

**Monthly report  
November 2023**

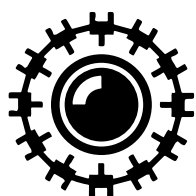
**ILLEGAL PUSHBACKS AND  
BORDER VIOLENCE REPORTS**



**Border Violence  
Monitoring Network**

November 2023

# ILLEGAL PUSHBACKS AND BORDER VIOLENCE REPORTS



## Border Violence Monitoring Network





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# EXECUTIVE SUMMARY

In November, the Border Violence Monitoring Network (BVMN)\* shared 8 testimonies of pushbacks impacting more than 172 people on the move (POM) across the Balkans and Greece. This report brings together first-hand testimonies 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. It also includes general updates and insights from advocacy actions taken by members of the network and other allied organizations, such as ASGI and the Welcome Office.

This month has seen the start of a Special Military Operation in Northern Serbia, consisting of a dramatic increase of police presence in the region and the regular and violent eviction and destruction of all informal living sites of people on the move. In the context of the operation, hundreds of people have been forcefully transferred to state camps in the south of the country – many are being prevented from leaving –, while two of the camps in the north have been closed. This has worsened the already more than inadequate conditions of most of these facilities, which several reports described as overcrowded and lacking basic services. In Bosnia and Herzegovina, an increase in the reports of pushbacks by Croatian police has also been registered, the violent practices used by the authorities resembling more and more those commonly described in 2019–2021, including frequent use of extreme physical violence, confiscation and destruction of clothes and personal belongings, as well as forced immersion in rivers.

Moreover, in November, the widely documented increasing criminalisation of people on the move in Europe was further reported in two testimonies taken by the BVMN team in Northern Greece. In them, individuals described facing accusations of smuggling after having been coerced into admitting they were driving the vehicles in which they were traveling. Regarding the situation in the Greek islands, we share some updates on the continuous overcrowding and the deterioration of the conditions in the camps on Samos and Lesbos, which remain unprepared for winter conditions and unable to fulfill the basic needs of the residents. As reported by many residents, the food distributed is insufficient and often not in good conditions, while many people have been forced to sleep on the ground and in outside constructions without heating.

During the last few weeks we also witnessed some temporary barriers to some of the externalization strategies of European countries. On one side, on November 15th, the decision came out from the UK Supreme Court that deemed the deal with Rwanda illegal. A month later, on December 13th, Albania's Constitutional Court blocked, at least temporarily, the Memorandum of Understanding signed between Italy and Albania that allowed for the return of asylum-seekers to Albania while their applications were processed by Italian authorities. Lastly, this report includes updates on some of the advocacy actions taken by members of BVMN, including a Joint Civil Society Statement, signed by 82 organisations, expressing concerns regarding the now already approved Article 5 of the EU Screening Regulation part of the New Migration Pact. This regulation undermines rights safeguards and will probably lead to an increase of *de facto* detention and arbitrary apprehension of people on the move in European territory.

\*BVMN is a network of watchdog organisations active in the Balkans, Greece and Turkey including Rigardu, Are You Syrious, Mobile Info Team, PIC, InfoKolpa, Collective Aid, Blindspots, Pushback Alarm Phone Austria, I Have Rights, Centre for Legal Aid and Mission Wings





# GENERAL

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## REPORTING NETWORK

BVMN [1] 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 partners have a common website database, used as a platform to collate testimonies of illegal pushbacks which are gathered through interviews.

## 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 exceed 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.

## TERMINOLOGY

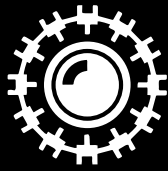
The term pushback is a key component of the situation that unfolded along the EU borders (Hungary and Croatia) with Serbia in 2016, after the closure of the Balkan Route. Pushback describes the informal expulsion (without due process) of an individual or group to another country. This lies in contrast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

## REPORTING NETWORK

BiH - Bosnia and Herzegovina  
HRV - Croatia  
SRB - Serbia  
SLO - Slovenia  
ROM - Romania  
HUN - Hungary

AUT - Austria  
MNK - North Macedonia  
GRC - Greece  
BGR - Bulgaria  
TUR - Turkey  
EU - European Union

1 BVMN is a network of watchdog organisations active in the Balkans, Greece and Turkey including Rigardu, Are You Syrious, Mobile Info Team, PIC, InfoKolpa, Collective Aid, Blindspots, Pushback Alarmphone Austria and I Have Rights, Center for Legal Aid and Mission Wings



**Border Violence  
Monitoring Network**

**UPDATE  
ON THE  
SITUATION**

### Special Military Operation

This month, the situation for people on the move in Northern Serbia has become increasingly difficult. On October 28th, the Serbian Minister of the Interior, Bratislav Gašić, held a press conference announcing a sweeping military and policing campaign focusing on Northern Serbia. This so-called “special operation” brings together police units from Serbia and Hungary, and includes the involvement of heavily armed Serbian Gendarmerie special military units. During the televised press conference, Gašić stated that the special operation will not stop “until the last perpetrator of any criminal act, causing any incidents, shootings and everything, is removed from the territory of Subotica, Kikinda, and Sombor.”

The public facing reason for the special operation was a shooting that took place on October 27th in the area of Horgoš resulting in the deaths of three people. The shooting is reported to have occurred between rival smuggling groups - there have been multiple shootings in the past few months, the previous deadly one in the area reported a month prior. This recent event has been heavily utilized by the Serbian Government to carry out actions against people on the move.

The upcoming elections can be understood as another motive for this special operation. Serbian president Aleksandar Vučić set up a snap parliamentary election for December 17th, 2023, the third such vote in Serbia in the past four years. With the idea to re-consolidate power in the wake of the formation of the ‘Serbia against Violence’ alliance - stemming from the movement in response to a pair of deadly school shootings in May, in Belgrade. It is inferred that the policing actions in the north are part of the PR for Vučić’s SNS party campaign, aligning with rhetoric across local and national news which frequently describe all displaced people in Serbia as being part of violent criminal groups.

Within the special operation, people were forcibly removed from temporary informal living sites and transferred to official reception and transit centers (RTC’s), which are under the control of the Commissariat for Refugees and Migration. The conditions of Serbia's RTC’s are well documented to be commonly overcrowded, unsanitary and well below the standards reported within the joint UNHCR and Serbia’s Commissariat for Refugees monthly site profiles. Since the announcement of the special operation, all known temporary informal living sites were repeatedly and violently evicted. Despite involving multiple violations of rights, this style of eviction is not rare along the northern border - as detailed in the October 2023 Balkan Regional Report. However, what is new within the special policing operation is the frequency and effectiveness of evictions.

Military police have been drafted in high volume to the north of Serbia, with the construction of temporary police facilities near informal living sites to base the new units.

Those apprehended by the police during evictions are taken to various reception centers located around Serbia, many of which are already overcrowded. People on the move have then been effectively kept from leaving the official camps - either directly prevented from leaving by the police, or kept in camp by the threat of violence or the worry of having to pay substantial fines to the police if they are caught. This is an illegal practice, as these official reception centers and camps are supposed to allow free movement to those who wish to leave the facilities.

For grassroots organizations in Serbia -like Collective Aid- access to these camps is difficult, if not impossible. Despite having repeatedly tried to go through the official channels as explained by the office of the Commissariat, Collective Aid has constantly been denied permission to distribute any type of aid in Sombor and Subotica reception centers. They have also been prevented from providing support in locations outside of the facilities by police. However, Collective Aid reporters have met many people on the move who had to sleep rough outside of the centers, as there were no beds left inside. They reported that the conditions inside the camp were terrible, food was scarce, and many people were denied access to basic medical care. The medical neglect is worth noting, as it is among the official responsibilities of the Commissariat to provide medical care to those in the facilities. Moreover, several described that there was frequent police violence, and that they were being illegally prevented from leaving the area by the Serbian authorities as well as the Commissariat.



Photo sent to Collective Aid by a person who was staying inside the Sombor reception center. Photo shows people crammed into a small room inside the camp, as there are no more beds and people sleep sitting up.  
©Collective Aid

On one occasion, when Collective Aid volunteers were leaving the area of one of the reception centers, the police contacted the Commissariat who inquired: ***“Why do you bring things to camp? They have everything in camp. There is food and medical care inside”***. The legal responsibilities of the Commissariat for displaced people within state RTC’s (regardless of their desire to claim asylum in Serbia) are constantly neglected. Both the legal standards and practices in RTC’s directly contrast what Collective Aid (and other organizations on the ground) see on a daily basis. These disparities in legal responsibility and reality have been exacerbated as a result of the special policing operation.

### Evictions and Destruction of Temporary Living Sites

Over the past few weeks, a series of violent evictions have taken place at temporary living sites in Northern Serbia. Although police violence against people on the move is nothing new, the scale and pace of the evictions during the special operation has picked up. Within a matter of weeks, most temporary living sites in Northern Serbia have been evicted. Hundreds of people have been taken from sites near the border and bussed to camps in the South (namely Preševo and Šid reception centers). Many temporary living sites have also been damaged or destroyed by the police. Tarp shelters in the forest have been slashed or completely pulled down, and even more established sites have been burned and smashed to pieces.



A burned out living site in Sombor, Serbia  
©Collective Aid (Josh Zimmer)



Destroyed tarp structure in Horgoš, Serbia.  
©Collective Aid (Josh Zimmer)



Destroyed temporary living structure in Horgoš, Serbia.  
©Collective Aid (Josh Zimmer)



Slashed tent and tarp shelters in Horgoš, Serbia  
©Collective Aid (Josh Zimmer)



### Closure of Subotica and Sombor Camp

On November 8th, the office of the Commissariat for Refugees and Migration officially announced that the Subotica Reception Center was closed, and provided no information on where those who had been staying at the center were taken. The camp usually holds between 300-100 people, including women and children. It is now completely closed, and there is nobody housed inside.

Just over a week later, on November 18th, the Commissariat for Refugees and Migration announced the closure of Sombor Reception Center. According to the press release, over 1,000 “irregular migrants” were removed from the camp. The camp remains closed, and there is little information on where people have been taken. However, conversations with other grassroots organizations and NGOs in the country, as well as contacts with people on the move previously staying at the camp, described that most people were relocated to the state centers in Preševo, Šid, Kikinda, Pirot, and the Obrenovac camp near Belgrade.



Closed front gate of the Subotica Reception Center.  
©Collective Aid (Josh Zimmer)

### Use of Helicopters and Undercover Police Officers at the Border

As part of the special operation, our teams have been seeing more and more helicopters, particularly on the Serbian-Hungarian Border. Serbian media reported that a new helicopter unit is being added as part of the special operation, and will take a more active role in fighting “irregular migration” near Serbia’s borders.

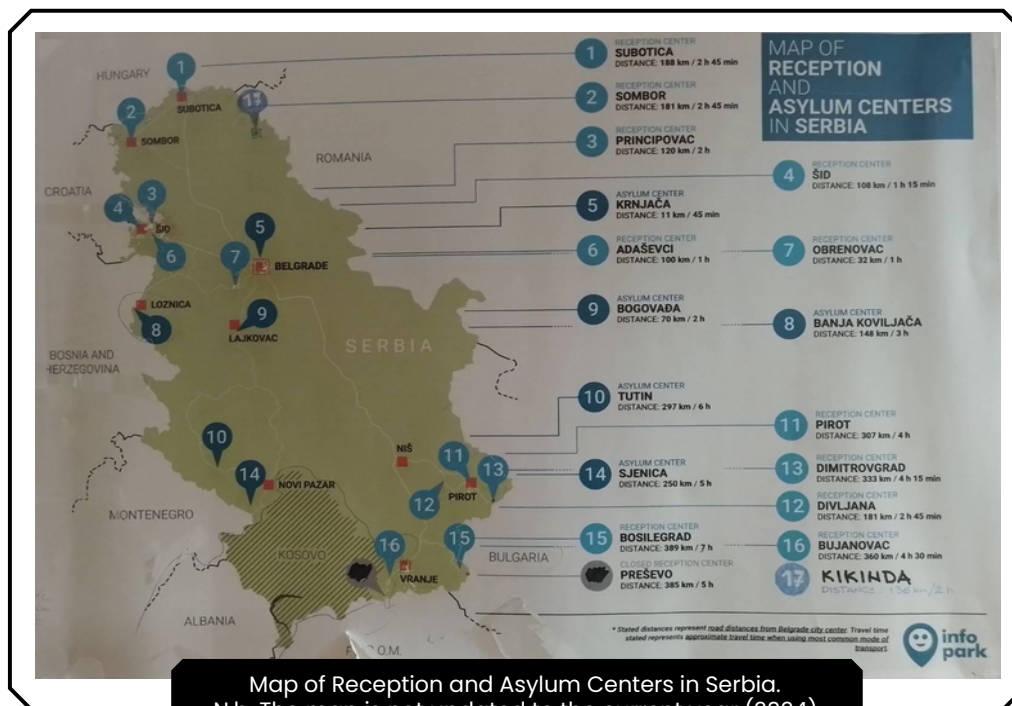


A helicopter circles above a temporary living site near the Serbian-Hungarian border.  
©Collective Aid (Josh Zimmer)

Collective Aid has also seen a wider use of undercover police officers deployed near the border. On one occasion, a Collective Aid team witnessed an eviction at a temporary living site in the Sombor area in which an unmarked car stopped the team and asked for their documents before the Serbian Police arrived. The use of unmarked or civilian cars in police operations in Serbia has picked up during the special operation, making identifying police and documenting police actions more difficult.

**Overcrowding of Receptions Centers**

As mentioned above, the police operation that has been ongoing for the whole month of November, with particular intensity in the North of the country, has led to large-scale forced relocations of people in transit and asylum seekers. People have mainly been transferred to the refugee camps operating in the Southern regions of Serbia and around the capital city of Belgrade. This has resulted in the overcrowding of facilities to which people have been transferred. Such is the case in Obrenovac Reception and Transit Centre for adult men, situated in the homonymous city some 30 km away from Belgrade.



Map of Reception and Asylum Centers in Serbia. N.b. The map is not updated to the current year (2024). ©InfoPark, shared by Blindspots.

According to the camp authorities, the current internal population is almost at its full capacity of 1000 people. The same authorities state that the only entities present in the camp at the moment are the IOM and UNHCR, as all of the other organizations which were previously working there have been denied access since the beginning of the police operation.

The living conditions in the camp have been described as precarious by people staying inside: not all of the buildings in which people live are equipped with a heating system, the toilet services and bedrooms fail to meet proper hygiene standards, and the camp-provided food is of a low quality. In addition, there are rumors of the presence of pork meat in the meals, which can pose an issue for those who do not eat it on a religious basis.

People living in the camp further claim that they do not receive any support in terms of NFIs, and that the only way to get basic items (soap, clothes...) is through forced work. This mainly involves cleaning the toilets and communal areas of the camp, such as the canteen and the external garden.

Regardless of the almost full capacity of the camp, it has been reported that police officers drive a variable number of people in transit to the camp every day, where these same people are then denied access. Due to the high chance of being apprehended by the police and transported back to the camp if they attempt to leave the area, these people find themselves obligated to live rough outside of the camp, at the very side of the official facility. The number of people estimated to live in such conditions is in the hundreds.

Among those living rough outside of the camp there are several minors whose access to the camp is denied due to their young age. The camp authorities advise them to find shelter in the Krnjača camp, located in the outskirts of Belgrade and designed to house "vulnerable categories" including minors, single women, families etc. However, no official transport is organized to that facility. The aforementioned de facto restriction of movement due to the police controls makes it impossible for minors to reach the camp on their own. Furthermore, some of them do not want to move from the Obrenovac camp area, not wanting to separate from their adult travel companions who live inside the camp.

People living outside of the camp claim that the only way to try to be formally admitted to the camp is to gather in lines in front of the entrance in the early morning and wait for "police" to admit a variable number of them, allegedly ranging between 30-20 per day. The issuance of a camp ID from the authorities seems to lack any formal criteria, failing to take factors such as the date of arrival in the camp area, illness or vulnerability into account. Thus, several people reported that they have been there for more than one week and are still waiting to be granted access to the camp.

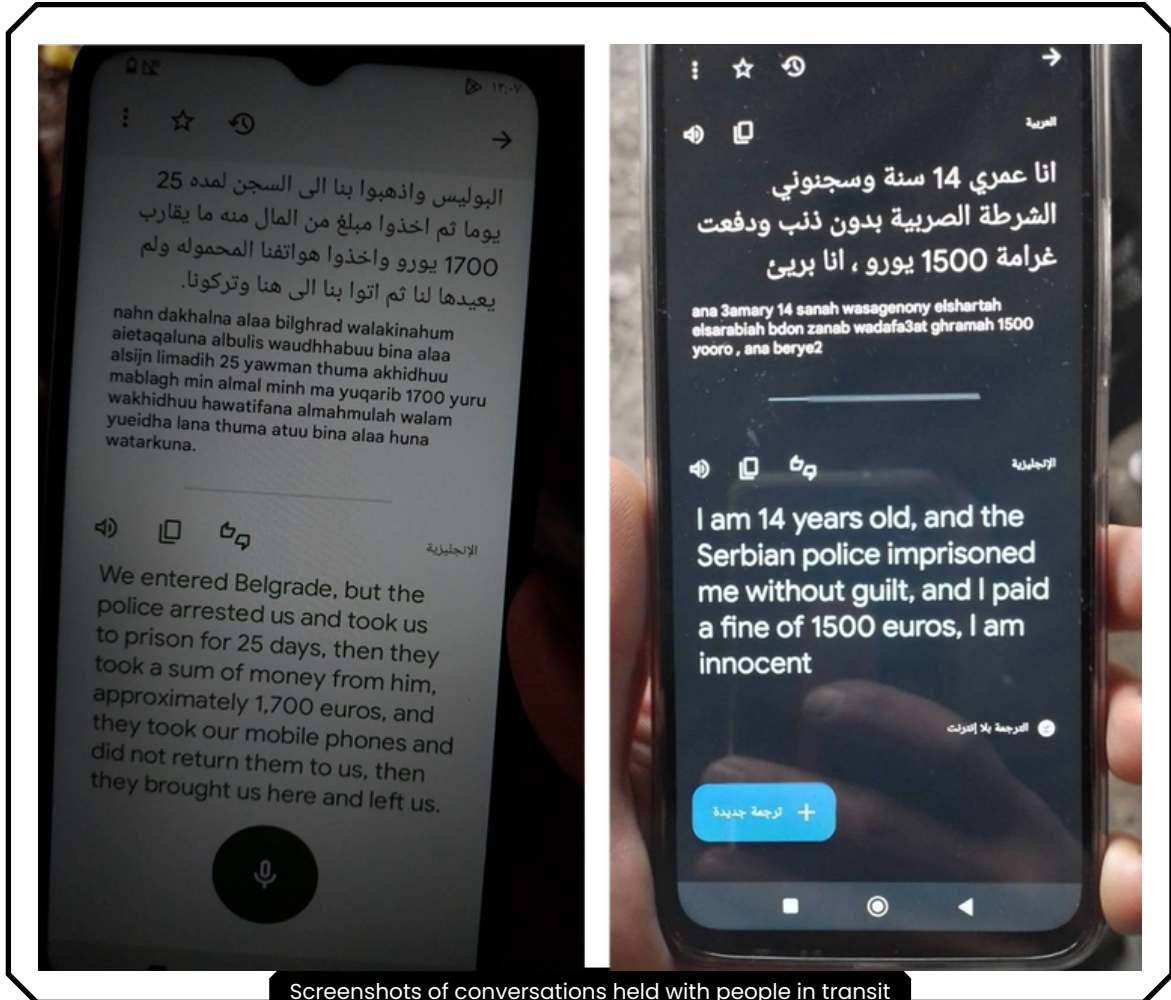


Both the people living outside of the camp and the camp authorities have mentioned the existence of an area inside the camp, referred to as “quarantine”, where up to 200 of those staying outside can spend the night. The area is allegedly accessible from 3.30 p.m. but, once inside, people are not allowed to exit until 7 a.m. the following morning. This place has also been described as unsuitable for hosting people – it has been reported that people have to sleep on the ground due to an insufficient number of beds.



Finally, several people have reported being detained for 25 days by the Serbian authorities, having been intercepted on their way north after entering the country from the Bulgarian border, or whilst attempting to leave the country through the Bosnian border. They have also reported to have paid a sum that ranges between 1500 and 1700 euros to end their state of detention. The legal framework for this payment is unclear.

Additionally, requisition and subsequent theft of personal belongings, such as mobile phones, at the hands of the police officers have been reported.



Screenshots of conversations held with people in transit who live outside of Obrenovac camp.  
©Blindpots

### Violent pushback practices at the BiH/Croatian border

The presence and transit of people on the move through the Bosnian Northern Canton of the Una Sana saw a slight numerical increase in the final weeks of November.

As far as the town of Velika Kladuša and its surrounding areas are concerned, local activists have claimed to meet groups of people on the move on a daily basis, who were pushed back to Bosnia Herzegovina by the Croatian police. The destruction of SIM cards and theft of personal phones and money at the hands of the Croatian police have been reported by people in transit, who have also stated to have experienced multiple pushbacks in a row. The pushed back groups often include women, minors and children.

More and more frequently, pushback trends registered in the area seem to reproduce the operational patterns characteristic of 2021 – 2019, in particular: frequent use of extreme physical violence, such as beating with batons, confiscation of clothes and personal belongings and their subsequent destruction through burning, and forced immersion in rivers. The use of police dogs as a means of intimidation and reckless driving by the apprehending officers have also been reported.



A flat concrete ground is what remains of an abandoned building in Velika Kladuša, where in the past people in transit would find refuge. The building was destroyed in summer 2023.  
©Blindpots



Another building used in the past as a refuge by people in transit has recently been bought by a private company. Restructuring work is ongoing.  
©Blindpots

**New Report by Mobile Info Team: Access to Asylum still highly restricted on the mainland**

This month BVMN's partner Mobile Info Team (MIT) published a new report in collaboration with Refugee Legal Support (RLS) highlighting that, after years of dysfunction and gaps in protection, structural deficiencies in Greece's asylum system remain - leaving people unprotected for extended periods of time and vulnerable to detention, pushbacks and destitution. Under the system introduced in September 2022, asylum seekers applying on the mainland, Crete and Rhodes are de facto detained in one of two registration facilities located close to Athens (Malakasa) and Thessaloniki (Diavata). Registration appointments are inconsistently scheduled, leaving some people waiting for months without legal documents to protect them. During the detention period, applicants undergo screening and have extremely limited access to support and information on their situation in prison-like facilities, leading in some cases to re-traumatisation. The system marks a significant shift in Greece's asylum policy and is likely to be reflected across Europe next year with similar procedures proposed in the EU Migration Pact, including the introduction of blanket detention measures for all asylum seekers - even minors and vulnerable people - and minimal safeguards to ensure vulnerable people are identified and adequately supported.

**Criminalisation at the border between Turkey and Greece: PoM accused of smugglers and detained.**

The BVMN team in Thessaloniki conducted two remote testimonies this month with two individuals in transit, who both recounted how they faced accusations of smuggling while attempting to cross the border at Evros/Meriç River from Turkey to Greece. The concerning trend of criminalizing people on the move is unfortunately not a new phenomenon, and BVMN has reported extensively on it.

The two respondents shared similar experiences of being passengers in a vehicle alongside others attempting to cross into Greece. Upon interception and apprehension by Greek authorities, the individuals reported that they were arbitrarily singled out and coerced into admitting to being the driver of the vehicle, thereby implicating them as smugglers.

Under the guise of combating human trafficking and smuggling networks, authorities tend to associate the actions of people on the move with the activities of organized criminal groups. Accusations of smuggling carry severe consequences for POM; they are subject to proceedings which can result in detention, deportation and a criminal record. Prison sentences are often extremely lengthy under Article 30 of Greek Migration Law, which imposes a 10-year sentence for each person transported. Borderline Europe reported on the case of a -45year-old Egyptian fisherman, identified as H Elfallah, who stood trial in Crete in February of this year. He was accused of smuggling 476 people on a boat from Libya to Greece in November 2022 and faced a potential 4760-year sentence. He was found guilty and received a 280-year sentence with the outcome being deemed 'good' given the possibility of ten years per person.

### **Detention and overcrowding in Samos CCAC**

The Samos CCAC's population is currently at 3,460, which according to "official figures" should be within the structure's capacity. Yet, due to the authorities inability to respond to a higher presence of people on the move in the structure, 2,000 of the population de facto detained in the CCAC due to their lack of registration. The detention of 2,000 people is especially alarming due to reports on the provision of food in the CCAC. People have to queue for hours to receive food that has been described as inedible and containing insufficient nutrients to sustain an adult. I Have Rights has also received several reports that people's food cards have been withdrawn for days at a time, leaving them at risk of being detained without access to food.

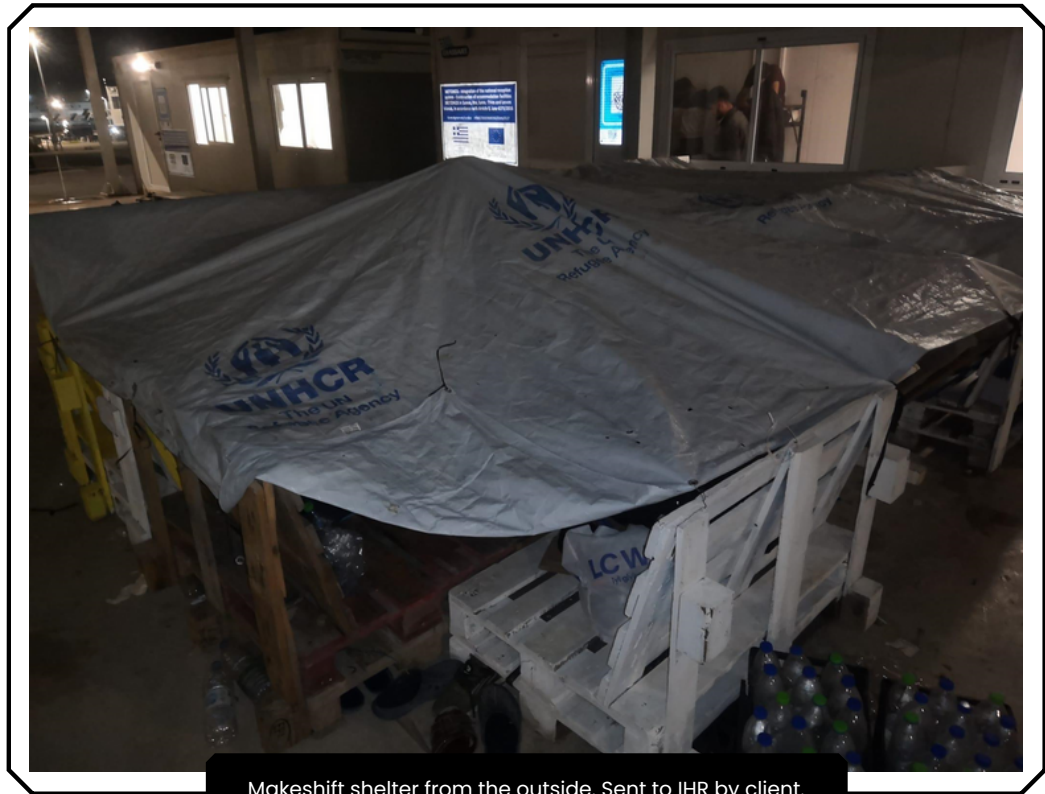
In November, I Have Rights was contacted by a client who was part of a group that had been violently evicted by police from a container on the 7th November. They were told that they had to find their own shelter within the CCAC. Unable to find space in the overcrowded CCAC, this group of around 15 men has since been sleeping outside. This month, Samos experienced multiple thunderstorms and heavy rain. The only shelter this group has had during this severe weather is whatever they could make from wood palettes and UNHCR tarps. The client reported that the tarps were unable to keep them dry during the rain.

As distressing as these reports are, we are not surprised that even when the CCAC is well below full the alleged "official capacity", the authorities are unable to provide even the most basic facilities. This once again calls into question the authorities sudden declaration regarding an increase in the capacity of the CCAC. This should act as a stark warning against similar structures being established at Europe's borders, as envisioned in the EU's New Pact.





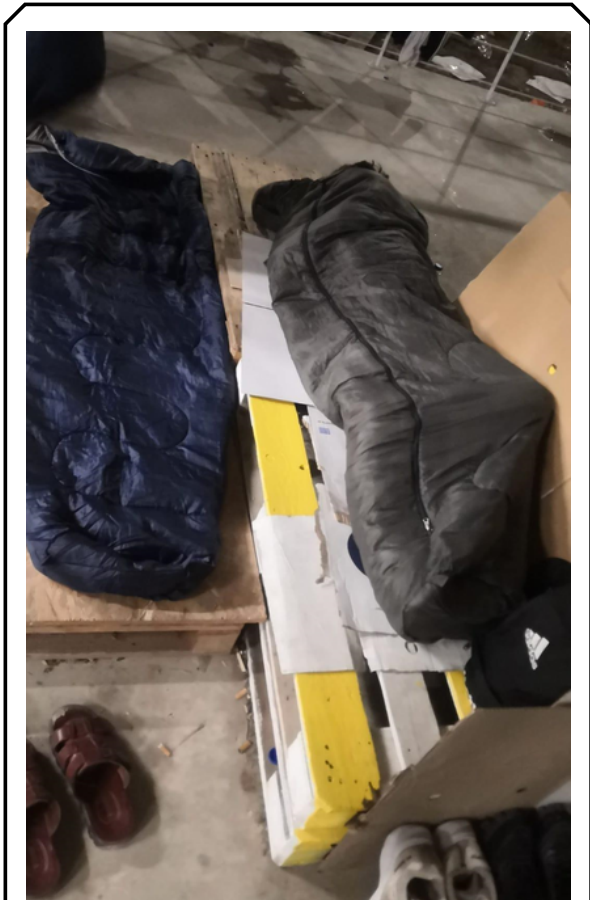
Men sleeping in the makeshift shelter. Sent to IHR by client.



Makeshift shelter from the outside. Sent to IHR by client.

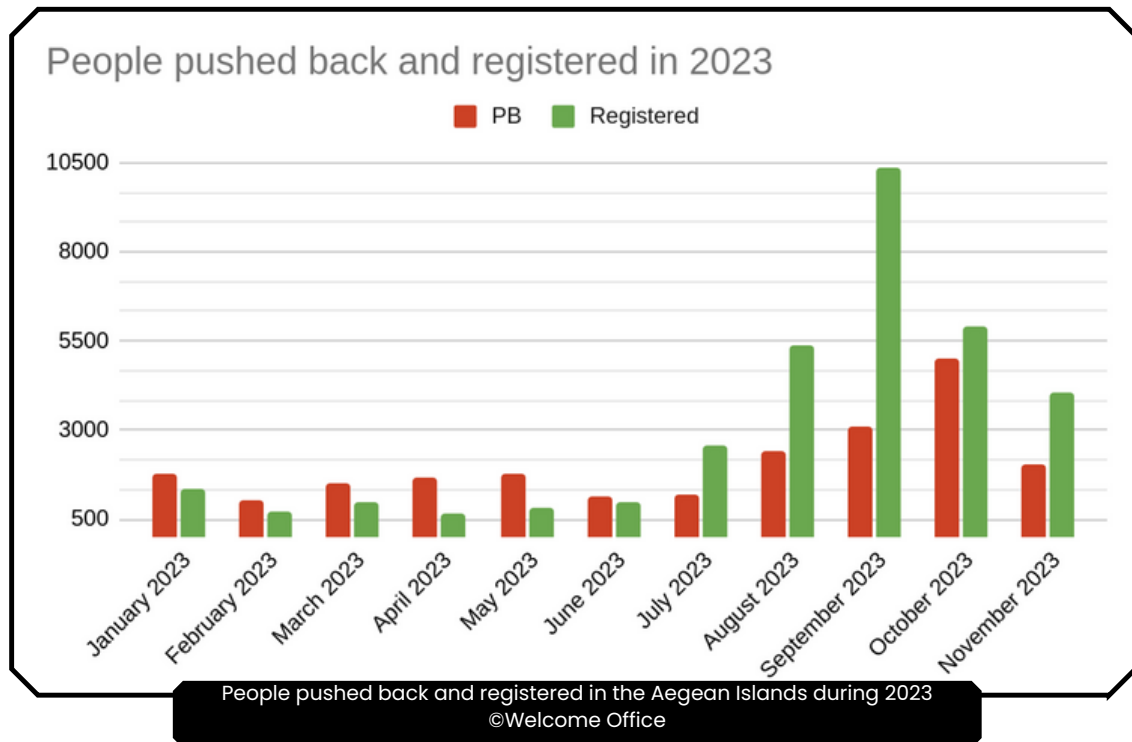


Men sleeping outside on bed frames and wood pallets. Sent to IHR by client.



Man forced to sleep outside, sent to IHR by client

## Pushback statistics in the Aegean



During the last months there has been an increase in the number of people arriving by sea to the Aegean Islands. Although one could think that this increase is related to a decrease of the practice of Pushbacks, the numbers show otherwise.

After the investigation from the New York Times about a pushback from land in Lesbos in May, and the shipwreck of the Adriana in the coast of Pylos in June, leading to internal investigations and disagreements between FRONTEX and the Hellenic Coast Guard, the narrative in the Greek media changed, reporting on multiple rescue operations by the Hellenic Coast Guard. Even if it is true that during June and July there were less pushbacks than during May, there is no significant difference within the months before. On the other hand, from August on, the number of people pushed back has increased, while the number of registered people has increased too. We can conclude then that the increase in the arrivals is not a consequence of a decrease of Pushbacks, but an increase of people trying to reach the Greek islands. Although it is true that during some months there were almost no life rafts on the rescues from pushbacks reported by the Turkish Coast Guard, leading to think that pushbacks from land had stopped, or at least significantly reduced, in the last months there are again cases reported.



**Doctors Without Borders Reports on Violence on Samos and Lesbos**

On November 2nd, Doctors Without Borders (MSF) published a two-years report on testimonies taken with people they assisted after their arrival in Samos and Lesbos. MSF reported that “Between August 2021 and July 2023, more than 10000 new arrivals were officially reported to all relevant authorities and organizations, including MSF, as needing assistance on arrival, yet MSF was only able to medically assist 7904 of these individuals.” This points to approximately 2000 people who were not located and who, based on testimonies taken from people that arrived at the island in the same groups, may have been forcibly returned to Turkey. According to this report, MSF collected 56 testimonies, 50 of whom described having been pushed back multiple times. In total, 183 pushbacks were reported from both land and sea.

Many of these testimonies describe violent practices and inhuman treatment, including handcuffing, immobilization and abduction, physical assault and verbal humiliation, strip searches and intrusive body searches, theft, confiscation and destruction of personal belongings. Moreover, the testimonies provide further evidence of the well-documented phenomena of people dying or going missing after a shipwreck or as a consequence of a pushback itself. There are testimonies explaining how after surviving a shipwreck where a 2 months old baby had died the group was separated and some of them were taken by people with black masks shortly before MSF arrived, or how during a pushback two people died in the boat while being towed towards Turkish waters. These practices are forcing people to take more dangerous routes where the possibility of a shipwreck is higher. As pushbacks can be considered an extremely dangerous practice per se, towing small boats at high velocities and abandoning them adrift on boats without engines are serious hazards per se, which constantly endanger the lives of people on the move. Another consequence that MSF have reported on is family separation as a result of pushbacks. There are several testimonies of people “not being able to trace their relatives and spent days not knowing if their family members were alive, safe, lost in the mountains or back at sea and drifting towards Turkey.” MSF have also encountered several minors who were left unaccompanied after reportedly being separated from their mother or father after arrival in Greece. Ultimately they also have reported the serious harm to people’s health that these practices involve, both physically and psychologically, with long term consequences.

On the same day of the release, an answer from the Police Services of the General Regional Police Directorate of the North Aegean was published concerning the report of MSF. The report published by the authorities mainly focuses on arrests carried out during 2022 and 2023 and criminal cases. Thus, the answer to the accusations of all the

atrocities that they have been carrying on during this period is the further criminalisation of the people on the move. The announcement focuses on the arrests carried out during the arrivals and those that got arrested under the charges of facilitation of illegal entry. Then they point to the amount of people rescued during both years, 2022 and 13 ,2023 and 41 respectively, a really low number when we take into consideration the amount of people reported missing or dead in the Aegean during the same years; in 343 ,2022 people were reported dead or missing from the East Mediterranean route, the real number must be higher due to the non reported deaths.

After that brief information about their operations, both at land and at sea, the report focuses on investigations against smuggling, naming four different investigations where part or the totality of people accused are members of NGOs, thus shifting again the attention to the idea of the “NGO criminals”, and away from their crimes. The narrative of the Greek Government and the Greek Police continues to be built on the criminalisation of the migration and criminalisation of solidarity.

While Greece continues to deny pushbacks, during November 2023, further evidence has been released of two different pushbacks with images taken by the victims of the pushbacks themselves. The first one took place on November 13th, when a boat with 23 people was stopped by the Hellenic Coast Guard (HCG). As reported by people on the boat, the HCG hit some of the people with a stick and destroyed the engine. They then forced them to go into the HCG vessel where some masked men ordered everyone to hand over their phones, money and other valuables. It was described that those who refused were brutally beaten. When they arrived in Turkish waters, they were forced back to the rubber boat without engine and left adrift. The second event happened on November 20th, and was captured in a video showing the dangerous maneuvers that the HCG vessel did in order to intercept the boat where people on the move were traveling. This time, the HCG didn't take the people on board, but they towed the rubber boat without the engine back until they reached Turkish waters again. During the month of November, 2043 people were pushed back from the Aegean Islands, 744 most probably from the coast of Lesbos. There is no doubt that pushbacks are still a systematic tool of European and Greek “migration management”.



Image taken by victims of a pushback on November 13th ©Aegean Boat Report

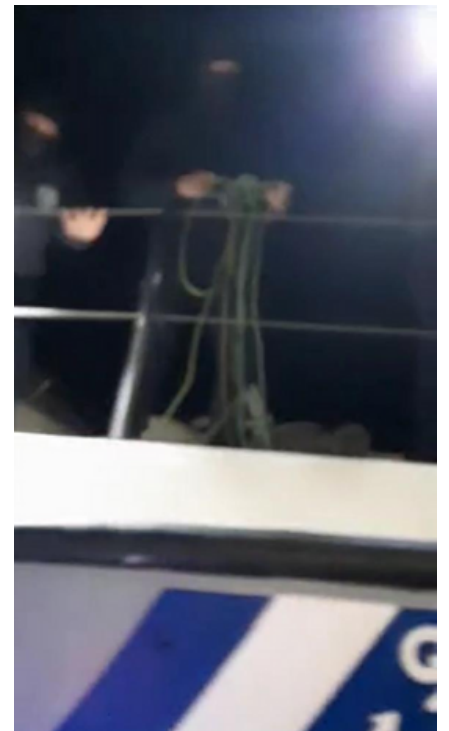
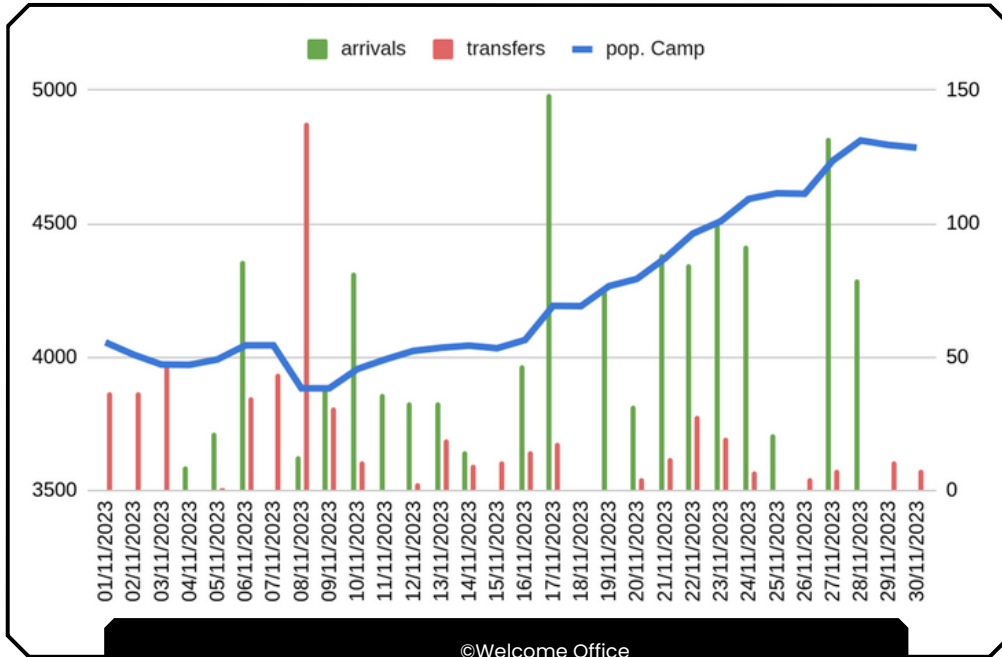


Image taken by victims of a pushback on November 20th ©Aegean Boat Report

**Camp situation in Lesvos**



©Welcome Office

There were 1268 new arrivals in Lesvos during November and 561 people were transferred to the mainland. During the past few months there had been a policy of transfers from the island. Thus, in September, 1355 people were transferred to the mainland, while 1834 were relocated in October. Although the transfers didn't completely stop, there are much fewer cases now. During the month of October, almost all the newly arrived people were getting open cards - which meant that they could travel to the mainland on their own costs. However, the authorities are not handing out open cards anymore. There were reported cases of people arriving in Athens and sleeping on the street, a common situation from some years ago. With the camps in the mainland also getting full, the reception facilities in Lesvos are again getting overcrowded. On November 30th, 4784 people were living in the camp. Even though the official capacity of the camp is said to be 8000 people, the real capacity is far away from that. In October, a new estimation of the capacity was carried out, and the official capacity of the camp decreased to 3840. Nevertheless, the capacity was officially increased again (to 8000), even though no actual construction or change took place in the camp. Only two more big rubhalls were built, where people live without any privacy and without proper electricity and flooring - for the first two months, people didn't even have beds. There are between two and three families per smaller living units such as RHUs (plastic houses) and containers. Many new arrivals are left in the big rubhalls.

Although winter conditions are starting to be noticeable in the camp, there are no ways to heat the new rubhalls. The plastic houses and containers only have enough electricity to use the heating devices for some hours per day, and there are no washing facilities, or cooking stations. Warm water is almost non-existent.

In the areas where electricity is available, the electric system is not strong enough and every year we witness fires due to the inadequacy of the system. In the big rubhalls this is not even a possibility, since the only available electricity is through a plug to charge their phones. Moreover, there are more than 600 school-age children who should be attending public schools but the capacity of schools around the camp is only for 100-50 children.

On the other hand, the food distributed in the camp is insufficient, and most of the times not in good conditions. The food distribution only happens once per day, the portions are tiny and people have reported that it often gets spoiled less than an hour after distribution. Moreover, the food distribution - as well as health care services - is only available for people with an open asylum claim, which means that people whose claims got rejected, as well as those who got a positive decision already, are left without food or health care access.

With the consideration of Turkey as a Safe Third Country, a lot of people get their first applications rejected and are forced to wait for a year for their interviews regarding their countries of origin instead. The restrictions also apply to people that are not registered yet. In November, there were cases reported of people that arrived in Lesbos who had already been registered in Greece before. Those are people that reported to have been pushed back from the mainland after having been registered and who are now not able register again. These people spent weeks locked in the camp without access to registration, food or health care. Additionally, there have been a lot of complaints from Eritrean people who report to have been registered by FRONTEX as Ethiopian. Eritreans estimated to be Ethiopians are not assessed as Eritreans unless they present identity documents proving their allegation. When they can't prove their allegation, they get a rejection decision due to non-credibility, on the basis of "unclear nationality". That situation led to two protests in the camp, with majority Eritrean people, that eventually became a protest against the situation in the camp as a whole. In addition to that, during the end of October and beginning of November METAdrasi reduced their interpretation services due to a non payment from the Government for more than 6 months. As a consequence, a lot of interviews were postponed without a new date, the registration process was slowed down, and people were left without any explanation.

The increase in cases of scabies in the camp constitutes another highly concerning situation. Despite it having been considered an epidemic, the Greek National Organisation of Public Health (EODY) has stopped giving out medicine for it. The number of people in need of mental health support also increased a lot in the last months, but some of the organizations providing this type of service lack capacities to take on new cases and some case workers have ended up fulfilling this task. The overcrowded camp and the lack of services, added to the uncertainty in which people are plunged due to the delayed asylum procedures, as well as the consideration of Turkey as a third safe country, are factors that exacerbate mental health problems.

After spending a year, or more, on Lesbos, people's economic capacities are very limited. In November, a Task Force was sent from Athens to give out passports, but many people can't afford to pay the 84 euros fees for travel documents. There are more than 1000 people with positive decisions in the camp waiting for travel documents to be issued. Moreover, the Helios Program, the only integration program funded by the government, has been suspended, and will probably not be resumed. As a result, approximately 4,000 people across Greece were left without rent allowance and access to any other integration service, leading to an increase of homeless people. In Lesbos, people on the move who receive a positive decision are given 30 days to leave the camp, but no organized integration services, planning or financial support.

All of this is coupled with an observed increase in the population of the camp, new arrivals every day and a suspension of the transfers to the mainland, as well as a re-establishment of the geographical restrictions. The lack of preparation of the camp facilities for the winter is nothing more than a repetition of every year's situation, where tents burn down due to the absence of a proper electric system and heating devices. The camp is already overcrowded and the services are completely insufficient. We can only expect worsening conditions in the upcoming months.



# ADVOCACY

## Joint Civil Society Statement on Article 5 of the EU Screening Regulation

Article 5 of the proposed Screening Regulation provides for a screening process within the territory of an EU state. This provision effectively extends screening procedures from the borders to undocumented persons apprehended within the territories. 82 civil society organizations together with PICUM and BVMN united to express concerns regarding the potential impact of the provision in a [joint statement](#) requesting the erasure of Article 5 from the Screening Regulation.

Overall, the Screening Regulation provides for border procedures where people on the move would be identified and registered. While not explicitly stated, the screening procedure would entail de facto detention as the Regulation also creates a fiction of non-entry: the person undergoing screening will be considered as to not have entered the territory of a state. In combination with the Asylum Procedures Regulation, the person will be considered as not present on the territory until an asylum decision is made. For the implementation of this measure, detention or some form of deprivation of liberty will most probably be instituted. It is important to note that neither of these provisions are in line with international human rights law.

Article 5 further undermines rights safeguards by allowing in-territory screening where authorities can apply border procedures in cities and towns inhabited by diverse communities. The application of screening in this manner would strongly rely on profiling based on racial, ethnic, national, or religious characteristics. A [report](#) by the Fundamental Rights Agency found that people of color and of African descent are often subject to discriminatory and arbitrary checks, even when they are citizens or regular residents. The implementation of this procedure will have a broad and indiscriminate impact on racialized communities.

Screening within territory would also lead to arbitrary apprehension as it would remain at the discretion of the police to decide who is perceived as having entered the country in an irregular manner, in any place and at any time. Article 5 provides for deprivation of liberty for apprehended persons without safeguards such as the possibility to appeal the detention decision, access to legal aid, and adequate conditions. Administrative detention typically has less protections attached to it since it lacks formal charges, it has limited judicial review, and the duration of detention can be prolonged without an offense having been committed.

The Screening Regulation is one of five legislative acts part of the New Pact on Asylum and Migration which was approved in December of 2023. The [New Pact on Asylum and Migration](#) was proposed in 2020 by the Commission and it's meant to reform the current Common European Asylum System. BVMN re-emphasizes that the final reform severely curtails the rights of people on the move, and even more so, it is contrary to international human rights law set in place after the Second World War.



# ADVOCACY

## **UK Supreme Court finds the UK - Rwanda Deal Unlawful**

On November 15th, the much awaited decision of the UK Supreme Court on the matter of the legality of the UK- Rwanda Memorandum of Understanding (MoU) was reached. The Court found that Rwanda was not a safe third country and that “there are substantial grounds for believing that the removal of the claimants to Rwanda would expose them to a real risk of ill-treatment by reason of refoulement”.

The UK government had justified their Rwandan deal on the basis of deterring irregular migration to the country. For the past years, policies of deterrence have increasingly forced people to cross the channel by boat in the absence of legal ways to reach the UK. The policies have led to loss of life. The UK authorities meant to transfer arrived irregular migrants to Rwanda where they would undergo their asylum procedure. It is unclear how the deal would have deterred people from entering irregularly since the only means to access the procedure would have been by being present on the territory.

The UK- Rwanda MoU is one in a series of unlawful agreements attempting to externalize responsibility for regularizing people on the move, as well as those in need of international protection. More recently, Italy signed an MoU with Albania on the construction of processing centers on Albanian territory of irregular migrants. Public discourse across European countries continues to target people on the move for irregular entry disregarding the gradual elimination of legal pathways to migrate, together with the ignorance that persons fleeing persecution are in most cases unable to travel through legal means.

## **BVMN submission to the EUAA Annual Report**

Each year the Europe Union Agency for Asylum (EUAA), which has the mandate to support EU states in applying the Common European Asylum System, publishes an Annual Asylum Report aiming at presenting the key developments. The EUAA invites civil society to share their reporting on developments and BVMN submitted a contribution to the call for input for the 2024 Asylum Report. Although BVMN considers it essential to provide field information and testimonies to EU institutions and bodies, it does not endorse or support the findings contained in the EUAA reports. We question their objectivity due to their necessity to justify the existence, establishment, and expansion of the Agency. BVMN also mentions that several reports identify considerable shortcomings in the Agency's operations, such as self-imposed restrictions on the number of recommendations for international protection, accusations of concealing irregularities, and a lack of accountability.

In its submission, BVMN brings together evidence from member organizations. First, it addresses access to territory and access to the asylum procedure which is made highly difficult as pushbacks have become a central part of the EU migration regime, despite being in violation of EU law. Thanks to collected testimonies and BVMN's expertise in the subject, this section delves into and showcases country reports. For each country analysed, the submission displays statistics and data regarding the individuals involved in pushbacks, while also delineating the human rights violations, the inhuman conditions and the violent practices surrounding pushbacks.



# ADVOCACY

Regarding access to information and legal assistance, BVMN's submission focuses mainly on Greece, highlighting the shortcomings in this area. For instance, testimonies collected by I Have Rights describe being forced to sign legal documents without a translator, and lack of access to legal assistance to help them contest their detention or continue the asylum process.

BVMN input likewise deals with special procedures, with a focus on border and accelerated procedures, which became the rule for a great number of applications in Bulgaria and Greece, where it is also accompanied by a general failure to carry out proper vulnerability assessments by the authorities. This part also denounces the Greek declaration of Turkey as a safe country for people from Syria, Afghanistan, Bangladesh, Pakistan and Somalia who transited through Turkey.

On the topic of detention, the submission elaborates on the de facto, automatic detention as well as the poor and inhuman conditions both on Samos and on Mainland Greece. Similarly, the widespread use of detention in degrading conditions is reported in Bulgaria and Croatia, where it constitutes a part of the pushback policies.

BVMN's input also points out that vulnerable individuals, such as unaccompanied minors, women and victims of torture or human trafficking, and their vulnerability is often exacerbated by the practice of violent pushbacks.

Finally, BVMN highlighted two other important developments. First, the growing criminalisation of Human Rights Defenders has a great impact, forcing civil societies organizations to change location, quit crucial support work and spend resources to face smear campaigns. Second, BVMN's input addresses the increase in the activities and the budget of Frontex. For example, the submission mentions Frontex's direct participation and complicity in pushbacks, and in subsequent fundamental rights violations in Greece.

## **Memorandum of Understanding between Italy and Albania:**

In early November 2023, the Italian government announced that a Memorandum of Understanding (MoU) had been signed between Italy and Albania, in order to process asylum applications and the return of people on the move and asylum seekers rescued by the Italian Coast Guard on Albanian territory.

A few weeks after the announcement and after the text of the MoU was leaked to the press, the Italian government recognized that the agreement had not been ratified by the Parliament yet (see on this point the analysis made by ASGI and by Andrea Spagnolo). Despite legal considerations about the need for the Italian Parliament to ratify the agreement, the Italian government, at the end of the month, presented a bill to ratify and to implement the MoU.

Several commentators have compared the agreement to the UK - Rwanda Deal and interpreted it as a symbol of the externalization policies EU Member States are willing to carry out in order to fortify "fortress Europe", implementing the New Pact legislation ahead of time.





## ADVOCACY

According to the combined text of the Protocol and the government Bill, the new agreement presents some unique features. First, asylum procedures will take place entirely outside Italian territory, even though they will fall under Italian jurisdiction. Therefore, instead of being an attempt to circumvent Italian jurisdiction, the agreement specifically aims to create a parallel asylum system in which asylum seekers lose their right to “remain on the territory” during the examination of their application.

The MoU proposed that people on the move and asylum seekers rescued at sea by the Italian Coast Guard will be subjected to a screening and asylum procedures while in detention in one of the two centers in Albania: one is (already) situated in the proximity of the Shengjin port; the other (planned to detain asylum seekers after the rejection of their application and for the purpose of return) will be close to Gjader (north of Tirana). According to the recent bill, the two areas are to be considered “border zones” under Italian law, and people on the move will be subject to an “asylum border procedure”, that envisages their systematic detention. Moreover, the MoU apparently allows for an extension of detention of people once their asylum application has been rejected, for a period that can reach 18 months.

While several legal aspects of the implementation of such an agreement remain obscure and are not clearly regulated by the Bill, particularly with regard to the interaction between Italian and Albanian laws and jurisdictions, it is quite clear that such a plan is at odds with EU law and could breach several provisions of the Italian Constitution and the fundamental rights of asylum seekers. The European Commission has already stated that the deal is “outside the scope of EU law”. According to the Common European Asylum System legislative proposals, EU law only applies to asylum applications made “in the territory” of a Member State, and it seems difficult to reconcile this provision with the intention of the Italian government to implement the agreement “in compliance with Italian and EU law”.

According to ASGI, in order to comply with international law, the Italian authorities must take people rescued by Italian ships in international ports to the closest place of safety, which cannot be identified in the Shengjin ports as it is located further away than other Italian ports. Nonetheless, even in the case people apply for asylum on the ship and their application is registered on board, according to current EU and Italian law they have the right to remain on EU territory during the examination of their asylum application. Under both scenarios, their “relocation” to Albania would violate international, Union and Italian law.

In addition, ASGI and several other NGOs pointed out that the MoU and the Bill do not specify the juridical configuration of the centers on Albanian soil, and the nature of the placement of people on the move: their confinement in Albania could amount to de facto detention, which is in contrast with the provisions of Article 13 of the Italian Constitution and article 5 ECHR. Moreover, people on the move would have their right to defense and to an effective remedy violated, as they would have restricted access to legal assistance or representation in a foreign country.

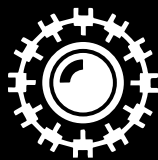


## ADVOCACY

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The Bill introduced a set of rules regarding the competent authorities to carry out the asylum procedures, and the judges responsible to review the detention measures and to decide on the asylum appeals. These provisions are allegedly meant to guarantee the effectiveness of the right to defense but they imply that migrants can only communicate with their lawyers only by phone or emails. From a practical point of view, it is hard to imagine that the detention centers will have the means to guarantee the right to immediate communication with legal aid organizations and lawyers, since this right is not even ensured in the centers on Italian territory.

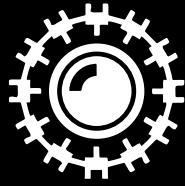
Finally, the deal has been strongly criticized by Albanian NGOs and 28 members of the opposition party filed an appeal before the Albanian Constitutional Court, questioning the legitimacy of the procedure followed to sign the memorandum. On December 13th, the Constitutional Court blocked, at least temporarily, the ratification of the agreement by Albania' Parliament. A verdict on the legality of it, according to Albania's Constitution, is expected in January



# NOVEMBER PUSHBACK TESTIMONIES

Link	Incident	Recorded	Demographic	Group size	Organisation
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Croatia to Bosnia-Herzegovina					
<a href="#">11</a>	13th November	17th November	Morocco	12	Anonymous
<a href="#">12</a>	27th November	28th November	Afghanistan	18	Anonymous
<a href="#">13</a>	29th November	1st December	Afghanistan and Iraq	14	Anonymous
Greece to Turkey					
<a href="#">2.1</a>	15 December	2023/06/13	Congo	35	Anonymous
<a href="#">2.2</a>	2022/8/5	2023/02/04	Djbuti	-	Mare Liberum
<a href="#">2.3</a>	2022/10/15	08/05/2023	Sierra Leone, Guinea, Congo, Ethiopia	43	Anonymous
<a href="#">2.4</a>	2022/02/20	19/07/2023	Kenya, Sierra Leone, Ethiopia	47	Anonymous
<a href="#">2.5</a>	2023/07/28	2023/10/05	Morocco	3	Anonymous



# Border Violence Monitoring Network

## NETWORK STRUCTURE AND CONTACT

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 partner 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, several part-time paid coordination positions and some costs incurred by partner organisations for their contributions to our shared work.

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](mailto:mail@borderviolence.eu).

For press and media requests please contact: [press@borderviolence.eu](mailto:press@borderviolence.eu)



**@Border\_Violence**