

MARCH 2023
BALKAN REGION

ILLEGAL PUSHBACKS AND BORDER VIOLENCE REPORTS



**Border Violence
Monitoring Network**



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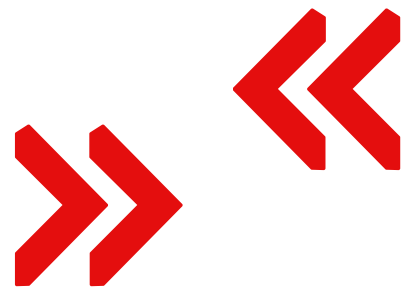
BALKAN REGION
MARCH 2023



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EXECUTIVE SUMMARY



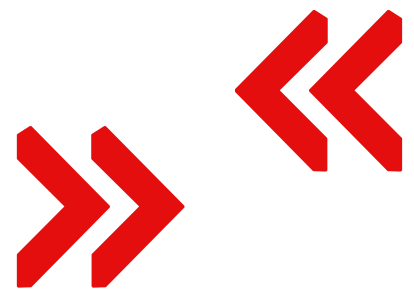
In March, the Border Violence Monitoring Network (BVMN) shared 13 testimonies of pushbacks impacting 148 people on the move (POM) across the Balkans and Greece. This report brings together first-hand testimonies from a range of countries in the region to look at the way European Union states and other 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.

This month, we have witnessed the start of a concerning practice of mass deportations of people on the move by Croatian authorities to Bosnia and Herzegovina. According to several testimonies, men, women and children were intercepted across the whole territory of Croatia, transported in unmarked vehicles and detained for several days and even weeks before the expulsions, when they were handed over to Bosnian authorities in a process of readmission. The men were then taken to Lipa camp, inside of which a new detention centre is currently being constructed. The lack of clarity around the direction of this project - funded by the EU and the Austrian-Swiss founded organisation ICMPD -, and the reported conditions of the detention units in Lipa constitute the focus of the following section. Further updates from Bosnia and Herzegovina look into the increase of limb injuries of people on the move in the country, resulting from accidents and falls at the border with Serbia.

This report also elaborates on the conditions and deteriorating atmosphere at the Samos Closed Controlled Access Center, where the lack of transparency on the asylum procedure and its timeline has increased tensions amongst residents and prompted several protests. Moreover, in March, a change in the centre's policies, which now require residents to physically present themselves in order to get their meals, has also made access to food more limited, while further restricting the freedom of movement of people on the move in the facility. Further updates from Greece address a new case of criminalisation against a person on the move seeking international protection and the continuing and systematic use of detention of people on the move by the Greek state in a way that seems far from respecting EU legislation on detention as a measure of last resort. This month, the often violent and inhumane conditions in many of these detention centres motivated a hunger strike at Paranesti Pre-Removal Detention Centre, where 11 detainees protested against their prolonged detention, dire conditions and police violence within the facility.

Updates from Turkey address, among other topics, the increasingly hostile climate that migrants and refugees in the country face in light of the upcoming presidential and parliamentary elections, as well as the ongoing consequences of the February earthquake two months after the event and the continuing serious discrimination in accessing relief, transport and shelter. Thousands of Syrian people with residence in Turkey have temporarily left the country since the earthquake and though their right to return has been officially guaranteed through the provision of special permits, documented cases of extreme violence against Syrians at the Turkish border make many fear this will not be respected.

The last sections of this report look into several recent advocacy initiatives by BVMN and its members, including the launch of the Legal Action Database in the BVMN website, the feedback submitted to the European Commission's call for input on the current revision on the Anti-Trafficking Directive and the announcement of the first General Comment by the UN Committee of Enforced Disappearances focused on the context of migration. This monthly report closes with a brief analysis on the recent voting on the New Pact on Migration by the Committee on Civil Liberties, Justice and Home Affairs at the European Parliament, which voted to adopt 4 key files - their procedures largely based on the Greek model - that codify a system of increase detention and faster deportations, widening the risk of rights violations in the process.



▶ 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.

▶ ABBREVIATIONS

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 No Name Kitchen, Rigardu, Are You Syrious, Mobile Info Team, PIC, InfoKolpa, Collective Aid, Blindspots, Pushback Alarmphone Austria and I Have Rights

UPDATE ON THE SITUATION

» CROATIA

Mass deportations to BiH

At the end of March, the Croatian police started a practice of mass deportations of people on the move to Bosnia and Herzegovina. Following reports collected by field teams on the situation and the later confirmation by the authorities of Una-Sana Canton of this practice, [BVMN calls](#) on the Croatian Ministry of Interior to give an immediate clarification and provide all the rights guaranteed by law to all people on the move in the country.

According to the testimonies of people affected by the expulsions, they were intercepted across the whole territory of Croatia and escorted to police stations in unmarked vehicles. People, including women and children, were then detained in “prison-like basements”, denied food and water and forced to sleep on the floor.

They were also issued a decision of deportation to Bosnia and Herzegovina and forced to sign documents for which translations were not provided. According to several reports, these documents stated that they are not allowed to enter Croatia for one year, the alternative, some were told, was 18 months detention. Moreover, people described that they were given bills with the costs they were expected to pay for accommodation, food and transportation for those days. They were not given the right to apply for asylum nor to appeal against the process of expulsion. After signing the documents, they were transferred to other detention facilities.

Some people were held there for several days, in some cases even weeks, before the Croatian police handed them over “en masse” to the Bosnian authorities through a formal process of readmission. Following the readmission to Bosnia and Herzegovina, the agents of Bosnia’s Service for Foreigner’s Affairs and the international organisation IOM transferred the men to the Transit Center Lipa and the families to the Reception Center Borići in Bihać.

KAZ TROŠKOVA / LIST OF COSTS	NOVČANI IZNOS / AMOUNT
troškovi putne isprave / Costs of a travel document	
troškovi putne karte / Ticket costs	
troškovi tranzita / Transit costs	
troškovi smještaja u Centru / Cost of accommodation	33,18 X 180 kn = 5972,4€
troškovi prijevoza policijskim vozilom / Costs of transport by police vehicle	308 X 0,4 = 123,20
ostali troškovi / Other costs	
TROŠKOVI / TOTAL COSTS	= 799,44€ (5.608,92kn)
PREJATI TROŠKOVI STRANCU / COSTS COLLECTED FROM FOREIGN NATIONAL	= 0,00€ (0,00kn)

Document provided to a person affected by the expulsions by Croatian authorities, outlining the costs of accommodation and transportation. Source: No Name Kitchen

REPUBLIKA HRVATSKA
REPUBLIC OF CROATIA
MINISTARSTVO UNUTARNJIH POSLOVA
MINISTRY OF THE INTERIOR

Ustr. jedinica / Oznaka: TKJ TUVARUK
Broj / Number: TUVARUK
Mjesto / Place: TUVARUK Datum / Date: 07.05.2023

Serijski broj potvrde / Certificate serial number: [redacted]
URUČITI GRADANINU/STRANCI!

**POTVRDA / CERTIFICATE
O NAPLATI TROŠKOVA PRISILNOG UDALJENJA /
OF THE COLLECTION OF COSTS OF FORCED REMOVAL**

Na temelju članka 222. Zakona o strancima ("Narodne novine" 133/20) / Na temelju članka 65. Zakona o državljanima država članica Europskog gospodarskog prostora i članovima njihovih obitelji ("Narodne novine" 66/19, 53/20, 144/20) izdaje se potvrda o naplati troškova prisilnog udaljenja.
Pursuant Article 222. of the Aliens Act (Croatian Official Gazette 133/20) / Article 65. Act of Citizens of the Member States of the European Economic Area and Members of Their Families (Croatian Official Gazette 66/19, 53/20, 144/20) we are hereby issuing the following certificate of the collection of costs of forced removal.

sin / KO / son / daughter: [redacted]
Ime i prezime / Ime i prezime roditelja / father's name: [redacted]
Mjesto rođenja / date, place and country of birth: [redacted] (M) / gender / nationality: [redacted]

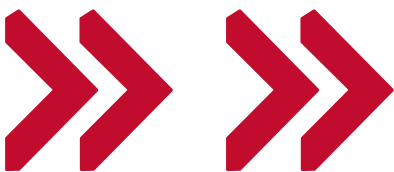
PRIKAZ TROŠKOVA / LIST OF COSTS	NOVČANI IZNOS / AMOUNT
1. Troškovi putne isprave / Costs of a travel document	
2. Troškovi putne karte / Ticket costs	
3. Troškovi prijevoza / Transport costs	
4. Troškovi smještaja u Centru / Cost of accommodation at the Centre 33,48X1209m	= 537,24€
5. Troškovi prijevoza policijskim vozilom / Costs of transport by police vehicle 368X04	= 147,70
6. Ostali troškovi / Other costs	
UKUPNE TROŠKOVI / TOTAL COSTS	= 749,44€ (5.608,97KM)
NAPLAĆENI TROŠKOVI STRANCI / COSTS COLLECTED FROM FOREIGN NATIONAL	= 0,00€ (0,00KM)

Sukladno članku 222. Zakona o strancima ("Narodne novine" 133/20) / Sukladno članku 65. Zakona o državljanima država članica Europskog gospodarskog prostora i članovima njihovih obitelji ("Narodne novine" 66/19, 53/20, 144/20) unovčani iznos novčanih sredstava dužni ste uplatiti na žiro račun: HR12101009186000160, pošt. [redacted] broj rač. [redacted].
Pursuant Article 222. of the Aliens Act (Croatian Official Gazette 133/20) / Pursuant to the Article 65. Act of Citizens of the Member States of the European Economic Area and Members of Their Families (Croatian Official Gazette 66/19, 53/20, 144/20) uncollected amount is to be paid to account to our direct transfer account, number [redacted] reference number [redacted].

OBRACUN TROŠKOVA IZRAĐIO / COST ACCOUNTING DONE BY: [redacted]
SLUŽBENA OSOBA / AUTHORIZED PERSON: [redacted]

PREUZEO STRANAC

Document provided to a person affected by the expulsions by Croatian authorities, outlining the costs of accommodation and transportation.
Source: No Name Kitchen



The methods of interception described could imply the implementation of compensatory measures announced by the Croatian Minister of Interior earlier this year. In the context of these, 742 former police officers from the border crossing points with Slovenia and Hungary were reassigned to mobile teams tasked with intercepting people on the move in the territory near the Schengen border of the Republic of Croatia.

Despite the known and well documented human rights violations against people on the move in the country, Croatia receives financial support from the EU and individual EU member states that sustain these inhumane practices, as described, for example, in a special report on German funding to Croatian border enforcement published at the end of last year. The systematic character of these violations, and the involvement of high-ranking Croatian authorities in their orchestration, has been further evidenced by a recent publication by Lighthouse Reports, which uncovered the existence of Whatsapp groups where pictures and other information about these actions were regularly shared.

This new practice of bilateral mass readmission from Croatia to Bosnia and Herzegovina represents a violation of the right to asylum, the right to an individual assessment of entry conditions as well as of the international principle of non-refoulement. The use of bilateral readmission agreements between EU Member States have been documented before, for example in cases of chain-pushbacks from Italy, through Slovenia and to Croatia and Bosnia and Herzegovina; bilaterally readmitting people on the move to countries outside of the EU is of even greater cause for concern, even more so in light of the construction of a new EU-funded detention centre to be operational inside the Lipa refugee camp.



BOSNIA & HERZOGOVINA

Updates from Lipa

In the previous monthly report, a section addressed the construction of a new detention centre inside of Lipa refugee camp, 26 kilometres away from Bihac, in the Una-Sana Canton, funded by both the EU and the Austrian-Swiss founded organisation ICMPD. This month, the Minister for Human Rights and Refugees in Bosnia and Herzegovina, Sevlid Hurtić, described his visit to the facility in the Sarajevo Times: “[...] a unit that looks like a classic prison has been built within the centre. From the point of view of human rights, this is disgusting; that such a thing exists in a human environment”, “[...] interestingly, no one knows what it is. I will have to inquire carefully, given that this space that I currently see in the centre of Lipa is certainly not in line with human rights and what representatives of the European Union have demanded of us from the very beginning. Someone will have to explain everything”. Over the last few weeks, local authorities of the city of Bihać as well as the Una Sana Canton have reported a lack of clarity on the direction of this project from the government and stated that they were never informed of the construction of this detention centre.

Moreover, the Prime Minister of Una-Sana Canton, Mustafa Ruznic, has recently sent an open letter to the country’s state security and foreign ministers and to the head of the Foreign Affairs, requesting information about the mass deportations carried out by Croatia and the increase in the number of people on the move being transferred to the facility in Lipa without notice: “There are indications that a detention centre has been opened in the Temporary Reception Centre in Lipa, with your apparent approval, without informing us [...]. According to our information, which you have kept silent about, migrants who are prohibited from moving are being accommodated and monitored in this centre.” Though many of the concerns of the local authorities have apparently been appeased after a visit from the Head of the EU Delegation to Bosnia and Herzegovina, Johan Sattler, to Una-Sana Canton, it remains unclear if the detention part of the centre is already active, and if so who is currently responsible for its operations, since the Foreigners Affairs Service stated that the place is still not under their jurisdiction.

Increase in limb injuries

Over the past month, BVMN teams on the field have witnessed an increase in the number of people on the move with limb injuries in Sarajevo. Upon conversations with some of these people we were informed that the injuries resulted from falls from a bridge located over a river at the border between Bosnia and Herzegovina and Serbia. As described in a [testimony recorded in March](#), people on the move recount sometimes that people wearing uniforms resembling those of the Republika Srpska police were taking pictures and videos of them before pushing them back to Serbia. In the January [monthly report](#), BVMN recorded similar incidents of people-on-the-move reported to be push-back to Serbia across the Sava river to Sremska Rača. In the recent testimonies, while some people slip and fall due to the narrow bar you need to balance on in order to get across, others have disclosed that they jumped out of fear when the authorities were on top of the bridge.

The dangers of river crossings for people on the move in this - and many other - regions have been previously documented, the number of reports pointing at deaths from drowning in the Sava river, at the border between Croatia and Bosnia and Herzegovina [increasing in the past few months](#). Similarly to these cases, the increase in reports about limb injuries caused by these falls, constitute yet another example of how people on the move are pushed towards extremely dangerous border crossing routes due to a lack of legal and safe pathways to access asylum within the EU.

Moreover, this month the President of the Republika Srpska, Milorad Dodik, also announced the adoption of a [law on "foreign agents"](#), in line with the very worrying anti-democratic political trend of the government. A similar law, passed in 2020 in Russia, has shown [to act as a purge](#) on civil society organisations, free media and political dissent. Were this law approved by the National Assembly, it could pose a major security risk to any civil society organisations, activists or journalists advocating for people on the move, thus reducing the amount and capacity of actors who build support networks and are able to report on human rights violations in the region.



One of the respondent's leg injury after falling from the bridge.
Source: Collective Aid



Tension core in the CCAC

In March, the Closed Controlled Access Center (CCAC) in Samos was the scene of high tensions and alleged violence, resulting in two protests of people on the move inside the structure. On March 2nd, all asylum interviews were indefinitely postponed due to a lack of interpreters in the CCAC, demonstrating the concerning absence of a functional interpreter system in the 43€M Million EU-Funded CCAC, yet another example of the major structural flaws in the centre.

To complain about these and other deficiencies, including the lack of proper medical services in the camp, residents organised a protest on March 15th. The camp manager met with a delegation from the protest and reportedly told them the structure had “a funding problem”. BVMN partner organisation I Have Rights has learnt that due to people desperately wanting to avoid prolonging their stay in the CCAC, some have expressed their willingness to forgo their right to an interpreter in their asylum interview in order to be interviewed sooner, as they think this increases their chances of being transferred off the island and out of the CCAC.

In the meantime, English speakers are facing the opposite problems, as they are sometimes called in the morning to be informed that their asylum interview will take place that afternoon. A person informed I Have Rights, that “if they [the Samos Asylum Service] don’t call you by 12 o’clock you know your interview won’t be today”. Such lack of notice sparked another protest that took place on March 28th.

The general lack of transparency on the asylum procedure and its timeline is building up frustrations in the CCAC, where people say they do not understand why one person is interviewed on their second week while another has to wait for months. As a result, a resident called the prison-like structure “a war zone”, explaining that the authorities management was dividing and angering people, which resulted in fights taking place between different groups.



Blanket de facto detention of new arrivals

The continued practice of de facto detention of people on the move upon arrival to the Samos CCAC is illegal and arbitrary, and constitutes the basis of current infringement procedures against Greece. As highlighted in previous monthly reports, on arrival to the CCAC people are de facto detained for up to 25 days, which the authorities claim to be for “identification purposes”. While the authorities assert that people are identified and as such are able to leave upon completion of the full registration interview, I Have Rights has documented that, in reality, people are often denied the right to leave the structure even after this point.

This month, for example, 45 people from Afghanistan were notified they would be interviewed the following day. Though they reached out to legal actors for support, they were prevented by the authorities from leaving the CCAC for their legal appointments. These reports stand in stark contrast with and cast growing doubt on the reassurances given by the authorities to the Ombudsman who, following an investigation initiated by I Have Rights and Avocats Sans Frontières on the illegal detention of persons in CCAC, claimed that newly arrived persons could simply leave the structure at any point after asking for permission the day before.

Denial of the right to food

On March 8th, the Reception and Identification Services (RIS) announced that people are now only allowed to receive food twice a day if they physically present themselves to the RIS with their asylum seeker’s identification card. Thus, whereas before a person could ask a friend to collect their food if they were unable to present themselves before the RIS at that time, they will now not be able to receive their meal if they have an appointment in another part of the CCAC (e.g. their asylum interview), or are visiting the essential services of NGOs in the local town of Vathy. At the time of writing, if a person is outside the CCAC during the 1PM food slot, they will not receive food until 9AM the next day, leaving people to survive on two small pieces of bread for 24 hours.

Not only is that an infringement on people’s right to food, but it reinforces the restrictions of liberty imposed by the Greek authorities in the CCAC. The CCAC is in a remote location, and as such, the imposition to be there at 1PM every day means that people are effectively unable to leave at all, as it takes two hours to walk to the nearest town and many cannot afford the bus. The reason behind this change is unclear, as is how it will affect people who do not have an ID card (new arrivals or people whose asylum claim was rejected). However, what is certain is that this new practice contributes to people’s immobilisation and directly impacts their ability to access services offered by organisations outside the CCAC. Due to this new practice people are forced to choose between leaving the prison-like structure or getting food, the price of which is detracted from their cash allowance, on a daily basis.



Another person criminalised for seeking international protection

As a result of the EU migration policy based on securitisation and externalisation, another person has been criminalised for seeking international protection in Greece. On March 6th, H. Elfallah, a 45-year-old fisherman from Egypt, was convicted and sentenced to 280 years in prison for steering a boat carrying people on the move that got into difficulty last November south of Crete. After authorities arrived on the scene, H. Elfallah was immediately arrested and charged with "unauthorised entry" and "unauthorised transport of third-country nationals into Greek territory", with the aggravating circumstances of "endangering the lives of the passengers", "acting for profit" and "affiliation to a criminal organisation". At the time of his arrest, H. Elfallah was travelling with his son who is now being kept in a camp for unaccompanied minors in Crete. This case is a prime example of yet another person whose life has been ruined by the EU's criminalisation and security based approach to migration which focuses on punitive measures and incarceration instead of prioritising the provision of safe and legal pathways for people into Europe.

Theft in Pushbacks

A report released this month by Soloman and El País has found that, over the past six years, Greek authorities have stolen over €2 million worth of cash and personal belongings from people on the move while carrying out pushbacks from Greek territory. The report outlines the modus operandi of the authorities which includes the use of arbitrary detention and theft of people's money, phones, jewellery and other personal items. The investigation, which also analysed data from the BVMN database, found that the practice has increased over the years, shifting into a systemic practice of fear and intimidation. It is unclear what is done with the items following the theft, but one internal source informed Soloman that authorities keep them for personal use or gift them to family members. The frequency of theft has reportedly led to transit groups carrying less cash and valuable possessions on them for fear of being robbed and assaulted by state authorities.

While this investigation predominantly focused on Greece, BVMN has collected testimonies from across the Balkans and Turkey which describe similar practices of theft during pushback operations, indicating that it is not solely Greece capitalising on this tactic. In a testimony collected this month, a group of 12 people were pushed back from Hungary to Serbia after having their phones and charging cables stolen. In fact, nearly all of the testimonies of pushbacks from Croatia and Hungary collected in the past two months report the theft of personal belongings from people on the move.

A rise in pushback operations extending inland to cities and towns far from the border was also noted in the report, a trend that BVMN has been documenting since the start of COVID-19, and specifically reported on following the intensification of police operations within cities in 2022 and again in 2023.

The notorious use of theft during pushbacks is just one of the methods used by States to intimidate people on the move and prevent them from attempting to seek asylum again within the country. This report comes days after a statement was released by MEPs following a visit to Athens which expressed concern for respect of the rule of law and human rights in Greece. The Greek state's conduct towards migrants was described as "highly unsettling" when addressing reports of the unlawful treatment they have faced domestically and at external borders through systematic pushbacks, violence, arbitrary detention and theft of their belongings.

Analysis of detention testimonies

Following the recent publication of BVMN's partner organisation Mobile Info Team's report on the systematic use of pre-removal detention centres, as well as BVMN's report on violence in detention, members of BVMN have continued to document the experiences of people on the move detained in police stations, pre-removal detention centres and prisons across Greece. In March, we collected multiple testimonies evidencing that people continue to be routinely deprived of their liberty without receiving information on the reason for their detention. They are also often forced to sign documents in Greek, without the help of a translator. Worryingly, several testimonies detailed that people on the move were subjected to verbal and physical violence if they approached officers to request information or support, including information on the asylum procedure and requests for urgent medical assistance, while some respondents simply refrained from asking at all for fear of reprisals and punitive violence. In all of the testimonies, the respondents reported being detained in degrading conditions without access to adequate food, drink, means of rest, and medical support.

In some cases, respondents were detained for up to 13 months, before they were released back into the community. This demonstrates that Greece continues to detain people even when there is no imminent prospect of removal, raising the question of lawfulness of detention. This continued use of detention as the default practice by the Greek state goes against EU legislation and recent recommendations on returns published by the European Commission, which stipulate that detention should be used as a measure of last resort.

Hunger strike at Paranesti PRDC

On March 16th, 11 detainees in Paranesti Pre-Removal Detention Centre went on hunger strike in protest against their prolonged detention, dire conditions and the repeated incidents of police violence within the facility. The statement released by the individuals reported that authorities deny them access to warm water, adequate food, and medical care, and force them to sleep on thin mattresses in cells which are dirty and infested with cockroaches. The statement further highlighted the critical lack of information that detainees received regarding the reasons for their detention. The hunger strikers stated they had been forced to sign papers in Greek without translation assistance, described the lack of legal assistance and reported experiencing physical abuse from police if they refused to sign provided documentation.

BVMN highlights that this statement coincides with the recently published detention report that revealed the inhuman and abhorrent conditions and curtailment of rights that people detained in pre-removal detention centres across Greece, including Paranesti, experience. The report also includes details of hunger strikes that occurred throughout 2020 to 2022, which were often followed by violence and punitive measures perpetuated by police officers.

On behalf of the hunger strikers, BVMN communicated a letter of complaint to the Greek Ombudsman, the Greek National Commissioner for Human Rights and the Committee for the Prevention of Torture, and submitted an urgent appeal to the UN Special Rapporteur on Torture to investigate and address the demands of the strikers and to ensure their protection from reprisals.



Turkey

Migration and Elections

According to a recent UN [report](#), an estimated four million refugees currently reside in Turkey, 3.6 million of whom are Syrian, though the total number of refugees and unregistered migrants is most likely far higher. With the upcoming presidential and parliamentary elections on May 14th, immigration policy has become an inescapable issue. The economic crisis has created a narrative of blame targeted at migrants, framing them as competitors for scarce employment and a general burden on the state and society, as well as part of an agenda to undermine the cultural and ethnic makeup of the nation. Both the ruling party and the main opposition alliance continue to [use](#) migration and refugees as subjects to sway voters.

Kemal Kılıçdaroğlu, presidential candidate for the opposition 'Nation Alliance', has [declared](#) that Turkey will not be the solution to Europe's migration problem. The 'Alliance' regularly reiterates its [pledge](#) to "send back" two million Syrians within two years of its election, with Erdoğan making every effort not to let them set the bar, between increased forced "voluntary returns" of Syrians and other migrants.

Government-aligned news outlets continue to do their bit to boost the sense that plenty is already being done with respect to tackling immigration, reporting daily on police operations targeting migrants and people-smuggling networks, and the increasing rate of deportations of migrants and refugees from Turkey. According to [statistics](#) from the Directorate of Migration Management, in the first three months of 2023, 26,028 "irregular migrants" were deported, while the deportation cases of another 17,638 were being processed.

Detention and Deportations in more detail

In terms of nationality, the highest rate of deportees are from Afghanistan. Lawyers in Turkey have reported hundreds of people being deported in groups back to Afghanistan from major airports. Many minors have also been forcefully deported after undergoing a 'bone test' which determines whether they are at least 18 years of age thus eligible to be deported or "voluntary returned" unaccompanied. However, medical professionals and international institutions have frequently stated that this practice of age assessment can only give a rough estimate of an age, with a margin of error of two years, raising concerns as to the validity of such tests. In many states, it is often required by law that bone x-rays are conducted in addition to a physical or psychological examination. That said, [Turkey is not](#) the only country to rely on the practice as a sole means of determining the age of asylum applicants.

Among the thousands of people faced with the risk of deportation are Iranian-Kurdish political refugees [Peyman Mola Mirzaie and Zhina Fatemeh Ebrahimi](#). The married couple have lived in Turkey for nine years and have two children, one of whom was born in Turkey. The couple have open cases against them in Iran and if deported, could face lengthy imprisonment or execution. Mirzaie is now being held at Akyurt Removal Centre, Ankara.

On March 28, it was [reported](#) that an 18-year-old boy from Afghanistan was sexually assaulted while detained in Iğdır Removal Centre. His lawyer filed a criminal complaint with the Iğdır Chief Public Prosecutor's Office against three other detainees at the Removal Centre. No action was taken and the claimant is still being held in the same location as the perpetrators of the assault.

The EU-Turkey Deal and Pushbacks

March marked seven years since the signing of the EU-Turkey Deal, which continues to largely determine the restriction and movement of people on the move in and throughout Turkey. Although the 2016 EU-Turkey Deal is often still referred to as ongoing — and EU money continues to fund Turkey's migration and border management infrastructure — some crucial aspects of the agreement are by no means still enforced: deportations from Greece to Turkey have been suspended since 2020. These formal expulsion methods, however, have been replaced by illegal pushbacks, which continued throughout March. Between March 1st and March 27th, the official statistics of the Turkish Coast Guard recorded 59 maritime pushback cases, affecting approximately 1,440 people.

February 6th and After

Roughly two months after the earthquakes that hit Turkey and Syria on February 6th 2023, the disaster continues to affect migrants and refugees living in Turkey. On March 13th, the Migration Research Association (GAR) published a report on the matter, based on a five-day monitoring activity in the region. The report highlights the issues of hate speech, hostility, and lack of shelter faced by refugees and migrants in the aftermath of the earthquake. Almost half of the Syrian population registered with Temporary Protection Status in Turkey has been affected by the earthquake. Syrians and other vulnerable registered and unregistered migrant populations have been exposed to serious discrimination in accessing relief, transport and shelter. These discriminatory practices were described in detail in a February 28th article from Zan Times looking at the experiences of Afghans in the affected provinces. There, the head of the Afghan Refugee Solidarity Association (ARSA) stated that according to their data, so far more than 600 Afghan refugees had been killed and more than 800 others injured.

On March 27th, the Turkish defence chief stated that approximately 60,000 Syrians have departed from Turkey in the aftermath of the earthquakes. A special permit was issued to Syrians residing in Turkey allowing them to visit Syria for up to six months. UNHCR issued statements stressing that those Syrians who did leave Turkey on such permits must retain the right to return.

Stripped of many fundamental rights on either side of the border, Syrians have many reasons to be sceptical of their right to return being upheld. A vicious incident from early March illustrates what Syrians can be exposed to in the current climate. On March 11th, eight Syrians entered Hatay in the south of Turkey. The group, which included two minors and a man in his fifties, were reportedly held by Turkish gendarmerie at Kavalcık Border Police Station, and were severely beaten and forced to drink diesel. One died while under apprehension. His body was delivered back to Baba Al-Hawa crossing, while the other seven were deported, though another person of the group also later died in hospital in Syria. The incident is being investigated in Turkey on charges of deliberate killing, injury, and injury due to consequences. Three members of the gendarmerie were arrested then released under judicial control.



One of many images released by Baba Al-Hawa border crossing after the attack of March 11. Source: babalhawa.net

Speaking on the incident, the [Violations Documentation Centre](#) in northern Syria [reported](#) to Middle East Eye that 555 Syrians have been killed by the Turkish gendarmerie since 2011, including 103 minors and 67 women. They added that 2,295 people have been injured by Turkish gendarmerie bullets while trying to cross the border, while those residing near the border have also been targeted with live ammunition.

Dina

On March 27th, the body of Jeannah Danys Dinabongho Ibouanga, an 18-year-old student from Gabon, was [discovered](#) in the waters of Karabük Filyos Stream. Dina, as she was known, was in the preparatory program for Mechanical Engineering at Karabük University and had only moved to Turkey a few months ago. Right after her body was found, the Karabük Chief Public Prosecutor's Office made a press release stating that her death was as a result of drowning and was not deemed suspicious. Reports later emerged stating that she had received harassing messages from local post office employees, along with footage from before her death showing her running down the street barefoot. It was also revealed that there were bruises on her body. The day before her death, she had told her mother of racist and sexual harassment she was facing, and that she feared for her life and wanted to move.

Initially after her body was found, it was announced that the investigation would be confidential, while later one journalist was arrested for publishing video footage of Dina, and another person who had been seen getting into her car was detained and released several times. A [statement](#) from Birlikte Yaşamak İstiyoruz İnisiyatif (We Want to Live Together Initiative) denounced the systemic violence and total lack of justice that migrant women face in Turkey. In the context of startling [femicide statistics](#) across Turkish society and a political and media environment that fuels xenophobia and racism, it is racialised and migrant women that are at the most risk of such violence.



Friends of Dina in Karabük protest after her death, demanding justice.

Source: sendika.org

ADVOCACY

UN CED General Comment

The United Nations Committee on Enforced Disappearances has released its first-ever General Comment, focused on enforced disappearances in the context of migration. The General Comment highlights the humanitarian crisis facing people on the move, including the use of 'dehumanising border governance tactics' and 'restrictive immigration policies' that have led to thousands of deaths and disappearances every year.

Addressing the ongoing human rights violations occurring at EU borders, the Committee on Enforced Disappearances has explicitly stated a complete prohibition on the use of pushbacks under international law, including chain pushbacks or pushbacks carried out by non-state actors or intergovernmental organisations.

BVMN's campaign to secure this General Comment has been ongoing for the past three and a half years, and has included consistent reporting of rights violations, participating in confidential briefings with the Committee, evidentiary submissions and providing direct feedback on the outline of the General Comment. We are very proud to have played a crucial role in this vital General Comment that will advance international law to better protect people on the move.

Feedback to the EU Commission to their work on the revision on the Anti-Trafficking Directive

BVMN's Legal Working Group submitted feedback to the European Commission's call for input on the [current revision on the Anti-Trafficking Directive](#). It highlighted how people on the move could be better protected from human trafficking and how survivors of human trafficking can have improved access to their rights, in particular if they are also survivors of pushbacks.

The main points raised in the submission were: the vulnerability of people on the move and survivors of pushbacks to becoming victims of human trafficking; the fact that pushbacks and current practices of detention prevent survivors of human trafficking from reporting their experiences; and how pushbacks prevent survivors of human trafficking from accessing their rights. These rights include the identification of survivors of trafficking, physical safety and protection from torture and cruel, inhuman or degrading treatment, access to assistance and support for survivors of human trafficking, access to information and translation, and access to necessary medical treatment including psychological assistance and access to legal remedy. In addition, the submission draws attention to a need for protection of the data collected in the scope of the directive as well as its potential impact on the criminalisation of people on the move.

The submission included a number of recommendations concerning the implementation of necessary safeguards regarding the concerns raised.

Launch of the Legal Action Database

This month, BVMN launched its [new legal action database](#) on pushbacks with support from Heinrich Böll Stiftung. The database, researched and created by the Legal Working Group, collects pending cases and finalised judgements from national jurisdictions in Europe as well as international courts, including the Court of Justice of the EU, UN Committees, and the European Court of Human Rights, and stores them in one concentrated location. All these cases relate to pushbacks, summary expulsions, collective expulsions, non-refoulement, and general instances of border violence.

The Legal Working Group sought to address the lack of an online compilation of such cases by creating this database, the first comprehensive database of its kind, and providing it for free. This database is designed to assist partner organisations of BVMN and people researching migration law, as well as legal practitioners working with people on the move and judges, in order to provide ease of access to cases relating to pushbacks. Each entry in the database contains the name of the case, the jurisdiction of the case, the court it was heard in, the year of the case, the case's status (i.e. whether it is ongoing, pending, or finalised), a list of the laws relevant to the case, a brief description of the facts, which party the case was found in favour of, and a link to the full document. The database is a living resource, meaning that it will be continuously updated with new cases as they arise.

GDPR Have Your Say Submission

Towards the end of March BVMN's Legal Working Group communicated a Have Your Say submission to the European Commission. This submission was based on a new initiative proposed by the Commission to improve cooperation between data protection supervisory authorities when enforcing GDPR.

It is essential to interact with this mechanism because even small changes in policy may have severe implications for people on the move and how their data is handled and processed. The focus of this submission was to ensure people on the move do not end up more vulnerable after this initiative, and incorporated multiple recommendations of necessary safeguards to ensure this does not occur. The submission included sections on points of concern within existing data protection legislation, the risk to human rights defenders as well as people on the move, the implications of EUODAC processing, and concluded with a section on artificial intelligence and the need for monitoring of new technologies.



On March 28th, the LIBE Committee of the European Parliament (Committee on Civil Liberties, Justice and Home Affairs) voted on four key files of the New Pact on Migration and Asylum: the [Screening Regulation](#), the [Asylum Procedures Regulation \(APR\)](#), the [Regulation on Asylum and Migration Management \(RAMM\)](#), and the [Crisis Proposal](#). Members of the European Parliament (MEPs) voted to adopt the files, a decision that sets a deeply worrying precedent for the future of migration management in the European Union (EU). The files put forth a system of increased [detention and faster deportations](#), where individuals seeking international protection may be detained without due process, some as young as 12-years-old. The rapid returns of individuals could result in a failure to provide adequate protection, leaving room for potential violations of non-refoulement, as well as the right to protection from torture and other inhumane treatment. Whilst de-facto detention and human rights violations have long been the standard policy of individual Member States, codifying and fortifying this on the EU level represents a dangerous shift towards the normalisation of such practices.

The procedures laid out in the files are very much based on the Greek model which, with this move, has been deemed a 'success' by the Commission. Greece's Closed Controlled Access Centres (CCACs), funded by the EU, have become a pilot project that demonstrates how detention structures for the reception of applicants for international protection work in reality. BVMN partner organisation I Have Rights [evidences](#) that the nature and conditions of the CCAC constitute systematic breaches of Article 5 of the ECHR and systemic inhuman and degrading treatment under Article 3 of the ECHR. In fact, the European Court of Human Rights (ECtHR) has [recently found Greece](#) to be in violation of Article 3 for forcing a woman to live in inhumane conditions in Samos CCAC. In the Asylum Procedures Regulation, individuals whose applications are rejected after this initial phase would be directly streamlined into return facilities. Again, we turn to the Greek example of Pre-Removal Detention Centres (PRDCs), the subject of two recent reports by [BVMN](#) and partner organisation [Mobile Info Team \(MIT\)](#). Respondents spoke of poor hygiene conditions, no legal assistance or possibility to appeal detention decisions, and a lack of access to medical care - both physical and psychological. The BVMN report revealed physical violence in detention perpetrated by authorities as both extreme and systematic. 65% of respondents indicated that they had been subjected to violence by authorities or witnessed violence by authorities, with some detention centres reporting an 80% incidence rate. Taking the example of both the CCACs and the PRDCs into consideration, it is clear that the provisions laid out in the APR will lead to a common approach across most Member States similar to the one seen in Greece today, where detention is inherent in the asylum process. Through every step, from registration to return, fundamental rights and safeguards are inaccessible to applicants, and individuals are subject to routine and systematised violence for the sole reason of seeking asylum or being a person on the move. The Greek "pilot project" has evidenced that this approach to migration is cruel and unsustainable, and now due to the APR, there is a move to codify this substandard and inefficient practice into Union law.

You can find our full policy analysis [here](#).

MARCH PUSHBACK TESTIMONIES

Link	Incident	Recorded	Demographic	Group size
Hungary to Serbia				
1.1	04/03/2023	07/03/2023	Afghanistan, unknown	12
1.2	12/03/2023	13/03/2023	Afghanistan, Palestine, Syria, Morocco, Algeria, Tunisia	24+
1.3	13/03/2023	15/03/2023	Syria	10
1.4	13/03/2023	05/04/2023	Somalia	1
1.5	19/03/2023	/	Afghanistan, Syria, Iraq	40
1.6	22/03/2023	23/03/2023	Syria	25
1.7	27/03/2023	27/03/2023	Morocco, Tunisia	9
Croatia to Serbia				
2.1	13/02/2023	/	Morocco	2
Bosnia-Herzegovina to Serbia				
3.1	28/02/2023	02/03/2023	Afghanistan	3
3.2	09/03/2023	/	Algeria, Morocco	3
3.3	17/03/2023	22/03/2023	Morocco	4
Croatia to Bosnia-Herzegovina				
4.1	05/03/2023	08/03/2023	Cuba	5
4.2	28/03/2023	/	Algeria, Morocco, Syria	10



FEBRUARY PUSHBACK TESTIMONIES

Link	Incident	Recorded	Demographic	Group size
Hungary to Serbia				
1.1	28th January	20th February	India, Turkey, unknown	25
1.2	1st February	3rd February	Algeria, Morocco	unknown
1.3	13th February	13th February	Morocco	16
1.4	22nd February	22nd February	Morocco	11
Croatia to Bosnia-Herzegovina				
2.1	31st January	14th February	Egypt, Morocco, Syria	9
2.2	6th February	9th February	Cuba	2
2.3	17th February	24th February	Afghanistan, Turkey	18

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.

For press and media requests please contact: press@borderviolence.eu