



Border Violence Monitoring Network

ILLEGAL PUSH-BACKS AND BORDER VIOLENCE REPORTS



**BALKAN REGION
FEBRUARY 2022**



EXECUTIVE SUMMARY

In February, the Border Violence Monitoring Network (BVMN) shared 32 testimonies of pushbacks impacting 364 people-on-the-move across the Balkans. This report brings together first-hand testimony from a range of countries in the region to look at the way European Union states and other actors are affecting systemic violence towards people crossing borders. In the first section, the report analyses emerging trends in border violence, ranging from violent pushbacks from North Macedonia and Bulgaria, to changes in tactics employed by Croatian authorities over the last month. At the Croatian-Bosnian border, BVMN member project NNK observes how people were repeatedly and arbitrarily pushed back far away from the place where they were apprehended.

In updates on the situation across BVMN's field bases, the report focuses first on a visit of MEPs from the European Parliament to the Western Balkans, and a recent court verdict in Austria condemning the pushback of an unaccompanied minor. Regarding developments in Serbia, large scale police raids and forcible relocations in Northern Serbia, as well as attacks on solidarity structures are highlighted.

February was a difficult month in Greece, with 19 bodies discovered near the Turkish border town of Ipsala—likely victims of another pushback perpetrated by Greek authorities at the border. On Samos, a self-organised Committee of individuals from the countries on the Horn of Africa wrote a letter to the European Commission, expressing multiple concerns regarding their situation and future—particularly with regards to new admissibility interviews and conditions in the camp. The Greek Council For Refugees issued a statement on the unlawfully ongoing detention in the Samos Closed Controlled Access Center (CCAC).

On a brighter note, in early February a new campaign against pushbacks and border violence was launched in Greece, kicking off with three days of action across at least six cities. This campaign, while local in scope, also draws connections to transnational mobilizations around the topics of pushbacks and deaths at EU borders.

The report concludes with updates from solidarians in Trieste, and an update on the ongoing war in Ukraine, highlighting the systemic racism against people of color fleeing the conflict.

**BVMN is a network of watchdog organisations active in Greece and the Western Balkans including No Name Kitchen, Rigardu, AreYouSyrious, MobileInfoTeam, Push-back Alarm Austria Josoor, InfoKolpa, Centre for Peace Studies, BlindSpots, Mare Liberum, Collective Aid, and Fresh Response.*



**Border Violence
Monitoring Network**

FEBRUARY
REPORT

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GENERAL

REPORTING NETWORK

BVMN is a collaborative project between multiple grassroots organisations and NGOs working along the Western Balkan Route and Greece, documenting violations at borders directed towards people-on-the-move. The members have a common website database, used as a platform to collate testimonies of illegal pushbacks which are gathered through interviews.

TERMINOLOGY

The term *pushback* is a key component of the situation that unfolded along the EU borders (Hungary and Croatia) with Serbia in 2016, after the closure of the Balkan route. Push-back describes the informal expulsion (without due process) of an individual or group to another country. This lies in contrast to the term “deportation”, which is conducted in a legal framework. Push-backs have become an important, if unofficial, part of the migration regime of EU countries and elsewhere.

METHODOLOGY

The methodological process for these interviews leverages the close social contact that we have as independent volunteers with refugees and migrants to monitor pushbacks at multiple borders. When individuals return with significant injuries or stories of abuse, one of our violence reporting volunteers will sit down with them to collect their testimony. Although the testimony collection itself is typically with a group no larger than five persons, the pushback groups which they represent can be as large as 50 persons. We have a standardised framework for our interview structure which blends the collection of hard data (dates, geo-locations, officer descriptions, photos of injuries/medical reports, etc.) with open narratives of the abuse.

ABBREVIATIONS

BiH - BosniaandHerzegovina
HR - Croatia
SRB - Serbia
SLO - Slovenia
ROM - Romania
HUN - Hungary
ALB - Albania
BGR - Bulgaria
MNK - NorthMacedonia
GRK - Greece
TUR - Turkey
EU - European Union

TRENDS IN BORDER VIOLENCE

PUSHBACKS FROM NORTH MACEDONIA

Several testimonies collected by one of BVMN's Greek partners revealed a concerning pattern that seems to occur during pushbacks from North Macedonia to Greece. These pushbacks have all taken place near the border area between Gevgelija, North Macedonia, and Idomeni, Greece. This location has already been identified as a key location in pushbacks from North Macedonia to Greece, referenced in testimonies from 2021 and 2022 collected by the BVMN.

In addition to the usage of the same border gate as a pushback location, testimonies mentioned how, when someone is apprehended in North Macedonia close to Gevgelija, they are sometimes taken to a place that is often labeled as a "camp" located close to the North Macedonian-Greek border. Several testimonies described the place as "surrounded by a fence" with "caravans" inside. One testimony reportedly identified a sign outside "with the Macedonian flag on it - a sun, with yellow and red as well as the flag of the EU, with blue and stars".

Cross-checking the descriptions of the location from different testimonies; it is very likely that the "camp" is the Vinojug Temporary Transit Centre in Gevgelija, North Macedonia. This centre was opened in 2015 as a "temporary solution" in order to accept people-in-transit moving along the Balkan route to the EU. According to a 2016 report by the North Macedonian Ombudsman, the management of the centre is under the competence of the Ministry of Labour and Social Policy (MSLP) in coordination with the Crisis Management Centre (CMC). The Ministry of Interior (MOI) is responsible for ensuring the security, order, discipline, and facilities within the centre. During their visit in July 2019, the Migration, Asylum, Refugees Regional Initiative (MARRI) reported that cooperation and support in managing the centre had come from IOM, UNHCR, the Red Cross, MLSP, and Macedonian Young Lawyers Association (MYLA). At that time, 34 people-on-the-move were residing at the centre, however, no more recent information on this could be found.

Reportedly, when someone is brought to the centre, in almost all instances, their personal information (name, date of birth, country of origin) was taken, alongside their fingerprints and picture. There are testimonies reporting on people being denied access to food, water, and the bathroom. In some instances there is a translator present, several reports mention a female Tunisian translator and a Syrian translator. Some testimonies describe a process where someone is forced to sign documents that are not translated for them. It is unclear what these documents say or in which language these documents are. After providing officials their personal information, people are reportedly quickly pushed back to Greece through the aforementioned border gate. This practice was also briefly mentioned in the 2016 report by the North Macedonian Ombudsman where people were immediately deported to the territory from which they entered North Macedonia, without any official procedures and without keeping any official records.



Image description: Satellite view of Vinojug Temporary Transit Centre
Source: Google Maps



Image Description: border fence near Idomeni, Greek- North Macedonian border
Source: BVMN



Image Description: Inside the Vinojug Temporary Transit Centre
Image source: [here](#)

BUGLARIA: POLICE BRUTALITY AND DOG ATTACKS

In the last months, BVMN has documented an increasing number of pushbacks from Bulgaria to Turkey. In February 2022, six such cases were documented, with strong commonalities across instances in terms of modes of apprehension, violence used, perpetrators, and pushback locations. In general, the violence documented in these pushbacks seems to be an escalation when compared to the past months in terms of severity and brutality.

In February, the BVMN again collected a testimony (6.1) of people-on-the-move being subjected to dog attacks by Bulgarian authorities during pushbacks. In one incident, the respondent reported being beaten by Bulgarian authorities and bitten by a police dog on his leg and chest prior to being pushed back to Turkey (6.1). This tactic is by no means new and has been recorded in 25% of pushbacks from Bulgaria collected by the BVMN and analyzed in monthly reports going back to November 2020.

Attacks by police dogs in the context of pushbacks has been documented as early as 2014 by Human Rights Watch and other actors. At the time, HRW Balkans and Eastern Europe researcher Lydia Gall stated: “The Bulgarian government should immediately put a stop to summary returns, investigate allegations of abuse and pushbacks, and hold those responsible to account.” Despite documented human rights violations, an article published in 2016 by the Intercept concluded that the Bulgarian government had failed to take the necessary actions to stop summary expulsions and violence and abuse at its borders and in its detention centers. Nearly six years later, it appears that the same is still true as people-on-the-move continue to be violently pushed back and experience other human rights violations at the hands of Bulgarian authorities.

NEW TACTICS USED BY CROATIAN POLICE

A new trend that BVMN has noticed in recent months in pushbacks from Croatia to Bosnia is that Croatian police authorities issue a document declaring a return decision from the Republic of Croatia to persons-on-the-move.

The document states that - because the respondent is residing illegally on Croatian territory - he/she is obliged to leave the European Economic Area within 7 days from the first day of the date of delivery of this decision. The document also states that in the event that the third-country national does not leave the territory voluntarily, he/she will be forcibly removed from the Republic of Croatia.

The expulsion decision also points out that no appeal is allowed against this decision, but an administrative dispute can be initiated within 30 days from the date of delivery of the decision. In the vast majority of cases for people on the move the time for appeal is very short and in case of an actual appeal the waiting time is very long and people remain stuck in Bosnia trying to cross the border again.

BVMN field reporters interviewed several people on the move who claimed to have been pushed back to Bosnia by carrying this document issued at the police station in Croatia

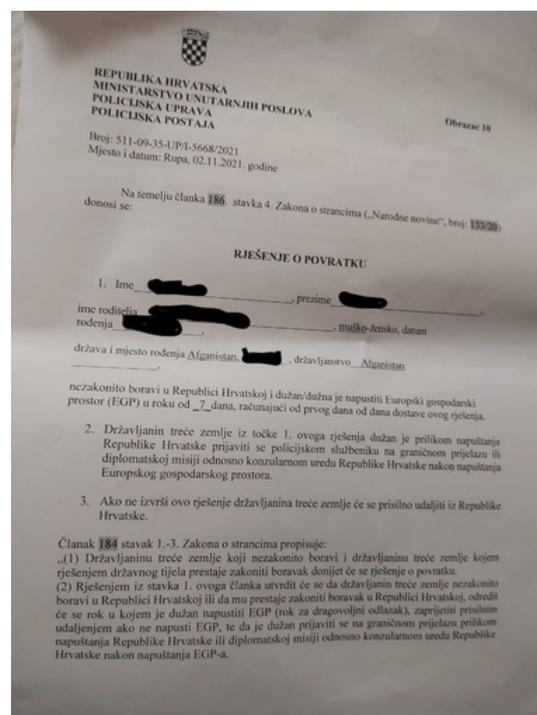


Image description: return decision given to a respondent

Source: BVMN

UPDATE ON THE SITUATION

BOSNIA & HERZEGOVINA

PUSHBACKS FAR FROM APREHENSION POINT

In February, No Name Kitchen (NNK) teams in Velika Kladusa observed that people were repeatedly and arbitrarily pushed back far away from the place where they were apprehended. On several occasions, both families (including women and children) and men travelling alone (including minors) who attempted to cross the border from Velika Kladuša or the border region of Bosanska Bojna were pushed back close to Bihać, which is about 50 to 60 kilometres South of Velika Kladusa. Some pushbacks were recorded even further South. It is important to note that the violence that occurs during pushbacks is not limited to the actual pushback and the direct confrontation with the police. The tactic of pushing people back in very remote areas or even different countries from the ones where Pom initially crossed the border, constitutes yet another way of deterrence. The Croatian-Bosnian border is a forested, very remote area and driving people-on-the-move in private cars in Bosnia is criminalised. In most cases survivors of pushbacks are forced to walk the whole distance. In the last month, several groups of people were forced to travel up to 100 kilometres and walk in dire conditions such as very low temperature, snowfall, and rain.

These actions by the authorities are violent on several levels. On the one hand, people go through great exhaustion and, depending on the weather conditions, they risk falling ill from protracted exposure to the cold. On the other hand, the randomness and unpredictability of the pushback locations is an enormous psychological burden. The feeling of having no influence and no possibility to predict the course of a pushback even after many transit-attempts causes added stress. The actions by Croatian authorities show a will to systematically slow down people-on-the-move's journeys. On the Croatian side, a non-negligible amount of resources such as fuel and human resources are invested when the Croatian border police choose pushback locations far away from the location of apprehension.

The following two pushbacks that occurred in the last month concretize the situation mentioned:

Two families from the Kurdish region in Iran and Iraq (3 women, 2 men, 5 minors (12, 9, 9, 6, 2)) started a transit attempt on the 25th of February 2022 from Velika Kladuša in Bosnia and Herzegovina. They were apprehended in the region of Pašin Potok, Croatia. The actual pushback location was about 100 km south of the location of apprehension. Raw coordinates of the pushback location were given during a testimony: 44.542434, 16.049270 which meant that the family was forced back into Bosnia around 40 km south of Bihać. The same day, a family of four people (2 men (47, 46)), 1 woman (42), 1 minor (3)) also started their transit attempt from Velika Kladuša in Bosnia and Herzegovina. After their apprehension, they were told that they would get transported to Zagreb. Yet, they were pushed back to Bosnia in the region of Bojna, approximately 25 km north-east of their starting point, which meant that they had to walk back for hours to reach Kladusa. The family expressed their anger at the turn of events, especially because the officer who had apprehended them lied to them. Just as we wrote in the last report that the Croatian police seem to be more careful with their use of direct physical force, we want to emphasize that the physical and mental exhaustion caused by these far-flung pushback locations can be just as distressing for people stranded along the Croatian border.

AUSTRIA

COURT VERDICT CONDEMNS PUSHBACK OF UNACCOMPANIED MINOR

On February 16, 2022 the Landesverwaltungsgericht Steiermark (Regional Administrative Court of Styria, Austria) issued its second verdict against chain pushbacks initiated in Austria. It was the first Austrian court decision on pushbacks concerning an unaccompanied minor. Amin N. was apprehended by the police on July 25, 2021 in the town of Bad Radkersburg close to the Austrian-Slovenian border. The underage Somali complainant was pushed back to Slovenia at the border control point of Sicheldorf/Gederovci only hours after he reached Austria on foot together with five other persons from Somalia, Guinea and other African nations.

Despite the fact that the group was asking to be directed to a police station and had approached Austrian officers for international protection, the Austrian security organs handed them over to Slovenian officers at the border control point. The Slovenian authorities took charge of them on grounds of Schengen Border Code procedures and return forms even although the underage complainant informed them about his asylum application in Austria.

The Regional Administrative Court of Styria found that:

***“An obvious negation of an asylum application constitutes a violation of Art. 3 ECHR (degrading treatment), especially since pushbacks from Slovenia via Croatia to Bosnia cannot be ruled out. The fact that in this specific case the complainant was granted asylum in Slovenia does not in any way legitimise the conduct of the Austrian security organs; rather the granting of asylum confirms the complainant’s manifest reason for entering the federal territory. Since the complainant’s reason for entering the territory, the request for asylum, was obviously not taken into account, he also had no opportunity to point out the possible consequences of a rejection or to explain the reason for his asylum application. The security authorities’ conduct deprived the complainant of a fundamental right to initiate asylum proceedings and thus to protection against deportation.*”**

The refoulement of the complainant to Slovenia on July 25, 2021 (...) was therefore unlawful and in gross disregard of the de facto protection against deportation (§ 12 (1) of the Asylum Act). Since the reasons for his intended entry into Austria were not discussed with the complainant, and the word ‘asylum’ was not taken into account, it was not possible for the complainant to explain whether he was eligible for asylum or subsidiary protection, and the rejection violated the prohibition of refoulement.”

In June 2021, the same court, when presented with the case of seven Moroccan nationals pushed back from the same border control point to Bosnia via Slovenia and Croatia within only 48 hours, found that "pushbacks are partly methodically applied in Austria".

In the wake of these recent court decision, Pushback Alarm Austria and asylkoordination österreich, who supported the complainant in getting access to legal representation, are demanding an end to all returns of people-on-the-move apprehended in the border regions with Slovenia and Hungary. The NGOs argue that people-on-the-move face the risk of violent chain-pushbacks by Slovenia, Croatia, Hungary and Serbia and therefore a violation of Art 3 ECHR prohibiting torture and inhumane treatment.

“This case is not only for myself or my group. This one is for the many other people who suffered and keep suffering from police and border control injustice. This one is for the many people who couldn't get their voices to be heard. This one is for the people who got their hopes completely demolished. This one is for justice”.



Image Description: Border Control Point Sicheldorf (Austria)
Source: Pushback Alarm Austria

SERBIA

LARGE SCALE POLICE RAID AND FORCED RELOCATIONS IN NORTHERN SERBIA

On the night of February 6th, police officers conducted raids of locations in Sombor, Subotica, and Kikinda in northern Serbia. While exact numbers are uncertain, a [feature](#) on the Serbian Ministry of the Interior website reported that 'several hundred' migrants were taken to reception centers. Specifically, the majority of migrants were taken to Preševo camp in the far south of Serbia, currently one of the only official transit camps with capacity for new persons. As well as preventing people on the move from continuing on their journeys by forcibly relocating them to the Serbian-Macedonian border area, the police actions seek to further constrain mobility since Preševo is the only camp in Serbia which limits the ability of migrants to leave and enter freely.

The raid caused a significant drop in the number of people on the move present in squats across northern Serbia in early to mid-February. However, individuals caught up in the raids and relocated to Preševo began to arrive at Collective Aid's Belgrade WASH Centre in the following days, and expressed their intention to return to the north and resume their journeys. This pattern, which follows every large scale police raid and relocation, highlights the futility of a law-enforcement-heavy migration policy which purportedly aims to 'ensure the safety of all [and] provide humane living conditions for migrants' which also 'curb[ing] smuggling gangs' ([Ministry of the Interior](#)). As people on the move returned to the north and numbers in the squats increased again towards the end of February, it is clear that only meaningful access to safe asylum and migration pathways can guarantee safe and human conditions for migrants and reduce the viability of the smuggling economy.

ATTACKS ON SOLIDARITY STRUCTURES

At the end of February 2022, volunteers operating in Sid experienced vandalism against their equipment on multiple occasions. The vehicle of the group was damaged on the 18th and 23rd of February. The precise location of the incidents was in Batrovci, a village close to Sid at the border with Croatia. The van used for the distributions was parked in an isolated area where it was usually left without vigilance for an average of two hours.

On February 18th, the groups realized the van's tires were broken on the way back. The first impression and shared sense of the group was that rather than a deliberate action, the van may have broken down due to the bad condition of the tires and the road.

When the tires broke again a few days later, the group realized it was not an accident. The tires were clearly stabbed at several points, more than ten times each. The violence expressed by these types of actions reflects the hostility and opposition towards the work of the organization supporting people-on-the-move.

Moreover, the plate of the van was stolen on the same occasion. Driving a car without a license plate in Serbia is against the law. Removing license plates shows the will to prevent and criminalize the aid the group provides. In a broader sense, such vandalism aims to change the perception of what is right and what is wrong: it shapes the reputation of the organization by creating an image related to illegal and objectionable activities that affect local people's opinion.

GREECE

19 BODIES FOUND IN EVROS REGION

In early February, 19 people were found frozen to death in the Evros region on the Turkish side of the border. The dead were part of a group of 22 people who were likely pushed back. 12 bodies were found together outside of Ipsala, Turkey, while the other 7 were found scattered throughout the area. Despite the cold weather, those who died were found dressed lightly, without winter jackets, clothes, and shoes: something that corresponds with testimonies of other pushback survivors, who have recounted having their clothes and other belongings stolen by authorities at the border during pushbacks. Temperatures in the area can fall to between two degrees Celsius (35.6 Fahrenheit) at night in late January and early February. The days on which the bodies were found and the pushback likely happened fell in a particularly cold spell, with temperatures consistently below freezing and snow in the region.

Photos of the 12 found outside of Ipsala were posted by Turkish interior minister, Süleyman Soylu, who posted: “12 of the 22 migrants pushed back by Greek Border Units... have frozen to death,” accusing Greek border guards of thuggish behaviour and said the European Union was “weak” and inhumane (CITE). Greek Minister for Migration and Asylum, Notis Mitarachi responded calling Soylu’s statements “false propaganda”, adding: “These migrants never made it to the border. Any suggestion they did, or indeed were pushed back into Turkey is utter nonsense.”

This stands as yet another example of the Greek state systematically denying perpetrating pushbacks and other forms of border violence against people on the move. The denial rings hollow amidst years of documentation and evidence of Greek pushback practices by people on the move, grassroots networks such as BVMN, NGOs and INGOs, Council of Europe, and other institutions.

The UN refugee agency estimates that more than 2,500 people died or went missing at sea as they tried to reach Europe from North Africa and Turkey last year. For the Evros region, there is no accurate count of those that have died or gone missing in the border region. However, these 19 deaths are by no means the first, and unfortunately will likely not be the last. The cause of death in these cases is clear: systemic violations of fundamental human rights and racist state violence against people on the move.

In response, BVMN sent an urgent letter to Frontex (European Border and Coast Guard Agency) Fundamental Rights Officer, urging them to start an investigation into the matter as it likely occurred within their operational area. In the last year, BVMN has sent several such letters, and, in all but one occasion, requests for Frontex to intervene have been ignored. On the one occasion in which Frontex did respond (November 2021), it was relayed that the closest officers in the field were 32 kilometers away, and therefore could not intervene. With regards to the most recent letter, there has been no response to date.

CAMPAIGN AGAINST PUSHBACKS AND BORDER VIOLENCE

In early February, a new campaign against pushbacks and border violence was launched in Greece, kicking off with three days of action across at least six cities. The campaign was organized by the Open Assembly Against Pushbacks and Border Violence, a group of individuals and collectives who advocate against “systemic violent pushbacks carried out by the Greek State, and other forms of border and state violence targeting people-on-the-move.” This campaign, while local in scope, also draws connections to transnational mobilizations around the topics of pushbacks and deaths at EU borders. On the 6th of February, a demonstration and “commemoration” was organized in Athens in parallel with other similar actions in Turkey, the Balkans, the EU, and Africa.

On 6th of February 2014, more than 200 migrants tried to enter the city of Ceuta, a Spanish enclave, from Moroccan territory through the beach of Tarajal. The Spanish Guardia Civil fired smoke cartridges and rubber bullets at the people in the water to prevent them from entering Spanish territory. Fifteen migrants were killed on the Spanish side, dozens disappeared and others died on Moroccan territory. The commemoration held in Athens made specific reference to the events in Ceuta, linking them to broader issues of deaths at EU borders, and the recent deaths in the Evros region. Prior to the demonstration, a public conference was also held in which survivors of pushbacks were able to share their experiences (<https://fb.watch/aXtuYw6xdd>).

Below is a short excerpt from the text put out by the campaign organizers:

Pushbacks are illegal, and involve torture and the risk of death. In the Evros region, people are detained without food or water, robbed of all personal belongings, humiliated, and brutally beaten before being forced across the Evros river to Turkey. People are also taken from far inside the territory, abducted by police from the streets or camps, only to be pushed-back to Turkey. These violations are enacted by the Greek police and military forces, Frontex (The European Border and Coast Guard Agency), local vigilantes, and other gangs recruited by the Greek police. In the Aegean, help is often refused to boats in distress; boats are intentionally damaged and pulled back towards the Turkish coast by the Hellenic Coast Guard (HCG) and Frontex. People who manage to reach the Greek islands and express their intention to apply for asylum are forcefully brought back to the open sea, made to board life rafts without engines and left to drift into Turkish waters by the HCG... We will always stand with the people struggling for freedom, dignity, and solidarity in a world devastated by war, exploitation, and oppression."

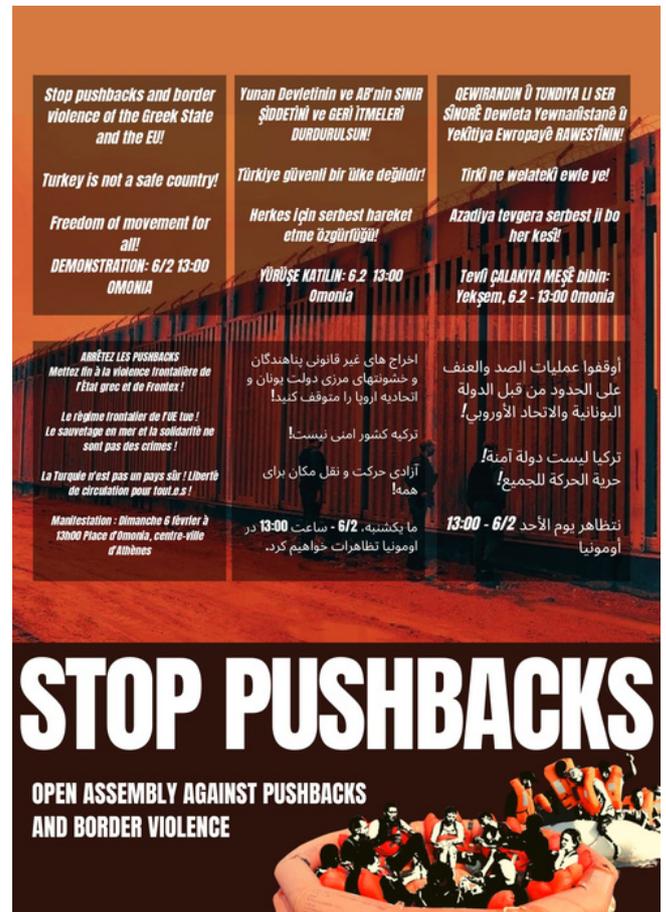


Image description : poster for campaign against pushbacks and border violence



Image description: demonstration against pushbacks and border violence (Athens)



Image description: intervention outside Greek Asylum Service (Athens)

The Open Assembly Against Pushbacks and Border Violence is an assembly of collectives and individuals that stand in solidarity with all people struggling for freedom, rights, and dignity in a world devastated by war, exploitation, and oppression. We are organizing a collective struggle in Athens against systemic violent pushbacks carried out by the Greek State, and other forms of border and state violence targeting people-on-the-move.

SAMOS UPDATES

Somali Committee Letter

Following last month's [protest](#) of Somali camp residents in the Closed Controlled Access Centre (C.C.A.C.) in Samos, a self-organised Committee of individuals from the country on the Horn of Africa have been speaking out against their current situation on the island.

In their [letter](#) to the European Commission, the Committee starts by highlighting their gratitude for services provided within the new camp on Samos, before expressing multiple concerns regarding their situation and future. Their message has particular emphasis on the admissibility procedure in the Greek asylum procedure - referred to as the "Turkish interview". As stipulated in the [EU-Turkey Deal](#) in 2016 and the [Joint Ministerial decision in 2021](#), Turkey is supposedly a 'safe country' for asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh and Somalia.

In their letter, the Somali Committee stresses that Turkey cannot be deemed a 'safe country' for them by highlighting the potential violence they face, legal setbacks, discriminatory treatment and health-related issues.

Their complaint concludes by pointing at problems related to their everyday life in the C.C.A.C. The Committee pays particular attention to the background of various people within their community and the resulting long-term health issues of individuals. They especially highlight the lack of medical care given to them due to lengthy waiting periods and the absence of specialised doctors on the island.

Similar concerns over the nature of the new camp on Samos and the pre-existing conditions of asylum seekers have been raised by [MSF](#) before the inauguration of the C.C.A.C. in September.

ITALY

UPDATES FROM TRIESTE

During February 2022, NGOs, collectives, and individuals that operate in Piazza Libertà (Trieste) have counted around 110 people-on-the-move seeking both aid and information. With only one exception, all of them decided to carry on with their journey, as opposed to seeking asylum in Trieste. Among these people were at least 10 unaccompanied minors, 3 families, and a young couple.

GCR statement about ongoing arbitrary detention

The Greek Council For Refugees issued a [statement on the unlawfully ongoing detention](#) in the Samos C.C.A.C. by referring to a court ruling in [Syros in December 2021](#). This unprecedented decision of the Administrative Court of First Instance of Syros ruled the current exit ban as illegal.

No substantial reply nor acknowledgement has been issued by the relevant national or EU authorities since the Syros Court's ruling.

Investigations by media outlets

On the 17th February, reports about fatalities at sea off Samos in September 2021 emerged as [investigations](#) by The Guardian, Lighthouse Reports, Mediapart and Der Spiegel were published. The research reveals how a group of refugees have been illegally removed from the island without their right to seek asylum being respected. As regulated in Article 33 of the [1951 Refugee Convention](#), it is prohibited for any contracting state to expel or return an asylum seeker.

Nonetheless, Greek authorities [persist](#) in their systematic violence, ill-treatment and pushbacks regularly since March 2020. While most people getting pushed back end up on dinghies before being rescued by the Turkish Coast Guard, the latest investigation [revealed](#) that three individuals have reportedly been beaten and thrown into the sea without even a life jacket, resulting in two casualties once more at the external EU-border.

The presence of people inside quarantine camps is consistent in numbers - so are detections carried out by border police. Year after year, the number of people who have managed to reach Trieste - or at least the ones that are visible - seems to have increased, leading one to assume that borders may still be somewhat porous.

Unfortunately, in February there was a fatal incident involving a young man from Pakistan. His transit group was walking along the train tracks to get to the city center from the Slovenian border while trying to avoid being detected by the police when he was run over by a local train. Far from being an isolated incident, this tragic event illustrates the harsh, systemic violence imposed on people-on-the-move by the border regime. Its efforts are, in essence, to close safe paths and push people-on-the-move towards ever-increasingly dangerous and potentially lethal routes.

UKRAINE

LIMITED SOLIDARITY

The Russian invasion of Ukraine has shown what is possible in terms of support for people-on-the-move on the part of the EU, if the political will and sense of responsibility are there. The EU's solidarity and willingness to act towards Ukrainian people-on-the-move is right and important in view of the current emergency. However, it stands in stark contrast to the European border regime, which has systematically denied the right to asylum to those seeking protection at the external borders for years and cost thousands of people their lives.

With reference to international and human rights, the EU condemns the Russian war of aggression on Ukraine - and rightly so. At the same time, however, violent pushbacks continue to take place daily at the EU's external borders. It becomes clear how differently Ukrainian or European war refugees are treated in comparison to war refugees from other countries.

But even the solidarity towards war refugees from Ukraine is not unconditional. There are reports about the mistreatment of BIPOC (Black, Indigenous, People of Colour)* who are denied exit from Ukraine or entry into the EU via Poland. Under the hashtag #AfricansInUkraine, for example, you can read how Black** people are turned back at the Polish-Ukrainian border. This illustrates that we cannot be ignorant of racism in expressions of solidarity, or of the selectivity of our sympathy and practical support. Furthermore, it shows how BIPOC are not only constructed as not belonging to Europe, but also as less worthy of protection.

One week after the Russian invasion of Ukraine, a Pakistani man arrived in Piazza Libertà. He had been living in Ukraine with a residence permit for over a year, and he ended up seeking asylum in Italy. Two other people, one from Pakistan and one from Syria, reached the city in the last week of February, as they were on their journey to reunite with their families in Germany. As Trieste has always acted as an entry point, we will monitor how circumstances evolve over the coming weeks.

It is right that the EU quickly and naturally opens European borders to war refugees from Ukraine. But it also raises questions. Questions that revolve around why escape corridors are created for some people, while others have been denied the right to asylum at Europe's external borders for months or years. The European Union has been advocating defensive policies and repressive border practices for decades, which are now being selectively lifted.

It must not be the case that the EU systematically pushes back people in an illegal and violent way when they flee war and persecution and try to claim the right to asylum on European soil. We demand that solidarity for war refugees from Ukraine must also include those who have been stuck at Europe's external borders for a long time.

Frontex's responsibility according to its own Regulation is to actively safeguard and promote the respect of fundamental rights in their operational areas. This obligation translates into the obligation officers have to ensure that people on the move in search of international protection are referred to apply for asylum and that vulnerable persons are referred to the proper institutions: injured people are sent to the hospital, minors are referred to social services etc. The officers have a duty to abide by their code of conduct that regulates multiple aspects of their activities.

BVMN has been collecting testimonies of pushbacks in Frontex operational areas since the closure of the formalised corridor along the Balkan Route. In its documenting activities, BVMN has recorded Frontex officers in potential breach of their obligations. In several testimonies, respondents report being apprehended by Frontex officers, handed over to national authorities and subsequently being pushed back, and even attest to Frontex officers being witnesses to the pushback.

BVMN has also recorded potential breaches of personal data. Respondents alleged that Frontex officers photographed them with their personal mobile phones.

Moreso, Frontex officers appear to have displayed misconduct and breached their code of conduct by lending their armbands and insignia to civilians (see photo 1).

BVMN has filed 3 individual complaints in July 2021 to the Fundamental Right Officer of Frontex for potential breach of fundamental rights in Albania. In two cases, the respondents reported that they were apprehended by Frontex officers and requested to be referred for medical care. In both cases the respondents were visibly vulnerable. However, Frontex officers proceeded to handing the respondents over to the national law enforcement officers who eventually pushed them back.

In the third case, the respondent was apprehended by Frontex officers also in Albania. He reported that he was taken to a reception and identification camp near Kapshtice, near the border with Greece. The respondent attests that Frontex officers were present in the camp (see photo 2) and that he was interviewed by one. The respondent expressed his will to apply for asylum to the Albanian authorities and was denied. Additionally, he presented video evidence of people on the move brought to the same camp, explaining to a Frontex officer that they will be pushed back to Greece and requesting that he prevent it. The respondent and the others were eventually pushed back.



Image Description: Frontex patches on display in a gas station
Source: BVMN

Victims of pushbacks have mentioned on numerous occasions that they were photographed by law enforcement officers upon apprehension. Further inquiries revealed that this is a common practice exercised by Frontex officers. BVMN sent a communication to the Agency's data protection supervisor and asked for the initiation of an investigation into the matter. BVMN has sent relevant testimonies where the practice is mentioned accompanied by additional evidence collected by a respondent proving that the practice occurs.

Equally significant is that BVMN uncovered that Frontex officers give out their insignia to civilians (see photo 1). Inside a gas station near the official border crossing between Greece and Turkey, on the wall, stands a collection of foreign insignia of various law enforcement departments from different countries, some Frontex insignia and an armband. BVMN notified the Fundamental Rights Officer and requested the initiation of an inquiry into the matter as this constitutes potential breaches of the officers' code of conduct.

At the time of writing, BVMN has not received confirmation that the individual complaints submitted are being investigated. According to the Agency's rules for processing individual complaints, anonymous complaints would not be investigated despite recommendations from the European Ombudsman for a reform. People on the move are often times reluctant to submit complaints under their names out of fear that this would impact their asylum decisions. Equally, the communication with regards to the insignia is also not being investigated at the time of writing.

Frontex's data protection supervisor did initiate an investigation into allegations of Frontex officers photographing people on the move outside an identification procedure and in potential breach of personal data rights. The investigation was started in November 2021 and is foreseen to last for 5 months.



Image description: Frontex vehicle, image shared by respondent.

On a wider scale, der Spiegel announced that the European Anti-Fraud Office (OLAF) has compiled a damning report on Frontex management's knowledge and cover-up of pushbacks. The report comes at the end of an investigation commenced in December 2020 after several media outlets published reports about the Agency's potential involvement in fundamental rights violations. OLAF's investigation was part of a series of investigations: from the Management Board of Frontex inquiring into incidents in the Aegean Sea, to the European Ombudsman who opened its own investigation into Frontex managing internally breaches of fundamental rights, to the investigation conducted by the European Court of Auditors, and to the creation of the Frontex Scrutiny Working Group in the European Parliament, a thematic group on scrutinising the Agency's compliance with fundamental rights. What none of these seemingly concerted efforts managed so far to do is to ensure the accountability of the Agency.

Aside from institutional investigations, in October 2021, the first legal action against Frontex was brought in front of the Court of Justice of the European Union. In February 2022, a second legal action was brought before the Court.

In light of several parallel and complementary investigations, complaints and court cases since 2020, neither Frontex officers nor Frontex management has been held accountable so far. Despite a significant amount of evidence of published cases and damning reports released there has been no progress towards Frontex's accountability. The question then arises as to how we could move forward. The answer is: **We can't. Why? We're waiting for Accountability.**



GLOSSARY OF REPORTS, FEBRUARY 2022

In February, BVMN shared 32 testimonies of pushbacks impacting 364 people-on-the-move across the Balkans. Those affected by these incidents included men, women, children with guardians, and unaccompanied children. They also represent a wide demographic, including people from Afghanistan, Iran, Syria, Morocco, Iraq, Algeria, Pakistan, and Cuba.

- 1 Pushback to Serbia from Hungary
- 20 Pushbacks to Bosnia-Herzegovina (2 from Slovenia and 18 from Croatia)
- 10 Pushbacks to Turkey (4 from Greece and 6 from Bulgaria)
- 1 Pushback to Greece from North Macedonia

Hungary to Serbia				
1.1	24th January	18th February	Tunisia	1
Slovenia to Bosnia-Herzegovina				
2.1	14th January	22nd January	Afghanistan, Pakistan	15
2.2	7th February	15th February	Pakistan	2
Croatia to Bosnia-Herzegovina				
3.1	29th December	30th January	Pakistan	5
3.2	25th January	5th February	Pakistan	4
3.3	27th January	2nd February	Afghanistan, Pakistan, Bangladesh	11
3.4	29th January	5th February	Iran	3
3.5	1st February	2nd February	Afghanistan	9
3.6	3rd February	4th February	Afghanistan	3
3.7	4th February	10th February	Kurdistan	5
3.8	4th February	9th February	Pakistan	5
3.9	7th February	7th February	Afghanistan	6
3.10	7th February	8th February	Afghanistan, Iraq	9
3.11	7th February	8th February	Afghanistan	15
3.12	8th February	12th February	Pakistan	4
3.13	9th February	13th February	Iraq	1
3.14	9th February	9th February	Afghanistan, Iraq	7
3.15	10th February	15th February	Afghanistan, Pakistan	10
3.16	30th January	10th February	Cuba	4
3.17	12th February	16th February	Afghanistan	4
3.18	17th February	19th February	Afghanistan	8
North Macedonia to Greece				
4.1	25th February	2nd March	Morocco	1
Greece to Turkey				
5.1	19th January	17th February	Syria, India, Cuba	40
5.2	29th January	11th February	Afghanistan, Syria, Morocco, Cuba	32
5.3	30th January	2nd February	Afghanistan, Syria, Iraq, Morocco, Tunisia	65

5.4	5th February	8th February	Afghanistan, Syria, Morocco, Somalia	58
Bulgaria to Turkey				
6.1	10th December	2nd February	Morocco	5
6.2	1st February	2nd February	Syria	5
6.3	1st February	3rd February	Syria	13
6.4	3rd February	4th February	Syria	11
6.5	11th February	12th February	Morocco	1
6.6	19th February	21st February	Tunisia	2



NETWORK STRUCTURE AND CONTACT

B O R D E R

V I O L E N C E M O N I T O R I N G

N E T W O R K

BVMN is a volunteer led endeavor, acting as an alliance of organisations in the Western Balkans and Greece. BVMN is based on the efforts of participant organizations working in the field of documentation, media, advocacy and litigation. We finance the work through charitable grants and foundations, and are not in receipt of funds from any political organisation. The expenditures cover transport subsidies for volunteers in the field and four paid positions.

To follow more from the Border Violence Monitoring Network, check out our [website](#) for the entire testimony archive, previous monthly reports and regular news pieces. To follow us on social media, find us on Twitter handle [@Border_Violence](#) and on [Facebook](#). For further information regarding this report or more on how to become involved please email us at mail@borderviolence.eu. For press and media requests please contact: press@borderviolence.eu



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