stripped completely naked often in freezing temperatures or as part of a larger and excessively violent attack. In line with ECHR judgments in which the court recognised cases of forced undressing have left people “with feelings of anguish and inferiority capable of humiliating and debasing”, BVMN maintains that this inhuman practice reflects a policy of internationally inflicting humiliation and suffering and is incompatible with both domestic and international law.

Furthermore, BVMN echoes the concerns of the UN Special Rapporteurs who confirm that gender-based violence should be viewed through the “lens of torture and other forms of cruel, inhuman, or degrading treatment” to reflect the “full impact of this pervasive cruelty on women’s physical integrity, mental health, and human dignity.”²⁸

The two testimonies summarised below detail pushback survivors’ recounts of forced undressing, sexual harassment, and sexual assault. Testimony A, recorded by an anonymous BVMN partner, contains a detailed account of sexual violence during a pushback, including violence against pregnant women, by the Greek coastguard. This testimony includes details of two deaths during the pushback. In testimony B, recorded by No Name Kitchen, the two respondents report being forced to undress by Croatian border police, and how the female respondent was body-searched by a male officer.



INCIDENT A

In a testimony recorded by an anonymous BVMN partner²⁹, an 18 year old, reported that on the night of February 19th, 2023 at 10pm, he left Izmir in Turkey to travel to a town near the coast. He reached the city around midnight and then entered the water using a small boat. There were forty-seven people on the boat; around twenty men, seven children all under 3 years old, and around ten pregnant women. The journey was hard, as it was cold and raining and there were many waves.

Around 3am, the boat was close to the shore of Samos and it was possible to see cars on the island. The Greek coastguards shone lights at the boat and told them to go back to Turkey. A small speedboat with four male coastguards wearing a black/blue uniform and masks only showing their eyes came close to them.

The coastguards transferred the group onto the Hellenic Coast Guard vessel. There were approximately fifteen coastguards who shouted at them and took their money and phones.

“If you don’t give them money, they beat you.”

On the boat, they were forced to undress. The coastguards made him turn his back to the wall, one coast guard put his face and his hands on the wall and another coastguard took off all his clothes including his underwear. He explained that five coastguards took part in the strip search and everyone, except for the children, were forced to undress in front of the group. The coastguards put on gloves, asked the women to open their legs and put their fingers in the women’s vaginas in front of everyone. The coastguards also had sticks and sprays and beat them with the sticks. They also beat a pregnant woman on her stomach.

After the strip search, they had to hurry to form a line. The coastguards shouted to him to put his head down with his hands on his neck. They shouted at them that they had to go back to Turkey. The coastguards went between the lines and hit some of them on the back with sticks.

They were brought back close to Turkey. The coastguards put small boats near the big boat. All the people had to stand up and the coastguards pushed them into the rafts: “They push you into the raft, so it was hard to catch it.” The coastguard pushed two of his friends towards the raft, but they fell into the water, and it was impossible for them to swim and the coastguards didn’t rescue them. The respondent explained that two of his friends drowned.

The coastguards left them in the water on the raft near Turkey and left. It was early in the morning, it was dark and it was not possible to see where they were going. The waves eventually brought them to a beach on the Turkish coast and once they brought the boat to the beach, they went to look for the bodies of the two people who lost their lives but they couldn’t find them. The respondent adds, “The people who they are killing, they have family.”

INCIDENT B

In a testimony recorded by No Name Kitchen³⁰, on the night of April 9th 2023, a 20 year old woman and a 34 year old man were walking through a forest around the Velika Kladuša area on the border between Bosnia and Herzegovina and Croatia. It was around 2am when they were apprehended by four individuals that they described as wearing ‘dark blue uniforms’, a description that could match the uniforms usually worn by Croatian border

28. OHCHR. (2016). “Gender-based crimes through the lens of Torture International Women’s Day | OHCHR”. Available at: <https://www.ohchr.org/en/press-releases/2016/03/gender-based-crimes-through-lens-torture-international-womens-day-tuesday-8?LangID=E&NewsID=17152>
29. Border Violence Monitoring Network. (2023). “If you don’t give them money, they beat you” reported by Anonymous Partner. Available at: <https://borderviolence.eu/testimonies/february-20-2023-near-samos-shores/>
30. Border Violence Monitoring Network. (2023). “I wanted my phone and my medicaments back because of my brain cyst but the police smashed my phone and kept the medicines” reported by No Name Kitchen. Available at: <https://borderviolence.eu/testimonies/april-9-2023-maljevac-area/>

police officers. After seeing the woman and man, the four officers called their two other colleagues, who soon arrived on the scene with a car. The respondents recalled being loaded into the vehicle and driven for 15 minutes to a second place in the woods that they could not identify, where they stopped for 10 more minutes. There, a male officer body-searched the female respondent, while harassing her using language such as, "You're a sexy girl." When the officer found her phone, medication and money she was hiding in her underwear he started to beat her with a baton.

The officers then took away most of their clothes, leaving them in the cold night wearing only their t-shirt and pants. The woman asked the officers to have her phone back because she kept some important medical documents such as the results of ultrasounds and prescriptions related to a brain cyst she found out she had some months before. In response, the authorities smashed her phone and started beating her again with the same batons, this time specifically hitting her on her head.

After the beating, the officers then pushed the respondents away screaming "Go back to Bosnia!" They started to walk again and after waiting for some minutes in the woods, the respondents heard the car turning on and driving away, and decided to go back to the location where the violence occurred to check if the woman's phone was still there. When they arrived, they found an officer still there waiting for them, and he shot the gun in the air screaming again "Go back to Bosnia!". Eventually, after two hours walking in the woods, with no possibility of finding their way around, they arrived back to Velika Kladuša in Bosnia.

CONCLUSION

These testimonies illustrate the deliberate and inhuman practice of punitive forced undressing by State authorities to intimidate and humiliate people during pushbacks. Evidence collected by BVMN member organisations show how State authorities often carry out forced undressing in extreme temperatures, exposing people to the elements without any protection. In some instances, they take pictures of the group while they are stripped down to their underwear or even naked. Testimonies clearly show how officers use sexual violence and harassment as tools to exercise power and control.

The first testimony presented in this report highlights how gender-based violence, sexual assault, and attacks on pregnant women occur with complete impunity, in front of other officers, even in situations where State authorities should be conducting rescue operations. The second testimony demonstrates how the harassment of people on the move can be sexualized and racialized, showing that individual identities can place some at greater risk of violence and inhumane treatment as authorities seek to abuse and exploit.

THREATS OR VIOLENCE WITH A FIREARM

The use of firearms by State authorities to conduct mock executions, pistol-whips (delivering blunt-force blows to the face) or to shoot or fire directly at or near people, is a manifestation of a policy of extreme brutality and cruelty used by police and border officials against people on the move.

Such patterns of violence demonstrate a clear and sustained breach of international law and constitute a deliberate strategy to inflict physical and psychological harm on vulnerable individuals. The documentation of pushback testimonies by BVMN member organisations in 2023 highlights that in at least 17% of cases, threats or violence with a firearm were reported.

The European Court on Human Rights recognizes that Article 3 prohibits not only physical but also mental and emotional suffering. Mock executions and direct firearm discharges are unequivocal violations of this provision, causing intense mental anguish and fear. Furthermore, BVMN affirm that other recorded patterns such as firing into the air, shooting at individuals' feet, or holding people at gunpoint serve as tactics to instil terror and psychological suffering.

The testimonies summarised in this section were documented by two anonymous partners of BVMN. Incident A recounts the experience of a 26 year old who was shot in the leg by armed men wearing green camouflage army uniforms during a pushback from Greece. This testimony highlights the extreme level of violence used against people on the move in remote border areas. Incident B describes a group of people who were subjected to severe beatings, including being struck in the head with the butt of a firearm. This testimony shows how Croatian officers threatened to kill the respondent, stating that "Croatian territory is exclusively for Croats". This sentiment indicates deeply entrenched xenophobia within the law enforcement system.

INCIDENT A

The testimony, documented by an anonymous BVMN partner³¹ describes how the 26 year old respondent who was part of a transit group of eleven people including three male minors aged 11, 15 and 16, crossed the border by foot from Turkey into Greece on October 14th 2022.

Approximately six hours after crossing the border, between 10pm and 11pm, the group was approached by a white Nissan Qashqai with a blue stripe on it driven by two men in green camouflage army uniforms. The respondent described how the group had been walking on the side of National Road 53 when they noticed the vehicle approaching, and when they looked in its direction two shots were immediately fired at the group.

The respondent was shot in his right leg by one of two bullets fired from a pistol owned by one of the two uniformed men. "I heard two shots. The first one didn't touch anybody, the second one was in my leg." The respondent collapsed onto the ground screaming whilst the rest of the group ran away. He described how he was approached, put in handcuffs, and pulled over next

31 Border Violence Monitoring Network. (2023). "I heard two shots. The first one didn't touch anybody, the second one was in my leg." reported by Anonymous Partner. Available at: <https://borderviolence.eu/testimonies/january-18-2023-near-evros/>

to the Nissan. The men in uniforms then reportedly spent an hour making calls in an attempt, as the respondent described, to get rid of him and to relinquish any responsibility for what had happened. The respondent was searched, had his photo taken and all his belongings stolen. He had asked for his phone back to call for help but this was refused.

Approximately one hour later, ten men in blue uniforms arrived. The respondent explained that one of the men, presumed to be the boss as he spoke Greek and Turkish, asked him if he had broken his leg or been shot. "I told him I was shot so I broke my pyjamas under my pants and I showed him the spot where I was shot."

The respondent was then loaded into a Nissan Qashqai with the man in uniform that had shot him and the Turkish-speaking man in uniform, and driven for about 30 minutes along a paved road until they reached a remote mountainous area near the Bulgarian border where he was unloaded from the vehicle and abandoned.

Left abandoned in a remote mountainous area, the respondent used a charging cable he had and his pyjamas (under pants) to tie around his leg and stop the bleeding. At this point it was around midnight.

Despite being shot in the leg, the respondent explained how he walked through the night for 12 hours until at around 11am the following morning he reached a small village called Nea Santa and sought help from a woman and her father in their cafe. The woman's father spoke Turkish so the respondent told him what happened and they called the police. When the police arrived he was reportedly brought to Arriana police station where he gave a statement and then was immediately brought to Komotini hospital. The respondent stayed there for three days but stated that he was not satisfied with the treatment so he signed some papers given to him by the police and discharged himself. "The treatment was very bad and they didn't help me. After three days in the hospital they didn't do anything, they just cleaned my wounds a bit and stitched it. I didn't feel well. I felt that I needed more treatment or better treatment for my leg".

After leaving the hospital, the respondent got a taxi to Thessaloniki where he tried to claim asylum in the asylum office. At the asylum office "They told me "we are not taking any applications now, you have to come back in 20 days." When I went back in 20 days and reached out to them again they didn't respond and it was taking so much time so I just gave up."

The respondent then decided to travel to Athens to seek better medical support, where he self-funded surgery on his leg, which was unsuccessful both times. After 3 months of being in Greece he had no money, support or documents, so he decided to go back to Turkey. "I just wanted to be healthy and to fix my leg so I was very frustrated. That's why I needed to go to Turkey."

INCIDENT B:

A testimony, documented by an anonymous BVMN partner, recalls how on the night of the 13th November 2023 at 11pm, twelve people were pushed back from Croatia to Bosnia. The pushback occurred at the border near the Croatian city of Maljevac.

The respondent is a 28 year old man who crossed the border between Bosnia and Croatia with his transit group. As soon as they crossed the border, they

32 Border Violence Monitoring Network. (2023). "We suffered an hour and a half of continuous beatings and torture while we were drowning in our own blood." reported by Anonymous. Available at: <https://borderviolence.eu/testimonies/november-13-2023-maljevac-croatia/>

were arrested. The respondent identified that they were arrested by border police officers and explained that they also saw many other officers standing just beyond the border to observe.

The respondent explained that the officers had seen them with thermal binoculars, even before they crossed the border. The respondent claimed that they waited for them to cross the border and then trapped and surrounded them and blocked their way back to Bosnia.

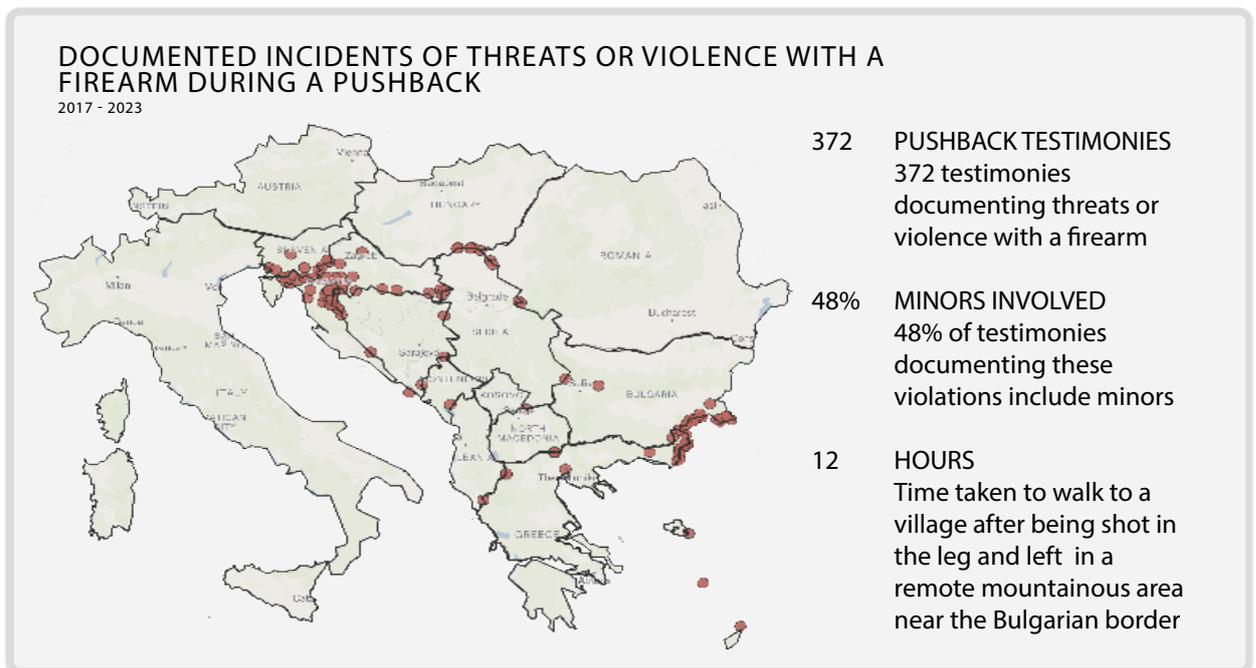
Describing the extreme levels of violence and abuse directed at them by the officers after being apprehended, the respondent explained: "We suffered an hour and a half of continuous beatings and torture while we were drowning in our own blood. Someone hit me several times on the head with a pistol grip. They also hit my friend in the mouth with a shoe and broke one or two of his teeth. I think they were drunk because they were hysterical and laughing."

The respondent also explained that the people who arrested and hit them were Croatian police officers because they told them that if they tried to go back to Croatia again they would kill them. They told the Moroccans that Croatia belongs to Croats and not to Moroccans, Afghans or Pakistanis. After beating the group, the officers pushed the twelve people back to Bosnia Herzegovina, across the border near the area of Maljevac.

CONCLUSION:

The pushback testimonies summarised above clearly demonstrate how firearms are being used by State authorities as a tool of violence and abuse which we affirm is a sustained breach of international law. The prevalence of threats or violence with firearms, as reported in at least 17% of documented pushback cases in 2023, underscores a deliberate strategy of intimidation and brutality employed by State authorities, often in conjunction with other typologies of torture and inhuman treatment.

These patterns of violence serve to instil terror and deter people from seeking safety and protection. BVMN recognises the significant need to ensure monitoring and oversight mechanisms to prevent further abuses and protect the rights of people on the move. We affirm that States must ensure appropriate post-incident procedures and trigger formal investigations any time there is a recorded firearm discharge, including through independent bodies such as Ombudsman's offices or National Preventive Mechanisms.



ELECTRIC DISCHARGE WEAPONS (EDWS)

The use of Electric Discharge Weapons (EDWs) in a punitive and abusive tactic that has been recorded across nearly all countries of reporting by BVMN member organisations. EDWs cause acute and potentially long-lasting pain through the infliction of electric shocks and burns. Since 2017, BVMN has recorded 74 cases detailing the disproportionate and unlawful use of EDWs.

The CPT states that less-lethal weapons like EDWs may avert the use of firearms and, therefore, prevent a “real and immediate threat to life or risk of serious injury”. However, the CPT also recognizes that EDWs are “open to abuse” by law enforcement officials and have to be used with regards to the principles of proportionality and necessity³³.

Evidence derived from pushback testimonies demonstrates the frequent misuse of EDWs. Instead of serving to prevent death or serious injury, EDWs are misused to inflict disproportionate violence and suffering against people on the move. EDWs extend and amplify the cruel, inhuman and degrading practices such as beatings, forced undressing, denial of food and water that are inherent to the widespread pushback practices.

The first testimony, documented by BVMN member organisation Collective Aid, demonstrates that EDWs insert themselves as part of a series of violent practices inflicted on the respondent during several pushbacks across the Turkish border. The second testimony, documented by No Name Kitchen, reports disproportionate use of force and violence inflicted through the use of EDWs on the respondent. Already handcuffed and subjected to beatings with an EDW, the respondent says: “The authorities treated us worse than how you would treat animals”.

INCIDENT A

In a testimony documented by Collective Aid³⁴, the respondent, aged 31 years old, reported that he made more than 23 attempts to cross the Turkish – Bulgarian border over a ten month period between September 2022 and June 2023. He described that the first time he was apprehended by the Bulgarian Border Police, in October 2022, he was subjected to electric shocks and pushed back to Turkey, where he reports to have undergone the same treatment with electric discharge weapons.

Over the following three months, the respondent was pushed back across the Turkish border many times. In December 2022, he was caught by the Bulgarian Border Police along with a group of twenty people. They were reportedly stripped of all of their clothes in harsh weather conditions, and the respondent described suffering from frostbite symptoms from the snow and ice in his extremities.

The first time the respondent was detained by Bulgarian border police, in January 2023, it was in a very small room that was not fit for detention, along with more one hundred other people. They were kept in the room for up to 12 hours. They were not given access to food or water during this time. The

33 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). (2010). Available at: <https://rm.coe.int/16806ccea1c>

34 Border Violence Monitoring Network. (2023). “My friends and I were attacked by the police dogs only for not giving the passcodes, in order for the police to take our phones.” reported by Collective Aid. Available at: <https://borderviolence.eu/testimonies/may-1-2023-between-topcular-turkey-and-fakiya-bulgaria/>

respondent stated that in almost all of the detentions and pushbacks, the groups were stripped of their phones and personal bags, along with “all the necessities of the trip” such as warm clothing and shoes. The police also took all of the group's documentation and official papers.

The respondent reported that when he and other people on the move were apprehended, it was always the first action of the Bulgarian Border Police to take all phones and money in their possession, and to deprive everyone of their passports and personal papers. The respondent further stated that after they had been searched at the scene and deprived of their personal belongings, they were not allowed to leave, but were returned to Turkish territory, often in military vehicles carrying more than fifty to sixty people. The respondent said these events occurred on almost every occasion he was apprehended during his more than 20 attempts to cross into Bulgaria.

In May 2023, during the respondent’s final unsuccessful attempt before he was able to enter Bulgaria, his group of ten to twenty people were caught and detained by the Bulgarian Border Police. The respondent described how they were beaten by Bulgarian Border Police using batons. The respondent and his friend showed their bruises and marks on their backs, arms and legs. They were stripped of their phones, and some of the group were asked for their phone passcodes. The respondent stated that when some individuals in the group refused to provide their phone passcodes, the Bulgarian Border Police encouraged and allowed their police dogs to attack them. The respondent stated that once the codes were supplied, the police would change the language to Bulgarian, wipe the phones, and keep them for themselves.

INCIDENT B:

In a testimony, documented by No Name Kitchen³⁵, the respondents, two 17 year old minors, were part of a transit group consisting of six people that tried to cross the Bosnian-Croatian border. On the 25th of March 2023 around 10pm, after crossing a big river next to a church around Gradiska, Bosnia, the group heard someone shouting “Don’t move or we will light fire on you!”.

At that point, the respondents reported that ten people that they identified as border police officers, stopped them, handcuffed the group members, and started hitting them using a weapon described as “electric batons”. The respondents described the violence saying: “The authorities treated us worse than how you would treat animals”.

Right afterwards, the respondent stated that the officers took their phones and 500 euros from each person of the group and threw their clothes into the river. The two minors reported that the authorities brought them to a place that looked like “a prison” inside a police station, where they were forced to stay for a few days with almost no food and water.

“They gave us slices of bread just to survive.”

At the detention site, there were around fifty people. The respondents reported that ten people were crammed in each cell, which was described as being cold and dirty. The respondents further recalled that outside the police station there was a big tent with more than twenty people inside.

Two days later, on the 27th of March at about 8pm the officers drove them to another place that was described by the respondents as a big, old and extremely cold warehouse. “We thought we were going to die because it was

35 Border Violence Monitoring Network. (2023). “The authorities treated us worse than how you would treat animals” reported by No Name Kitchen. Available at: <https://borderviolence.eu/testimonies/march-28-2023-gradiska-area/>

so cold and we had nothing to cover ourselves.”

Upon their arrival, they were given what they identified as a readmission paper to sign, written in Croatian. They stated that hundreds of people were detained there and that they were all hungry and thirsty. One day and one night later, the authorities came again with two buses announcing they would have brought them to Italy or to Slovenia.

“We were very happy, finally we had hope to go to Italy but then we realised they were driving us back to the border.”

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CONCLUSION:

The examples of pushback testimonies highlighted above unequivocally illustrate the rampant misuse of electric discharge weapons by State authorities as part of a broader pattern of violence against people on the move. Evidence collected by BVMN member organisations shows that the use of EDWs is embedded in the typologies of violence routinely inflicted by State officials during pushbacks, and thus BVMN attests that this is a widespread and systematic practice occurring in conjunction with other human rights abuses. The testimonies reveal how EDWs are not used to avert threats but rather to inflict unnecessary pain, contributing to a systematic practice of cruel, inhuman, and degrading treatment. This misuse highlights a significant violation of human rights, as these actions clearly contravene the principles of proportionality and necessity emphasised by the CPT. Furthermore, the intentional infliction of pain and suffering using EDWs constitutes a form of torture as outlined within the ECHR.

BVMN urges the immediate implementation of monitoring and oversight mechanisms to prevent further abuse, including the establishment of robust post-incident procedures. This should ensure that the device's memory chip or recording mechanism is regularly checked for weapon use and independently scrutinised for misuse.

INHUMAN TREATMENT INSIDE A POLICE VEHICLE

Vehicles often play an important role in carrying out a pushback. They are used to drive people back into the border zone or across a border or to and from a detention location. From the testimony database, we can infer that most pushback incidents involved vehicles. More than a means of transportation, vehicles are also sites where people on the move are subjected to violence and degrading treatment. This can involve overcrowding, reckless driving causing physical harm as well as deliberate violence. Sometimes, people are also held in vehicles for several hours and prohibited to leave, while being denied food, water and access to toilets.

The testimonies presented within this section were recorded by Collective Aid, an anonymous partner of BVMN and No Name Kitchen. The first testimony recounts a pushback from Hungary to Serbia where a group of people was subjected to forced undressing, overcrowding in a vehicle, and beatings. The second details a similar incident in Croatia where individuals were confined in a van for 48 hours without provisions and subjected to violence. The third testimony describes the experiences of a family separated during a pushback, with the father and daughter experiencing confinement and mistreatment in a police vehicle.

INCIDENT A

In a testimony, documented by No Name Kitchen³⁶, a man and his group of 10 people were pushed back from Hungary to Serbia on the 22nd of March. At around 2 am, the group was found in the forest by 2 men, dressed in blue navy uniforms with the Hungarian patch on the arm. After being apprehended, the group was forced to walk for 30 minutes to a place where 3 white vans with blue stripes – identified as Hungarian police cars – were waiting for them.

At that location, the respondent saw 3 young men in uniforms and one woman in uniform, identified as well as Hungarian police officers. The officers forced the group to undress and to stay kneeling, partially naked and facing the ground in the forest for hours.

The officers turned the lights of the cars on to shine at the group, and then people in uniforms took pictures of the members of the transit group, while they were facing the ground and wearing only their underwear.

Then the group was forced to get into one of the vans. Inside the van there were already at least 15 people. The group tried to explain to the officers that it was impossible to fit all inside the vehicle, due to the amount of people inside. But after this request, the officers started to beat members of the transit group and push them harder inside the van.

Eventually, they were all shoved inside and there were 25 people inside the same vehicle. When someone tried to get out of the van, the people in uniforms punched and beat them even more. In the car, there were also two

36 Border Violence Monitoring Network. (2023). "The woman in uniform had no mercy, she was beating the kids and forced them to stay in the car" reported by No Name Kitchen. Available at: <https://borderviolence.eu/testimonies/march-22-2023-near-kelebia-hungary/>

women and 3 kids, and one of them was a baby, aged just 3 or 4 months old. They were so tightly packed in the van that one of the kids was stuck under the weight of other people.

The officers hit them a lot and the female officer was beating them with her baton and kicking the women and the kids, forcing them to stay in the car. "She had no mercy."

The group asked many times for water, but they were denied and did not get any. The group stayed in the car until 12pm of the day later (at least 10 hours from the time of apprehension), before eventually being pushed back in the area of Kelebia (Hungary).

INCIDENT B

The testimony documented by BVMN's Anonymous Partner³⁷ recalls how the respondent, a 21 years old man who was travelling with another 2 people, was pushed back from Croatia to Bosnia and Herzegovina on Wednesday 22nd of November, around 4 pm.

Individuals wearing uniforms, who looked like police officers, found the three of them at the train station and then took the group to the police station, where they were asked about their origin, passports, and ages. At that point, one of the people in the transit group made them aware that he was a minor and under the age of 18. The group was then placed in a white van with a blue stripe that had the word 'Police' written on it. The authorities kept them confined in the van for 48 hours without provisions (including no food or water), with the intention to coerce the underage person into altering his testimony and falsely claiming to be over 18. In the van, the officers also started to beat them with a baton. Police officers rotated in shifts. In the end, the authorities confiscated their money and phones.

Following this, the group was pushed back at the border, forced to cross back to Bosnia and Herzegovina.

INCIDENT C

The testimony documented by Collective Aid³⁸ describes how a father and his older daughter experienced a pushback from Hungary to Serbia between 6 -7pm on the 24th of April 2023, while the mother and the younger child were prevented from crossing.

They were travelling in a group of 6 other men who tried to cross the border near the city of Subotica, Serbia. When getting to the border fence, the family was separated as the father and the older daughter managed to climb over the fence, while the mother and the younger daughter were behind them and unable to cross before being apprehended by 3 people in uniforms, who they identified as Serbian police officers. The police officers used pepper spray against the mother, as well as against the 8 years old daughter. When the pepper spray was used on her, she went to the ground and couldn't see anymore. She was very scared for her daughter to faint and lose consciousness when they used pepper spray on her. She could hear the police officers laugh at them when being on the ground and unable to see. After a while, the officers let them go and, together with the group, she went back to their unofficial living site, not knowing the whereabouts of her husband and her other daughter.

37 Border Violence Monitoring Network. (2023). "The officers kept them in the van for 48 hours without supplies, with the intention to force the minor to falsely declare himself as an adult" reported by Anonymous Partner. Available at: <https://borderviolence.eu/testimonies/november-22-2023-vrhovine-croatia/>

38 Border Violence Monitoring Network. (2023). "They used pepper spray on our 8 years old daughter" reported by Collective Aid. Available at: <https://borderviolence.eu/testimonies/april-24-2023-in-the-forest-close-to-subotica-serbia/>

Shortly after the father and the older daughter crossed the border into Hungary, they were apprehended by 4 men in uniforms in two vehicles. The men in uniform were Hungarian police officers, but some of them were wearing ski masks. The father and his 9 years old daughter were forced to walk for approximately 2.5km alongside the police cars. After this, they were made to enter one of the cars and were driven back to the border with Serbia. During the car ride, he was not allowed to call his wife or make any calls, even though the daughter was crying badly for her mother. The father was also denied permission to get water out of his own bag to give to his daughter to drink for the entire time they were walking and in the car.

CONCLUSION:

The testimonies in this section vividly illustrate the widespread and systematic inhumane treatment that people on the move endure inside police vehicles during pushbacks. These vehicles, instead of merely serving as a means of transportation, become sites of severe abuse and deprivation. The incidents described highlight how individuals are subjected to extreme overcrowding, denied basic necessities such as food, water, and access to toilets, and physically abused for prolonged periods.

As evidenced by the testimonies collected by BVMN's field-based members, the use of police vehicles is a deliberate strategy of violence and intimidation by state authorities. This practice not only contravenes international human rights standards but also exacerbates the vulnerability and suffering of people on the move. The systematic use of police vehicles as tools of inhumane treatment demonstrates how states are acting in direct violation of key international legal standards. These standards affirm that transportation in extremely cramped conditions, lack of heating, ventilation, and sufficient safety measures, such as safety belts, are aggravating factors leading to breaches of the ECHR.

INHUMAN TREATMENT INSIDE A DETENTION FACILITY

The UN General Assembly Resolution 74/143³⁹ emphasises that conditions of detention must respect the dignity and human rights of persons deprived of their liberty and calls upon States to address and prevent detention conditions amounting to torture or other cruel, inhuman or degrading treatment or punishment.

In 2023, 30% of testimonies recorded by BVMN member organisations found people on the move had experienced conditions amounting to torture or inhuman treatment during detention. Such testimonies document pushback survivors' experience of violence at the hands of State officers, being denied access to basic necessities such as food, water, sanitary facilities, and medical care, and overcrowded conditions.

BVMN has reported people on the move have been held in both formal and informal or incommunicado detention spaces with inadequate facilities, such as abandoned buildings and garage spaces. BVMN affirms the use of informal detention of people on the move is a violation of core and fundamental rights standards, and additionally used by authorities to conceal these violations and evade accountability. The use of arbitrary detention is a breach of international law under Article 3 of the ECHR.

In addition, BVMN through its member organisations, have documented evidence of the destruction or refused access of mobile phones, the denial of any contact with lawyers, NGOs or other protection mechanisms as a means of authorities taking steps to conceal these violations.

The testimonies summarised in this section detail accounts of inhuman or degrading treatment during detention, including denial of food, water, sanitary facilities and translators. Testimony A, recorded by an anonymous BVMN partner, recounts being moved between four different locations, including both formal and informal detention sites in Greece before being pushed back to Turkey. Testimony B, also reported by an anonymous partner, details an account of extended detention after the respondent claimed asylum in Idomeni, close to the Greek - North Macedonian border.

INCIDENT A

The following testimony was recorded by a BVMN Anonymous Partner⁴⁰. Between 5am and 6am on the 6th April 2023, the respondent, aged 25, was part of a transit group consisting of another were apprehended by police officers upon their arrival at the KTEL Macedonia bus station in Thessaloniki. The transit group did not have relevant documents and were subsequently told to leave the bus and were body searched.

The transit group were taken into a grey car without any writing nor signs on it to be driven to a nearby police station. There were four officers working in the station, with only two wearing jackets and jeans. They were brought into a cell with only one bed. They were not given any food or water. The respondent notes that the transit group asked for asylum and for camps, but the officers had told them to "be quiet".

39 UN General Assembly. (2019). Resolution adopted by the General Assembly on 18 December 2019. Available at: <https://documents.un.org/doc/undoc/gen/n19/426/90/pdf/n1942690.pdf?token=YlaNoPulxoKwph2FCw&fe=true>

40 Border Violence Monitoring Network. (2023). "They used pepper spray on our 8 years old daughter" reported by Anonymous Partner. Available at: <https://borderviolence.eu/testimonies/april-6-2023-near-ipsala-turkey/>

They were detained for three hours before they were transferred to another police station by two police officers wearing blue jackets who were “driving very fast” for around one hour. The respondent described “police” sign marked on the police station. There were police officers wearing blue uniforms that “searched everything”, and had instructed the group to “take off all of our clothes”. The respondent described the experience as “disrespectful” as there was a lack of prior explanation before the police officers touched them. They were then taken to a cell with three other people, including a man and a woman, without access to food and water. The respondent explained they could not access the toilet without asking for permission and the toilet was described as “really dirty”.

After they were detained for an hour, they and two others were taken into a van described as having “a cage in the back and only small windows on the side”. At 12pm, they arrived at a large and unmarked building that was outside of the city. The respondent described the building “does not seem like an army place or a police station” and resembled a “big garage”. There were uniformed police officers at the entrance, while others wore civil clothing. The respondent recalled the officers were very aggressive and violent, one had “slapped him directly without any reason”. The respondent described they were detained in “cage-like” cells, with around twenty people, including children and women. They were not provided any food or water nor translation services.

After four hours, the transit group and eight other people were instructed to get into the van that had no windows and was overcrowded with a total of thirty people. After around 40 minutes of driving, the respondent described they reached a building that resembled an empty garage. There were people wearing vests and uniforms similar to the army, but the respondent was unable to confirm whether they were police or army officers. According to the respondent, there was one woman who body-searched the women and the rest of the group were searched by men. The respondent reported that they were told to take their jackets and shoes off and were later pushed back without these. They were detained there for one hour before they were transferred to the river to be pushed back to Turkey.

The transit group had been detained in four different locations in Greece before they were pushed back to Turkey.

INCIDENT B

The following testimony was recorded by a BVMN Anonymous Partner⁴¹. On 27th July, the 24 year old respondent, together with a transit group consisting of two men were arrested at 8pm by North Macedonian police officers, and were then taken to a police station located close to the border to Greece.

At the police station, they were subjected to violence by the same police officer and a man in civil clothing, who was referred to as the “big boss”. The police officers shouted and beat the group throughout the night in order to collect their personal data. The respondent was beaten and slapped by the “big boss”, who had also shouted to him, “how did you come to North Macedonia?” and “who is the smuggler?”. The respondent told him they were only three people and there was no smuggler.

After the police officers gathered the personal information of the transit group, the group were taken by the police officers into a van with no seats. The respondent recalled they were driven to a refugee camp near Idomeni,

41 Border Violence Monitoring Network. (2023). “You cannot come here; you cannot come to this country. Find another way.” reported by Anonymous Partner. Available at: <https://borderviolence.eu/testimonies/july-28-2023-gevgelija-north-macedonia/>

which was located near a train station and a river. They had their fingerprints and pictures taken at the refugee camp without any explanation of the reasons for this.

On 28th July at 6am, they were pushed back from North Macedonia to Greece. After the pushback, they continued walking until they reached a police station in Polykastro. They approached the police officers there as they did not have a place to go and no money or food to eat. The police officers arrested and handcuffed the group, and were immediately transferred to the Idomeni police station in a blue van with Greek speaking police officers carrying batons.

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The respondent described they were not provided with food once they arrived at the Idomeni police station as they arrived outside the normal food distribution hours. They slept for two days, and then met with an English speaking police officer, to whom the respondent said they were informed about the possibility of claiming asylum. The respondent asked to claim asylum on July 31st. On the same day, the respondent had a 2 hour interview with an English woman in presence of a translator.

The respondent and the group were detained at the Idomeni police station for twenty-six days without the possibility to go out during the duration of their detention. The respondent described the conditions of the police station as very dirty and "smelly", and was "not a good place to stay". The respondent explained that he and other detainees had to sign a document twice a day to receive food. The document was in Greek, which he does not understand. They were not informed on the duration of their detention nor provided any legal or psychological support. After they were detained for twenty-six days, the respondent was asked to sign a paper in the Greek language, in which his request for a translation was denied.

After the respondent signed the paper, he and the group were transferred to the Metagogon police station and were detained there for one month and a half before they were released.

CONCLUSION:

These testimonies highlight the use of detention as a systemic practice by authorities intrinsically linked to pushbacks. The use of inhuman treatment in detention has been documented by BVMN to take place across numerous countries sharing external borders to Europe, and is not standalone nor a unique practice conducted by one State. The aforementioned examples demonstrate how authorities have subjected people on the move to abuse and violence in formal and detention spaces, and the repeated use of arbitrary and incommunicado detention to conceal human rights violations taking place in these spaces.

The examples evidence the use of repeated transfers to different detention spaces and prolonged duration of detention, which BVMN maintains dehumanises and violates the rights of people on the move from seeking international protection. In a report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, concern is expressed with regard to detention which is deliberately indefinite with the aim to maximise uncertainty, unpredictability and frustration, such as to prompt affected migrants to withdraw their requests for asylum.

Across the testimonies collected by BVMN, children and minors have been

42 Human Rights Council. (2018). Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Torture/A_HRC_37_50_EN.pdf

detained and deprived of their liberty through exposure to inhuman treatment on denial of access to basic necessities, which under Article 37 of the Convention on the Rights of the Child, may constitute a breach. BVMN recognises the need to hold states accountable for these practices which are in direct contravention to international legal frameworks.

This report details the mass proliferation of torture and inhuman treatment at or within the borders of European States documented in testimonies of pushbacks recorded by BVMN member organisations in 2023. This report has analysed six thematic areas of border violence that amount to extreme cruelty, inhuman and degrading treatment against people on the move, which are in direct violation of Article 3 of the ECHR. This includes forced undressing and gender-based violence, threats or violence with a firearm, the use of electric discharge weapons (EDWs), excessive and disproportionate force, inhuman treatment inside a detention facility, and inhuman treatment inside a police vehicle.

The testimonies included in this report are just thirteen examples of inhuman and degrading treatment recorded by BVMN in the last year, and therefore presents a snapshot of the extreme cruelty and violence practised by European State authorities against people in the move during pushbacks. BVMN's field-based member organisations have gathered a total of 81 testimonies of pushbacks in 2023, which contributes to a broader body of evidence collated by BVMN since 2017, of border violence affecting approximately 30,091 people. We assert that pushbacks are so widespread and systematic they represent an informal border management policy carried out by State officials, characterised by extreme violence, cruelty and torture. Additionally, routine violence against people on the move occurring at or within European State borders is predicated upon xenophobia, islamophobia and racism.

OVERVIEW AND RECOMMENDATIONS

In this report, we have outlined the systematic and widespread human rights abuses amounting to inhuman, degrading treatment and torture against migrants in transit during pushbacks at EU external borders, presenting a clear violation of Article 3 of the ECHR⁴³. BVMN has observed the use of forced undressing and assert that this practice frequently occurs in conjunction with sexual harassment, intimidation and violence fundamentally aimed at leading to the suffering and humiliation of people on the move.

BVMN furthermore identifies the prevalence of threats or violence with fire-arms, and recognises the urgency to ensure monitoring and oversight mechanisms to prevent further violations and recommend that formal investigations are carried out by independent bodies. In addition, the intentional misuse of electric discharge weapons by State officers has been documented by BVMN as part of accounts of sustained violence during pushbacks, frequently being used on transit groups who had already been handcuffed and apprehended.

In the overwhelming majority of pushback reports collected by BVMN, excessive and disproportionate force perpetrated by State officials is evidenced. BVMN therefore asserts that violence against people on the move carried out most frequently by police officers is endemic across the EU's external borders. We wish to highlight that the ECHR requires States to not only refrain from unnecessary use of force but also mandates States to protect individuals

43 Cestaro v. Italy [GC], § 170-190, App no. 6884/11, ECHR (2015). Available: <http://hudoc.echr.coe.int/eng?i=001-153901>; and Bartesaghi Gallo and Others v. Italy, § 114 and 117 Application nos. 12131/13 and 43390/13, ECHR (2017). Available (FR): <http://hudoc.echr.coe.int/eng?i=001-174443>

from such use of force and to effectively investigate allegations of ill-treatment and violence⁴⁴. Transitory countries of the Western Balkans migratory route have failed to investigate, and ultimately attempt to conceal these human rights violations.

Finally, inhuman treatment during transit in police vehicles and inside detention facilities is prevalent in pushback testimonies documented by BVMN. The Committee on the Prevention of Torture (CPT) have consistently described the extremely poor material conditions of detention in police, border guard stations or places of informal detention, and have been critical of the unsafe and appalling conditions in which detained foreign nationals have been transported during pushbacks, such as being crammed into the back of police vans and denied food, water or access to the toilet for prolonged time periods⁴⁵.

Internal Violence

BVMN acknowledges that border violence in Europe extends beyond pushbacks, and is prevalent within transit States' borders. It is not only practices of pushbacks violating the principle of non-refoulement that constitute border violence, but, as evidenced in recent reports by BVMN, also include violence in detention, evictions, and violent apprehensions while trying to cross a border.

A report published by BVMN in 2023⁴⁶ details inhuman and degrading treatment in the form of excessive and disproportionate force against people on the move and conditions in detention facilities upon arrival to Greek islands. The report identifies strip and full-body searches and verbal abuse, including racism, by State officers used purposefully to humiliate and intimidate people on the move, contributing to an everyday landscape of violence in Greece. As in the case of inhuman treatment in detention facilities during pushbacks, BVMN reports the poor conditions and sanitation in Greek pre-removal detention centres and closed control access centres. Additionally, the lack of access to food and water and the denial of medical care is prominent in detention sites across Greece. This demonstrates the permeance of violence in the daily lives of asylum seekers and people on the move transiting through the country.

Field teams in Serbia collected testimonies⁴⁷ in the first half of 2023 that detailed incidents of violence against people on the move transiting through Serbia at the hands of Serbian and Frontex officers, including German, Austrian and Italian. It was reported to field teams that officers would destroy personal belongings such as mobile phones and slash or burn tents and stoves in informal settlements. This would frequently occur alongside an eviction, where people are threatened with violence or beaten whilst being forcibly transported to State-run camps by police. Furthermore, it was reported that Frontex officers would visit informal settlements with the sole purpose of beating and stealing money off people on the move.

Internal violence is prevalent across States in the Western Balkans, as further evidenced by a BVMN report published in 2023 on violence within Bosnia and Herzegovina⁴⁸. This reports the destruction of living sites during evictions. BVMN asserts that this represents a tactic of externalising the border in such a way that attempts to block people-on-the-move from moving around freely, and taking away their autonomy to stay in temporary settlements close to the border instead of camps where they are surveilled and isolated from support networks.

44 Council of Europe. (2014). Effective Investigation of Ill-Treatment: Guidelines on European Standards. Available at: <https://rm.coe.int/16806f11a3>

45 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. (2022). 32nd General Report of the CPT. Available at: <https://rm.coe.int/1680aabe2b>

46 Border Violence Monitoring Network. (2023). Violence Within State Borders. Available at: <https://borderviolence.eu/app/uploads/Violence-Within-State-Borders-Greece-1.pdf>

47 Border Violence Monitoring Network, Collective Aid, Medical Volunteers International. (2023). Final Testimonies. Available at: <https://borderviolence.eu/app/uploads/Final-Testimonies.docx.pdf>

48 Border Violence Monitoring Network. (2023). Violence within the State Border: Bosnia-Herzegovina. Available at: <https://borderviolence.eu/app/uploads/Bosnia-Report.pdf>

Therefore, BVMN asserts that inhuman and degrading treatment against migrants in transit occurs in the daily lives of people on the move transiting through States in the Western Balkans and Greece. We have evidenced that border violence extends beyond the physical border and is embedded into the everyday infrastructure of the lives of people on the move.





Adriatic Sea