

THE MARGINS OF EUROPE

EVALUATING HUMAN RIGHTS IN BIHAĆ,
THE EPICENTER OF THE NEW BALKAN ROUTE

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INTRODUCTION

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We are two independent volunteers who have been documenting border violence and illegal pushbacks (informal expulsion without due process) along the Balkan Route. Our "homebase" is Bihać, a city of roughly 60,000 located in the Una-Sana Canton in northwestern Bosnia and Herzegovina. Beginning in 2018, Bihać became a major transit location for people-in-transit attempting to reach Western or Northern Europe, as well as a city where people-in-transit are pushed back to. During the summer of 2019, we were present in Bihać as the only border violence monitors in the city.

While observing people coming back from the "game" (the colloquial term used by people-in-transit to describe the process of attempting to cross into desired countries for protection), we began noticing that people-in-transit were not just experiencing violence at the hands of Croatian, Slovenian and other police but were experiencing violence at the hands of local authorities in and around Bihać. From these growing observations of the many formal and informal mechanisms of violence that pervade life for people-in-transit within Bihać, we began compiling a comprehensive document on the human rights situation in Bihać. Our observations begin on the 14th of June with the creation of Vučjak settlement, a camp which has come to exemplify the lack of dignity and humanity for people-in-transit attempting to claim asylum in Europe.

As Border Violence Monitoring Network (BVMN) representatives, we are often not allowed access to refugee and migrant camps where we'd be able to collect a larger number of pushback reports and gain critical information on internal camp conditions. In attempting to access Vučjak as researchers for these reasons, we had been rejected on the basis of Vučjak's "safety concerns and lack of security." The Red Cross, unable to provide, in their own words, safety and security from illness, disease or the camp residents themselves, rejected our request for access. As a result, this report is a mosaic of information from our own observations and the observations of independent and affiliated volunteers and humanitarian actors, journalists, researchers, and, of course, people-in-transit, who have been so willing to share their experiences of violence and trauma with the hope that the world will listen. From interviews, conversations and experiences with these actors, along with research of relevant news and media reports, we compared what we observed in Bihać against EU law, international law and conventions, BiH law and UN standards and best practices. The violations we have identified are summarized on page three and explored separately throughout this report. Our observations ended on the 31st of August, 2019. However, for various statistics, we utilize the most up-to-date statistics available and indicate where we do so.

The data used in this report provides a complex, multi-faceted and cross-checked picture of the situation in and around Bihać: the failure of local, national and supranational authorities and organizations to adequately respond to a humanitarian and political crisis, the failure of those in power to provide for the dignity of people-in-transit and the formal and informal mechanisms of violence that occur everyday unseen and unnoticed by the rest of the European community.

Our aim is for this report to be of use to those who have the power to enact change in this situation: politicians, activists, journalists, lawyers and everyday people. Because of BiH's peripheral status in Europe, the European community has been largely silent about the human rights violations occurring on its borders. Our aim is to educate, to provide evidence and to stimulate action in the face of grave inaction.

We ask you to keep this in mind as you read: at the most fundamental level, this is a document about what it means to be a person-in-transit today in a Europe that has failed its commitments to uphold its own institutionalized system of human rights protection.



Written and researched by Margot Durand and Medina Husaković, edited by Margot Durand, Medina Husaković, Jack Sapoch and Milena Zajović, designed by Medina Husaković. Published by Are You Syrious? on October 22nd, 2019. Special thanks to Joseph Cripps for his contributions. Title photo by Thom Davies.

SUMMARY of VIOLATIONS

The purpose of this report is to highlight the violations of national and international laws and conventions occurring in Bihać and Bosnia and Herzegovina more generally. "Based on respect for human dignity, liberty, and equality, Dedicated to peace, justice, tolerance, and reconciliation...Determined to ensure full respect for international humanitarian law", Bosnia and Herzegovina's constitution is one of the most progressive in Europe, yet BiH is currently violating the following standards in its treatment of people-in-transit and asylum-seekers:

ARTICLE 14 of the Universal Declaration of Human Rights
ARTICLE 33 of the 1951 Convention relating to the status of Refugees

ARTICLE 3 of the European Convention on Human Rights

ARTICLE 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

1967 Optional Protocol relating to the status of Refugees

ARTICLES 11.1 and 12 of the International Covenant on Economic, Social and Cultural Rights

ARTICLES 8, 12.2, 13.1 and 139 of the Law on Movement and Stay of Aliens and Asylum of Bosnia and Herzegovina

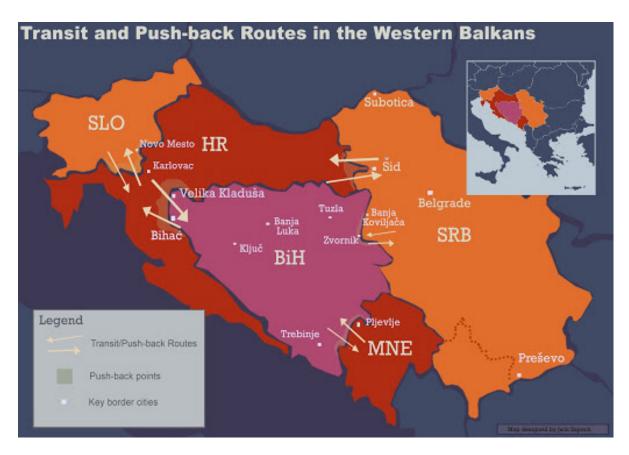
ARTICLES 1, 3, 5.1 and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms

ARTICLES 32, 33, 34, 36 and 38 of the Convention on the Rights of the Child

ARTICLE 2 of the Constitution of Bosnia and Herzegovina

This report explores these violations in-depth.

BACKGROUND



I. MIGRATION IN THE BALKANS

Beginning in 2010, Europe began experiencing a sizable increase in migrants and asylum-seekers from primarily Africa and the Middle East, with the peak of migration occurring in 2015 when 972,500 people were recorded by UNHCR to have crossed into Europe through the Mediterranean and 34,000 people were estimated by IOM to have crossed from Turkey into Bulgaria and Greece by land.¹ Over time, the transit routes that migrants and refugees used evolved as certain borders become increasingly securitized and impenetrable, encour-

aging people-in-transit to take alternate routes. In 2015, the main overland transit route to reach Western Europe passed through Serbia into Hungary, Austria and then Germany and other Western European countries. However, this route was largely shut down in 2016 through both coordinated and uncoordinated efforts to toughen, close and externalize the EU border. In July 2015, under Prime Minister Viktor Orbán's government, Hungary closed its southern borders along Serbia and then later Croatia with a double metal razor-wire fence, diverting migrants to cross through Serbia into Bosnia and/or Croatia instead.2 These efforts at closing down migration routes are part of a larger pat-

tern of efforts to externalize the EU border and stop people-in-transit well before they reach Schengen zone borders. Perhaps the most famous example of this being Turkey, a country many migrants must pass through before reaching the Balkans, agreeing to stem the flow of migrants into Europe for €6 billion between 2016 and 2019 in EU aid.3 In a wider environment of hostility towards people-in-transit, Balkan countries followed suit, with EU countries encouraging and funding anti-migration tactics and policies in the region. EU countries have: offered to fund fences, such as Hungary offering to fund a fence similar to its own along the Montenegrin-Albanian border4; funded border patrol efforts, an example of this being the Czech Republic's offer of €1 million to BiH for border patrol⁵; and explicitly equated the Balkans' importance to its capacity to "protect" EU borders. The result is a migration frontier that has increasingly moved to the Balkans.

II. NEW BALKAN ROUTE & PUSHBACKS INTO BiH

As a result of changes in the transit routes, a "new Balkan route" has emerged. According to observations from the Rigardu shower team, an NGO previously working in Serbia, people-in-transit stuck in the north of Serbia following the closing or choking out of other routes began attempting an alternative route through BiH, decreasing the number of people-in-transit in Sombor and Subotica from over 300 in March 2018 to 25 in June 2018. This route is now one of the main over-land routes in the Balkans and

commonly involves traveling through Albania and Montenegro into northwestern Bosnia with the goal of crossing through Croatia and Slovenia into Western Europe. Arrivals to Bosnia more than doubled from March 2018 to April 2018 and the number increased to 5,057 arrivals detected in October 2018 alone. The majority of people-in-transit and asylum-seekers in BiH are concentrated in northwestern BiH, particularly in the Una-Sana Canton, of which Velika Kladuša, Bihać and Cazin are hotspots.

However, this transit route has become a bottleneck because of the aggressive border tactics of the Slovenian and Croatian governments. Slovenia is the only Balkan country in the Schengen zone and thus carries the role of preventing people-in-transit from entering into the Schengen zone.⁷ Croatia is on track to join the Schengen zone in 2020. Both countries are highly conscious of their position at the border of the EU. In response to this new route and the political pressure coming from the EU to stem migration flows, both countries have consequently strengthened their border control efforts through the use of illegal pushbacks and collective expulsions.8 This increased securitization now negatively impacts BiH, a struggling non-EU country bordering Croatia. People-in-transit are finding it increasingly difficult to cross through Croatia and Slovenia and are illegally pushed-back into Bosnian territory multiple times. What started as a stream in the winter of 2018 turned into a continually increasing flow of people in 2018 and a large internal transit population in 2019.

III. CURRENT MIGRATION RESPONSE

From the first of January 2018 to the 31st of August 2019, UNHCR recorded 42,345 arrivals in BiH. Of these arrivals, 39,507 claimed their intention to seek asylum while 2,002 officially applied. The arrivals in 2019 exceed the number of arrivals in the same months in 2018.9 According to UNHCR, by the end of August 2019, the maximum available capacity across eight formal and informal centers in BiH was 4,117 with the camps in Una-Sana Canton full to capacity. The total population of people-in-transit and asylum-seekers in BiH is around 7,500. In Una-Sana Canton, the approved capacity limit of 3,200 refugees and migrants remains unchanged despite the fact that the number of migrants and refugees in 2019 is higher than the corresponding number in 2018.¹⁰

Throughout BiH, the majority of people in transit in official accommodations reside in IOM-managed centers, with much smaller numbers in Government of BiH-managed centers, private accommodation and NGO-managed sites. An increasing number are residing in private accommodations or are squatting, a number upwards of 3000.¹¹

The unique structure of the Bosnian state and government are consequential for the state of human rights in Bosnia. Following a war in the 1990's, Bosnia is now composed of a tripartite government with a rotating presidency and is divided into two entities, the relatively autonomous Republika Srpska and the Federation of BiH. Further, the ten cantons of BiH are highly decentralized. Partly because of this state structure and the fact that the new Balkan route concentrates migrants in northwestern BiH, the management of the situation at the border often lacks coordination and clear, unified authority, with political leverage and interest in the situation varying greatly across BiH. For example, on July 11, 2019, the BiH Presidency failed to agree on possible solutions to the migrant crisis, rejecting three suggestions to deploy the BiH army to the Bosnian-Serbian border, deploy Frontex officers and more equitably distribute migrants across BiH.¹² Suhret Fazlić, mayor of Bihać, a city which has become a hotspot for migrants, states that the Bosnian state's "only strategy was to push all the migrants here (Bihać)".13 This claim is not without evidence; for example, despite most migrants entering Bosnia from the Serbian border and passing through the

Top countries of origin between Jan. 2018 and July 2019¹⁴



territory of Republika Srpska, Republika Srpska has declined to accept any migrants or establish an immigration center, preferring to push migrants to northwestern BiH.¹⁵

The influx of migrants has not only caused political friction within BiH but has strained relationships between BiH and important external actors. Željko Komšić, the current Croat member of the BiH Presidency, expressed the common sentiment that the migrant crisis is not Bosnia's problem but rather is a result of Croatia's actions which unfairly burden BiH. For Komšić, Croatia is the "real" problem because it pushes migrants who have never been in Bosnia and Herzegovina into Bihać. The Minister of Security, Dragan Mektić, commonly expresses similar sentiments, specifically condemning the Croatian government.

However, attributing blame to Croatia doesn't necessarily mean relevant authorities in BiH are properly addressing the problems within their own borders. Political leaders often frame the transit influx as a security rather than a humanitarian issue, such as when Dragan Mektić asked "whether we [BiH] will fight migration or...shift the problem to someone else's yard".17 Funds coming from the European Union are reported to not reach the places that need it most, particularly the Una-Sana Canton.¹⁸ Discussions about where new camps will be located and what will be done with existing camps are at a perpetual standstill.¹⁹ Patterns such as these pervade discourse on migration in BiH.

IV. BIHAĆ'S CAMPS

To understand the situation in Bihać, it is necessary to understand Bihać's four camps. Concerning the places accommodating families with children and vulnerable people (persons in need of special protection related to gender, age, disability and health status²⁰), Borići was officially created in January 2019 following an EU-supported renovation and has a capacity of 430 people, with families accommodated in rooms of either 4, 6, 8, or 16 beds. Hotel Sedra, located in Cazin 35 kilometers from Bihać, can accommodate 420 people and is exclusively for families with children, unaccompanied or separated children (UASC) and other vulnerable individuals who are voluntarily relocated in partnership with UNHCR. According to UNHCR, both camps are not in good condition because of electricity issues and/or lack of proper water and heating infrastructure and the city of Bihać has revoked its support for plans to expand Borići's accommodation capacities.²¹

Concerning single men, Bira camp is located in Bihać with an official capacity of 1,500 but contains "1,940 available beds, of which 1,300 are in six-bed housing containers and 640 in large provisional tents." At the end of May, the site hosted 1,848 refugees and migrants, which meant officially it was over-capacity. As with Borići and Hotel Sedra, UNHCR identifies electricity as a point of issue while the people within the camp complain of the lack of showers and toilets, violence from private security forces, lack of free movement and arbitrary loss of

registration. From the beginning of 2019, the camps, particularly Bira camp, have neared or have reached capacity, stimulating more and more people to sleep in the meadow in front of Bira, squat houses in town or rent houses from individuals who allow it. The conditions in these alternative shelters are usually substandard: overcrowded and/or unsanitary and, in regards to rented spaces, overpriced.

Leading up to June 2019, where we begin our observations, the local population's sympathy for people-in-transit had already significantly soured. Acts of incivility towards the local population, fights within the transit-community and general hostility towards people-in-transit stimulated the local authorities to create Vučjak in June 2019 to de-burden the city of its transit population and take people-in-transit out of public spaces.²⁴

Our report begins with the creation of this camp: starting with violent evictions that violate international standards, Vučjak was created on a former landfill approximately 10km from Bihać city center in the forest surrounded by landmines with no access to running water and completely unprepared to house the people that would come to call it "home". Unlike the other camps, it was not created by IOM but by local authorities. As will become apparent in this report, Vučjak houses some of the worst violations of human rights within Bihać and is a key component of the increasing hostility towards and worsening conditions for people-in-transit in Bihać.

HOTEL SEDRA²⁵

POPULATION: 273; families OFFICIAL CAPACITY: 420 OPENED: July 25th, 2018

BORIĆI²⁶

POPULATION: 276; families and vulnerable populations

OFFICIAL CAPACITY: 422

OPENED: January 2019 but used since summer 2018

BIRA²⁷

POPULATION: 1445; 80% single men, 11% unaccompanied minors
OFFICIAL CAPACITY: Between 1500 and 1800 beds

VUČJAK

POPULATION: 150 - 2000+; officially single men and unofficially unaccompanied and accompanied minors OFFICIAL CAPACITY: ~450

OPENED: June 14th, 2019

OPENED: October 26th, 2018

*Official IOM August 2019 (most recent) statistics



HUMAN RIGHTS IN BIHAĆ?





son."

EVERYDAY VIOLENCE

-Pakistani man, 26.08.2019 in Vučjak

To begin this report, it is necessary to paint a picture of life in Bihać for the thousands of people-in-transit that are stuck here and the daily violence that punctuates their lives. This violence is experienced on multiple levels, in informal and formal manners and from many different sources. On a broad level, we can view being on the move as a condition both necessitated by violence - war, societal conflicts, economic crisis, ecological crisis, threats to life and livelihood, fear, etc - as well as a violence in and of itself. The decision to flee one's own country is often a traumatizing decision and almost always a traumatizing experience, as people-in-transit face many instances of violence on their journeys. For the people we spoke to in Bihać, trafficking, theft, border crossing and pushbacks were the most common themes of violence in their lives

I. TRAFFIC & THEFT

we try to move to Italy or anywhere. This is the rea-

For the majority of people attempting to claim asylum in Europe, it is not possible to leave their country and successfully reach Europe without paying a smuggler at some point, if not many times. Human traffickers hold a monopoly on border crossing and often hold inordinate power within transit communities. Due to their centrality and

power, people-in-transit often face violence at the hands of human traffickers and human trafficking gangs, the very actors that are necessary for their travel.

Additionally, theft is one of the most common forms of violence experienced by people-in-transit: on the way to cross the border, a person-in-transit is often victim to theft from smugglers, law enforcement and other people-in-transit, particularly if they are a member of a vulnerable population, such as minors or single women. A backpack with food, clothes, documents, money and sometimes some jewelery is the only luggage that a person will carry on their journey. Having these few items stolen can be both materially and psychologically devastating. Furthermore, when access to basic needs is institutionally constrained, such as when camps lack facilities or money transfers are prohibited, this context breeds the development of mafia networks and organized crime, which further negatively impact people-in-transit.



II. PUSHBACKS & THE GAME

People-in-transit in BiH hope to reach Western Europe and the majority do not hope to settle within BiH. Many initially attempted to stay in Greece, the first EU country they passed through on the overland route, but moved on when they did not find the protection they initially looked for. Lack of adequate protection is precisely why people-in-transit move through the Balkans into Western Europe.

The process of asylum seeking usually lasts several years before asylum-seekers are able to find protection. This process is made even longer by the use of illegal border practices by European governments, namely pushbacks. To date, Border Violence Monitoring Network has recorded 596 pushback reports involving thousands of people-in-transit pushed back from Slovenia, Croatia, Hungary, Bosnia, Macedonia, etc. An illegal pushback is one in which state authorities violate the 1951 Geneva Convention by denying access to asylum procedures, violating the principle of non-refoulement and/or collectively expelling asylum-seekers from a territory.²⁸ Most commonly, people in Bihać are pushed back from Slovenia and/or Croatia.

It's not uncommon to hear people in Bihać number their pushback experiences in the double-digits: ten, fifteen, twenty times.

"I went on game nine times. I am so tired."

-Lebanese man, 31.08.2019

"Because in Bosnia, they have nothing properly for us. You see camp Bira. Before, there was nothing good. No shower, no blanket. So I think, ok, I will try again [game]."

-Pakistani man, 28.08.2019

As governments toughen their border control practices, such as Croatia and Slovenia have been doing since 2018 and doing so illegally, these journeys only become more dangerous for people-in-transit. We often hear about deaths in the Mediterranean and Aegean Seas but, despite being less visible, deaths occur at the border crossings between Serbia, BiH, Croatia and Slovenia and bodies are regularly found in the Kolpa, Drina and Una rivers, with many remaining unidentified. People-in-transit frequently tell us about the bodies of dead migrants scattered along the remote paths they take. They tell us about the arduous 12-day journeys made on foot with only a backpack each to sustain them. They tell us of how the Slovenian and Croatian police catch them and utilize all manner of violences: beatings with batons, kicking, withholding food and water, pepper-spraying, threatening with guns, destroying and stealing belongings and horrendously long rides in overheated and overcrowded vans. Still, people escaping war and profound crisis in their country of origin will continue to make the journey into Europe.











CAMP CONDITIONS

quate food, clothing and housing, and to the continuous improvement of living conditions." - Article 11.1, International Covenant on Economic,

Social and Cultural Rights (ICESCR)

While conditions within all of the camps are not satisfactory, Vučjak exemplifies the lack of dignity and basic human rights for people-in-transit in the Una-Sana Canton. Located in an open field in the forest 10 km from Bihać city center, Vučjak was created because the existing camps in Bihać interrupted the "normal functioning of the city".29 From Vučjak's inception, humanitarian organizations and actors have called for its closure, including Human Rights Watch, and the UN and IOM, the latter two having declined invitations to provide assistance in Vučjak. The UN released a statement condemning the creation of Vučjak, stating: "Vučjak poses very significant health and safety risks and is currently not equipped to accommodate migrants and refugees in accordance with international standards. The site is located very close to landmine infected areas. There is also a high fire and explosion hazard due to the possible presence of methane gas underground, as the site was a former landfill. Unless these two very serious risks are assessed and eliminated by the relevant authorities, the site is unsuitable for human habitation. In addition, there are no sanitary facilities available on the site and no access to running water or electricity. Under these circumstances, locating migrants and refugees there is not acceptable." 30

In our observations and interviews, these initial concerns have not been sufficiently addressed and the humanitarian effort at Vučjak remains poorly-coordinated, often improvisational and, along some important measures, is worsening. We currently observe a number of potential rights violations or breaches of international standards occurring at Vučjak. The four main areas of focus are the physical location of the camp, housing conditions, health and sanitation facilities and Vučjak's safeguarding policies.

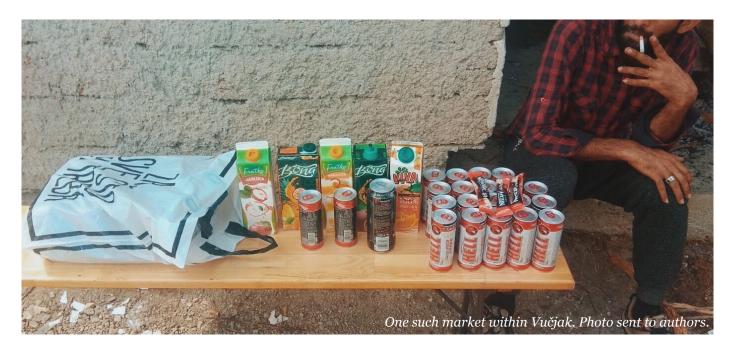
I. CAMP LOCATION

Vučjak camp's violation of international standards stems firstly from its location. Vučjak is located on a former landfill in the middle of a landmine-littered forest about 7 to 10 km from the nearest city (Bihać). For these reasons, it has affectionately garnering the nickname "garbage camp" by volunteers who work inside Vučjak. The UN "firmly believe that this location [Vučjak] is entirely inadequate for the purpose of accommodating people" and for good reason: many of the problems with Vučjak simply can not ever be addressed or fixed.



Firstly, the camp's location in a forest means that camp residents are at risk of snake bites and skin conditions agitated by insects. Summer temperatures can reach 35 degrees Celsius, which increases the potential for infection and skin agitation, while winter temperatures reach 0 degrees Celsius.

Secondly, UNHCR's official standards for refugee camps recommends that such sites are sufficiently close to national services such as health facilities, markets and towns, thus avoiding the need for developing parallel services for the camp population.³¹ However, we do not see this consideration taken into account with Vučjak, which is hidden away in the forest, in line with its implicit goal of making the migrant and refugee population in Bihać invisible. The closest supermarket is a 1 hour walk away. We have already begun to see the creation of parallel services within the camp. Vučjak now contains multiple market where goods are sold at inflated prices (a carton of cigarettes is 10KM while in Bihać city center it is 5.50KM). Camp residents are presented with a choice: go without certain goods which Red Cross does not provide, walk



the two-hour round trip into town to buy goods, risking physical violence from local authorities, or buy them at inflated prices within the camp. This is not to speak of the many residents who, because of sickness or injury, have even less of a choice. We've also received news from both a camp resident and a volunteer that Red Cross ceased provided charging services in the camp near the end of July and a camp resident has assumed responsibility for the service and is charging camp residents 1km for 100 percent charge per device per day.

Additionally, UNHCR's standards stipulate that such a camp should be located a sufficient distance from international borders (50km); however, Vučjak is located approximately 10km from the Bosnian-Croatian border. This proximity can stimulate smuggling networks and, when the camp itself is inefficiently safeguarded, as described below, these smuggling networks can come to "rule" the camp, endangering its residents.

Thirdly, the presence of landmines, snakes and methane gas present omnipresent existential threats that can not ever be fully eliminated. Left over from the Balkan conflicts in the 1990s, landmines litter the area surrounding Vučjak and although we have not heard of any reports of a person-in-transit harmed from a landmine around Bihać, the decision to locate a camp near minefields is unacceptable and puts camp residents in mortal danger. Further, as reported by Reuters, camp residents attest to killing one or two snakes daily.³² "This is a forest, not for [a] human," a Pakistani man, who declined to give his name, told Balkan Initiative Report Network, BIRN. "Every day I kill one snake."33 The UN also warns of reserves of methane gas which present constant threats of fire or explosion. This is not to mention the heaps of trash and debris left over from the landfill that not only attract rats and insects which are a threat to health but violate all norms of dignity and acceptable standards for shelter and housing.

Lastly, it is impossible to install running water in Vučjak because of its location, which is exactly why the UN refused to validate its existence with its own services. Water is brought in tanks twice a day and runs out quickly; camp residents scramble to shower outside among dirt and trash.

"I don't shower, don't brush my teeth. The line is too long for water."

-Pakistani man, 26.08.2019

The choice for location contravenes all international standards and represents a profound disregard for the dignity and humanity of people-in-transit in Bihać.

As stated by a Pakistani camp resident:

"This place, this camp is jungle, animal. This is not [a] human place. All time coming, they beating, too much. You know, go to jungle, but no toilet, no water. Only two times [per day] there is water with maybe 300 people living here. This is not [a] human life place, this is animal life place. Toilet? No water...Go [urinate in] jungle, but jungle is dangerous. You see snakes, big problems."

-Pakistani man, 26.08.2019



II: SHELTER

Adequate shelter is vital for people-in-transit to stay safe, restore their personal security, self-sufficiency and dignity and achieve a sufficient level of rest and comfort. It is important to evaluate whether camp residents can access adequate housing facilities that fulfill these basic needs.

Housing in Vučjak is provided by tents donated from the Turkish Red Crescent. These 16² meter tents are waterproof, windproof and can house six to eight people.³⁴ However, no one has been able to confirm whether these tents are fireproof or whether there is an escape plan in case of a fire, which is a threat due to high temperatures and residual methane gas present in Vučjak. Currently, the Red Cross organizes tents and people by nationality, and places people with family members, friends and members of

their nationality when possible. Thirty actual beds have been set up for the hundreds of people staying in the camp. Yet, on a broader level, the shelter provided at Vučjak is insufficient due its location, lack of sanitation services and safeguarding.

Further, the registration system and data management more generally in Vučjak are practically non-existent. The Red Cross should be responsible for registering residents but did not do so properly. At one point, the Red Cross utilized a rudimentary, non-digital registration system to keep track of residents. However, due to the large amount of people traveling in and out of the camp, often outside of the hours that Red Cross operates, the Red Cross did not register new camp residents and did not de-register those who have left permanently, leaving residents unprotected legally.



III: SAFEGUARDING



Vučjak's location and its infrastructure are insufficient to safeguard camp residents. Although the main entrance is controlled by the local police, the lack of a perimeter fence also raises a number of safeguarding and security issues. Without external fencing, camp residents, particularly vulnerable camp residents such as minors, are put in danger of witnessing or experiencing violence, being threatened with violence, and recruitment into trafficking such as human and/or sex trafficking (see section on Unaccompanied Minors, pg. 29). Furthermore, all areas of a camp should be safe for residents and other actors in the camp. However, an anonymous source that has regular access to Vučjak stated that there were some parts of the camp that they did not visit because they did not feel safe in these areas. Compounding these concerns is lack of light and the hostility of local authorities. Vučjak settlement is plunged into the dark at night. For a few days at the end of June, Vučjak was provided with an hour of light at night but this service quickly ended. Like so many other basic services and facilities at Vučjak, individual, private volunteers provide the service instead of the Red Cross: though not doing so anymore, an independent journalist raised donations for flashlights for camp residents.

The hostility of local authorities towards people-on-the-move has been a constant in Bihać since we have been recording and significantly degrades safety at Vučjak. Residents of Vučjak are discouraged from using the main roadway out of Vučjak because of the police presence: when police apprehend migrants on the main road out of Vučjak, they often return them or order them back to the camp. Because of this, migrants in the camp choose instead to leave through an informal, improvised route through the forest. This unnecessarily makes their journey dangerous and taxing, on top of the already unnecessary and impractical location of Vučjak itself: thieves take advantage of this route and steal from and harm people traveling down this path. Camp residents once again must face the risk of landmines and injuries from animals, insects, plants and falls. Whether it is purposeful or not, this informal requirement for migrants and refugees to travel through the forest rather than the paved road puts migrants and refugees in danger. We've heard cases of local authorities beating people-on-the-move on the way to Vučjak: an anonymous source came upon a bleeding, crying man on the main road outside of Vučjak. This man alleged that the police guarding the camp had beaten him. Lastly, the Red Cross's limitation on external visitors to the camp is also a safeguarding concern, as it restricts any ability to conduct a comprehensive analysis of the camp. Red Cross is responsible for assessing requests for access yet this process is often arbitrary and subjective. The Red Cross requires those who visit the camp to have a work visa. However, the Red Cross has both allowed individuals without work visas into Vučjak (to volunteer for extended periods of time) and has restricted access to those without work visas. Furthermore, volunteers in the camp have been forced to perform risky medical practices such as infusions because the Red Cross and the local Cantonal hospital are unwilling to take necessary action themselves. At the time of writing this report in October, BiH authorities had banned medical volunteers and ceased the Red Cross's work inside the camp, leading to a complete halting of humanitarian assistance in Vučjak.

IV: HEALTH FACILITIES

Health and sanitation facilities and services within Vučjak are overall lacking in quantity, quality and coordination. For the entire first month of its operation, Vučjak lacked basic, fundamental sanitation facilities. As of July 11th, nearly a month after Vučjak's creation, there were still no official toilets, forcing camp residents to use the surrounding forest as a toilet, a task made difficult by insects, snakes and other wildlife. Little more than a month after Vučjak's creation, eight toilets have been created as well as 10 container showers and 10 external showers.

This is still insufficient: the UNHCR norm is 20 people per toilet.³⁵ The ratio now regularly fluctuates from 25 to 125 people per toilet.

Across Vučjak, skin conditions and infections are prevalent, with scabies, open wounds, infections, and rashes being very common. Katarina Zorić, a spokeswoman for the International Federation of the Red Cross, has indicated that some camp residents are also suffering from tuberculosis and hepatitis.³⁶ This poor situation is exacerbated by Vučjak's location and demonstrates the interlocking aspects of lack of dignity within Vučjak: because Vučjak is located in a remote location in the forest on top of a former landfill, residents receive wounds from the sometimes daily journeys they make through the surrounding forest to town and, when they are at the camp, do not receive sufficient medical services and are kilometers away from medicine shops or supplies, which they must once again trek to through the forest, continuing the cycle of injuries and poor health.

Furthermore, the Red Cross does not have the capacity to maintain proper hygiene standards in Vučjak: blankets and bedding that residents are provided with are not cleaned regularly, further worsening health conditions within the camp and contributing to advanced cases of scabies and wounds that never seem to heal.

Furthermore, the above-mentioned limitation of external organizations to access the camp means that there is a severe lack of proper medical care in Vučjak.















While the Red Cross initially expressed their intention to administer first aid, in reality, first aid has been administered by external, individual, non-affiliated volunteers. When the Red Cross was providing first aid in June, it served an average of only 20 people per day in a population of roughly 400 to 450, a number vastly insufficient for the level and severity of injuries and diseases present in Vučjak. To illustrate how insufficient this is: an independent group of volunteers regularly saw 200 patients a day. Another group of volunteers treated 850 people in nine days. Since then, the camp population has only continued to increase to twice its capacity (2,000+ in October) and beyond. Psychosocial support services are also constrained, with volunteers trained to treat camp residents humanely and to diffuse altercations.

Currently there is also additional concern about camp residents' ability to access emergency medical care. While volunteers and the Red Cross have the capacity for first aid, only the most severe cases are referred to the local Cantonal hospital, leaving many cases in the "gray zone" between mild and severe that are not properly treated. Concerning emergencies, local authorities or the Red Cross have to call an ambulance. However, there are often complications. In one case, a camp resident suffering from possible appendicitis was directed by a doctor in Velika Kladuša to travel to Bihać for medical care. While in Vučjak, the man collapsed and was taken to the cantonal hospital after a thirty-minute wait. There, the doctor refused to treat him despite his emergency status and harassed him verbally. He printed out a sheet of paper that directed him to return to IOM-run Miral camp in Velika Kladuša.

The food services are similarly lackluster. The proportions observed at Vučjak often aren't enough for adults living in the conditions we see in Bihać, particularly as many people trek to and from Vučjak to Bihać. Many camp residents either buy or prepare their own food within the camp rather than receive food from the Red Cross. One camp resident, a 23-year-old man from Pakistan, states that if you are at the front of the food line, you receive "two pieces of bread, butter and tea", if you are in the middle, you get two pieces of bread and butter and if you are at the end, if there is remaining food, you receive "two pieces of bread only."

The picture we receive from Vučjak is one of extreme lack of capacity and ability in regards to health services. The Red Cross does not appear to have the proper funds, long-term capacity or planning to provide health services to residents in Vučjak. And indeed, in September 2019, the local authorities kicked out volunteers providing medical aid, leaving camp residents without access to medical care.³⁷ The situation at Vučjak has only deteriorated along nearly all measures, with residents sick, perpetually injured and beset with flesh wounds, diseases and injuries that require emergency medical care that so often never arrives. There does not appear to be a pathway for improving the health situation at Vučjak other than shutting the camp down.



Life on the move in Bihać means constantly being at risk of harassment and being detained on the streets. The authorities patrol Bihać on foot, kicking non-white people out of public spaces. After 6.00pm, police restrict access to the center and conduct mass removals to Vučjak. With the creation of Vučjak, which was meant to de-burden the city of people-in-transit, patrolling has been paired with an actionable threat to detain and transport people to the "jungle camp". These practices of harassment and removal, as observed below (see pg. 26), depend not on relevant documentation but rather on skin color and nationality. There has been at least one instance of a tourist from the Middle East apprehended by police and taken to Vučjak. This man was traveling with his family and did not have his documents on him. The reason for his removal to Vučjak,

despite his pleas to the police that he had documentation, was simply the color of his skin. The authorities removing him did not bother to check his administrative status or communicate with him. As documented on page 27, discrimination is visible in the numbers of people with IOM registration cards or other forms of viable documentation taken to Vučjak regardless.

Another fact of discrimination is separation on public transportation: on the bus journey between Velika Kladuša and Bihać, drivers make people-in-transit enter through the back door and sit at the back of the bus, an informal method of discrimination that reinforces the secondary, alien status of people-in-transit in Bihać. Discrimination on buses, including authorities kicking people-in-transit out of buses mid-journey, is replicated in other parts of the country.³⁸



Inside a Vučjak tent. Photo by Thom Davies.

tries asylum from persecution."

-Article 14, Universal Declaration of Human Rights

ASYLUM & REGISTRA-TION

"The authority conducting the proceedings shall have to enable the alien who does not understand the language of the proceedings to follow the course of the proceedings through an interpreter or translator, where as the requests to exercise the rights under this law."

-Article 12.2, Law on Movement and Stay of Aliens and Asylum of BiH

The registration of refugees, asylum-seekers and migrants is a "key protection tool"39 and the first step in the legal and physical protection of people-in-transit. With proper registration, people-in-transit can access important legal and material resources and basic rights, gain protection from refoulement, achieve family unity and receive special assistance. Furthermore, proper registration provides indispensable information for humanitarian organizations and academics who try to understand flows and populations of migrants and refugees.

I. INFORMATION & LEGAL ACCESS

Getting access to information concerning legal status and legal procedures is one of the most basic necessities for people-in-transit and asylum seekers.

Concerning Vučjak, when people are removed to the camp, the scene takes place in a few seconds: while walking on the street, the police drive by, detain and load people into the back of a van. Then they are driven to Vučjak where they are dropped quickly, without much or any communication with law enforcement. In this case, there is no information from the authorities about the people they are removing, but also these people don't receive any information about where they are, the reasons for their removal, their next steps and their future within the camp. This is compounded by a language barrier: many people-in-transit don't speak Bosnian or English and police officers often do not attempt to communicate with or listen to the people they apprehend and often wrongfully detain people-in-transit in Vučjak, as documented below (pg. 27).

In such a context of hostility, it is important that humanitarian actors within Vučjak provide information on legal procedures and access in the camp. However, little to no information is provided to camp residents, either by words or documents. Two entities were present when we recorded: the authorities represented by the police and the Red Cross. Neither had in their team a translator. Legal aid NGOs such as Vaša Prava refused to operate in Vučjak because they refused to validate its existence. The result is that camp residents find themselves bereft of basic legal information relevant to their lives.

II. REGISTRATION AND ASYLUM SEEKING

One of the most concerning aspects of life for a person-in-transit in BiH is that the asylum process simply doesn't work.⁴⁰ According to

the European Commission, "persons looking for international protection cannot effectively access asylum procedures"41 in BiH. Despite being a "transit country", BiH still has a sizable portion of asylum seekers. UNDP reports that, as of the end of August 2019, out of 39,507 formally-expressed intentions to seek asylum since January 1st, 2018, only 2,002 people (5.06 percent) had formally lodged their asylum claim with the Sector of Asylum.42 Furthermore, BiH grants asylum to so few individuals: from January to August 2019, BiH granted no asylum-seekers refugee status.⁴³ This is often because it is difficult for asylum-seekers to get access to the Sector of Asylum on time before their temporary document expires. The Sector of Asylum only conducts an average of three interviews of asylum-seekers per month. One person-in-transit we spoke to was told he had to pay a fee to apply for asylum. Another man was discouraged from applying for asylum because he was told the process would be needlessly long and, while waiting, he would not be able to work:

"I will apply for asylum here. But they tell me...you will stay five years here [Bosnia] but five years you will wait for papers. No work, [you cannot work]."

-Pakistani man, 28.08.19

People staying in informal housing and within Vučjak technically don't have an official address, which bars them from applying for asylum. Seen in this light, efforts by law enforcement to empty IOM-run

Bira camp, take people to Vučjak and seize documentation appear as systematic, purposeful actions meant to bar people-in-transit from accessing basic protection.

III. REGISTRATION CARDS & DOCUMENTS

"During his stay in the territory of BiH, an alien must hold a travel document with which he/she entered BiH, or hold another identification document or proper certificate issued in BiH, for the purpose of proving or certifying his/her identity and legality of his/her entry and stay in BiH. The alien must show the identification document at the request of an authorized officer of the Service, the police or an other competent authority, when the other competent authority is authorized to make such request."

- Article 13.1, Law on Movement and Stay of Aliens and Asylum of BiH

> Since the removal of people to Vučjak began, IOM-run Bira camp has been effectively closed, with authorities ceasing registration and stripping existing residents of registration.44 Bira camp residents now have a "choice": if they want to leave temporarily or to go on "game", they have to hand over their registration card at the security gate, a directive that was written on a sign within Bira before inquiries from outside actors led to this sign disappearing. Once stripped of documentation and registration, people-in-transit can be removed to Vučjak, which makes de-registration an effective scare tactic and tool for encouraging self-limitation of movement.

"Security take my ID card...now I'm outside. Security don't let me go inside camp. I don't have some place for sleep. I have money but don't have passport to go some hostel."

-Afghan man, 31.07.2019

Minors willing to exit Bira lose their registration card and, if security guards do not let them re-enter, they lose their proof of vulnerability and a place to sleep. Without those documents, we noticed that some minors began staying in Vučjak among hundreds of male adults. Alongside private security forces, law enforcement also strip minors of their registration, which is a key protection tool against police brutality.

"The police stop me. I show them IOM card. Card say I am minor. Police say come here and [police] take my card. They try to take me to jungle camp. I fight police. I say 'your President cannot take me to camp.' And I run!"

-Algerian man, mid-August

Stripping of documentation is paired with the actionable threat of transporting people to the "jungle camp":

"Police vans waited outside Bira to take people to the jungle camp."

-Indian man, 25.08.2019

Some people have reported that their asylum seeker's card has been seized by local law enforcement. In this case, these people lose their rights as asylum seekers on BiH territory.



RESTRICTION OF MOVEMENT

of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:(a) the lawful detention of a person after conviction by a competent court"

- Article 5.1, Convention for the Protection of Human Rights and Fundamental Freedoms

Within Bihać, since the 14th of June, there has been an increase in the forced displacement and removal of people-in-transit and asylum-seekers from town centers and the forced marching of people-in-transit to Vučjak (a practice described in-depth on pg. 33). Individuals are often arrested and/or detained due to lack of official documentation or have their documentation seized by local law enforcement. Individuals that are detained are not told why they are detained but have come to expect detention or harassment of some sort. Often, such interactions with the police are a precursor to

abuse and violence. Before the removal of people sleeping in the meadow outside of IOM-run Bira camp, efforts to restrict freedom of movement were rudimentary: access to the adjacent supermarket was controlled by the police and private security linked by a walky-talky. Only two people at a time were allowed in. Similar practices had emerged throughout Bihać and general hostility from the local population served to informally limit movement. However, the local authorities could enact greater restriction on movement once Vučjak was created. With Vučjak, if people-in-transit

ventured further than the limits set in the proceeding months, they could be punished by transportation to Vučjak and subsequent restriction of movement to Bihać. Speaking to people-in-transit, this tactic has appeared to work as Vučjak camp has become a sort of bogeyman among people-in-transit who live in fear of being arbitrarily removed to a camp without proper facilities and consequently becoming stuck there.

"I also keep [inside] Bira. If I go out, then I will not [be] let in."

-Pakistani man, 21.08.2019

"Me they [police] take two times. I show them my stay papers. They don't care, they take me to jungle camp anyway."

-Indian man, 21.08.2019

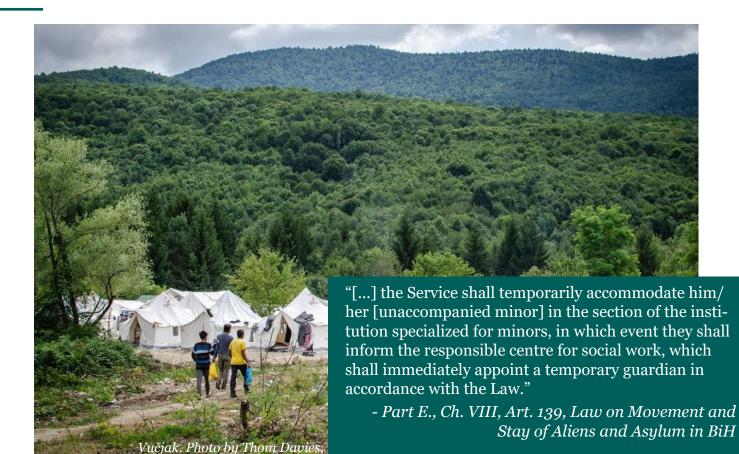
"I am in center and police push me, tell me go. Why go? Treat me with respect. I do nothing."

-Anonymous, unknown date

People can theoretically move out of Vučjak. Yet, multiple facets of the camp are designed to limit freedom of movement while similarly necessitating that same movement. While camp residents can leave, they risk violence from police either on the road down or in the city center. They also risk being detained and once again returned to Vučjak: at the end of August, one Pakistani camp resident explained to us that one day, he made the journey to and from Vučjak three times because of police returning him to the camp. This is further paired with the push factors necessitating movement into town, such as the lack of services within Vučjak. Lack of registration and documentation from Bira and Vučjak compound this problem because they restrict movement even further. Restriction of movement is an open secret now among Bosnian officials:

"There have been attempts to return the migrants back to Bihać, but we have cut them back, and returned them to Vučjak."

-Nermin Kljajić, Interior Minister of Una-Sana Canton⁴⁵



UNACCOMPA-NIED MINORS

"Children are to be protected from economic, sexual, military and all other forms of exploitation."

Art. 22, 24, 26, 28, Standards set by the Conve

- Art. 32, 33, 34, 36, 38, Standards set by the Convention on the Rights of the Child

One of the most vulnerable populations within the migrant and refugee population is unaccompanied or separated minors. As Chapter 7 of UNICAF's "Refugee Children: Guidelines on Protection and Care" states:

"Threats to the physical security of refugee children are often aggravated by lack of protection by their own governments, their lack of personal identity documentation and the disruption of traditional family, clan and community structures. Threats to personal security may come from a variety of agents (both from within and outside the country of asylum)

including bandits, military or irregular forces, political factions, police, border guards, elements of the local population and other refugees."

There are typically two broad categories used in regards to minors who are not accompanied by their family:

An unaccompanied child is a person under the age of 18, who is separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.

A separated child is a person under the age of 18 who is not under the care and protection of his/her parents or previous legal or customary primary caregiver, but may be accompanied by another person.

International law stipulates that due to the unique vulnerability of children and the differences in implementation, protection and/or monitoring of the specific rights of children, special attention should and must be granted to this group. Examples of specific provisions that states should implement under international legal mechanisms include:

- Upon identification of the child's unaccompanied or separated status, the state should appoint a guardian or advisor until they have either reached the age of majority or have permanently left the territory and/or jurisdiction of the state.
- In accordance with the principles of family unity, siblings should be kept together as should families.
- The state has a requirement to provide regular supervision and assessment by a qualified individual to ensure the child's physical and psychological health, protection against domestic violence or exploitation, and access to education and vocational skills and opportunities.
- Despite the child's accompaniment status, educational provisions should be made by the state on behalf of the child for the duration of their displacement.

Current observations indicate that Bosnia and Herzegovina appears not to be meeting all international guidelines and best practices relating to the treatment of minors both unaccompanied and separated. Firstly, it is not clear how consistent the government of BiH is in providing unaccompanied or separated minors with legal guardians. The EU identified 324 unaccompanied minors in 2018 overall; however, only 29 were appointed a legal guardian, provided for by law.⁴⁷ In the first quarter of 2019, UNICEF counts about 1,225 unaccompanied minors in BiH.⁴⁸

Secondly, reflective of the treatment of adult refugees and migrants, minors in north-western BiH, regardless of their accompaniment status, have had their registration cards confiscated by security guards when exiting the IOM-run Bira camp in Bihać.

"I was going on game when I came at gate [of IOM-run Bira camp]. They took my ID card and asked me to go."

-MB, 17-year-old Pakistani, 19.06.2019

Stripped of identification, minors are then stripped of protection against police brutality and easier access to asylum procedures. After seizing documentation, we've heard cases of police taking minors to Vučjak to be among adult men. Within Vučjak, the youngest accompanied child was 7; the youngest unaccompanied child we've heard reports of was 11. One end of this problem is due to local law enforcement: police officers ignore signs that some

one is a minor, whether physical or otherwise, and take them to places unsafe for minors. The other end of the problem occurs within the camp. Officially, Vučjak settlement is a camp for adult men and the Red Cross is mandated to alert Save the Children when they become aware of any minor within Vučjak settlement. Save the Children then takes the minors to the IOMrun Bira camp. However, sources show that young children removed to Vučjak often stay there, with one anonymous source confirming that a 12-year old child had been removed by Save the Children only to return to Vučjak. At the time of contacting this source, the child had resided in Vučjak for two days and Red Cross had not contacted Save the Children a second time.

As this example illustrates, other than informing Save the Children, there are currently no other coordinated, effective mechanisms to ensure the security of any children residing among adults in Vučjak. When asking camp residents about minors in the camp, a 23-year-old Pakistani responded that these minors "don't have other place" and that they are there for a long time, some with family, including a young boy who lives with his uncle. Relevant authorities should act to propose or move family members to the IOM-run family camp, Borići, in accordance with the principles of family unity and protection of minors. However, despite the fact that every actor at Vučjak is aware of this problem, minors continue to reside among single men in an environment where they are significantly at risk of witnessing and/or experiencing violence, such as physical or sexual violence. According to Save the Children, "growing up with violence, and the threat of violence, can lead to lifelong physical, emotional and mental health problems."49 Even more, as mentioned above (pg. 18), the camp lacks proper safeguarding practices such as external fencing or light at night, which again impacts the most vulnerable residents the most. Due to a confluence of factors, Vučjak is a place where human trafficking networks and smugglers operate. The vulnerability of minors often puts them at risk of being recruited by smugglers and these networks, deepening the illegality of their existences. Unfortunately, we met many minors involved in smuggling activities in Bihać.

More generally, we observe that there is little or no difference between the behavior shown to adults and the behavior shown to minors, particularly male minors, by local authorities and private security forces. To illustrate how dire the situation is, we will reference a recent case: in February 2019, the European Court for Human Rights condemned the French government for violating Article 3 of the European Convention on Human Rights. The situation concerned an 11-year-old Afghan child who stayed in a hut in the infamous "Calais jungle". The court stated that he was living in an "environment totally unsuited to his condition of child, whether in terms of security, housing, hygiene or access to food and care, and in unacceptable precariousness with regard to his young age."50 It is our opinion that Vučjak qualifies as an environment totally unsuitable for minors and allowing minors to live in Vučjak violates Article 3 of the European Convention on Human Rights.



TORTURE, CRUEL, INHUMAN & DEGRADING TREATMENT

"Torture" is defined in Article 1 (1) of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as:

"any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason, "All persons within the territory of Bosnia and Herzegovina shall enjoy human rights and fundamental freedoms referred to in paragraph 2 above; these include: The right not to be subjected to torture or to inhuman or degrading treatment or punishment."

- Article 2.3.b, Constitution of Bosnia and Herzegovina

based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

Additionally Article 16 requires states to prevent "other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in arti-

cle 1". Cruel, Inhuman or Degrading (CID) treatment also refers to:

- Any harsh or neglectful treatment that could damage a detainee's physical or mental health⁵¹
- Any punishment intended to cause physical or mental pain or suffering, or to humiliate or degrade

It is important to understand that torture or cruel, inhuman or degrading treatment may not only occur in a formal place of imprisonment such as a police station or detainment facility but also in a victim's home or on the street.

Increasingly, the living conditions inside detention centers or refugee camps in Bihać appear to constitute cruel, inhuman and degrading treatment. Reports by the Border Violence Monitoring Network and other NGOs such as Human Rights Watch, Amnesty International⁵², Doctors Without Borders and Are You Syrious⁵³ have consistently shown the risk of refugees and migrants to fall victim to police abuse while traveling along the 'Balkan route', specifically serious physical assault.

An evaluation of the situation in Bihać reveals three overarching patterns of violence that fit the definitions of torture and cruel, inhumane and degrading treatment: violence during transport and outside Vučjak, violence during evictions and removals, and violence from private security forces.

I. DURING TRANSPORT & OUTSIDE VUČJAK

People-in-transit are reporting that they are most commonly physically assaulted outside and on the streets. The current data we've collected indicates consistent and apparently systematic attacks by the police while individuals are entering and exiting Vučjak camp.

"Police in the center tried to catch us and I ran. But they caught me and slapped me in the face. They took us to the jungle camp."

-Indian man, 27.08.2019

We believe these attacks on people-in-transit might be an attempt to instill fear in and intimidate people-in-transit into self-limiting their own freedom of movement, which many people have begun to do.

"The police are not allowing [us] to go to market. People go, hiding from the police. They go to the city, [to the] market, but not openly."⁵⁴

-Abdulah, late June

"Near two months, always in Vučjak. I don't try to go to Bihać because Bihać police beat [us]. Even here they don't want [people-in-transit]...in Bihać. Not allowed to go to market. There is not too much difference between Bosnian, Croatian and Slovenian [police]."

-HM, 26.08.2019

An anonymous observer who visited Vučjak told us this:

"We saw migrants who...claimed they had been beaten. One...was on the asphalt of the street, crying in tears. Two Bosnian policemen reacted very aggressive towards us, telling us that we shouldn't be here and they have the right to treat the migrants the way they want to."

-Anonymous, 02.08.19

Assault is not the only cruel and degrading treatment occurring during transport:

"People come to market, buy groceries and wait. Wait [for] police to take them [to] Vučjak. Police understand. They say 'I am not a taxi.' Then they make them walk."

-Indian man, 27.08.2019

Beginning in July, we began to observe a disturbing pattern emerging: local officers, in their near-daily round-ups of people-in-transit in the city center, would now, instead of driving them to Vučjak, make them march in a line on foot to the camp. These groups of marchers often number in the hundreds. Sometimes, the police make them form a line holding each others' shoulders. Sometimes, the police make them walk very publicly through the city center while other times they drive them outside of town before forcing them to walk. The police have done this in the summer heat and heavy downpours. This practice developed not out of logistical need but rather to punish and to degrade. Most recently, the police marched more than 1,000 people to Vučjak in October, 2019. And, lastly, the informal requirement that camp residents exit through an improvised back road out of Vučjak (see pg. 18) can be seen as another instance of CID.





II. DURING EVICTIONS & REMOVALS

"A forced eviction is 'The removal of people against their will from the homes, or land they occupy... without due process and legal safeguards, including adequate notice, legal remedies and compensation for their losses."

- Amnesty International, 2009

While the decision to relocate refugees, migrants or vulnerable populations can be lawful, carried out with respect and due process, and benefit the population in question, it can also constitute a human rights violation. The recent decision to relocate people-in-transit to this new reception center located away from the center of Bihać, a decision which stimulated the creation of this report, might be an indication of future decisions to evict all and any settlement located close to the center of the city, which we already see occurring with expulsions from Bira camp. Recognizing this possibility, it is important to understand the international standards for eviction and be able to accurately identify when and how the decision to evict may become a rights violation.

The requirements mandating the behavior of state authorities or their representatives apply to all evictions regardless of whether the individual(s) own, rent or occupy the land or if they are living in informal settlements. Under international law, there is no distinction between the rights that should be afforded to those who legally own the land or who are occupying it through an

informal settlement. International law may recognize the eviction if the area of land is set to be developed under public interest or if the individual has entered rent arrears. Even if the eviction is legitimate, the eviction process must be carried out in line with international human rights standards. We do not see this occurring in Bihać and we consider that none of the characteristics of Vučjak, the location evicted people were taken to, correspond with a safe place respecting human rights.

On the 14th of June, the Una-Sana Canton authorities, specifically the MUP of the Una-Sana Canton and the Cantonal Inspection Directorate, began to evict hundreds of people-in-transit out of abandoned houses, hostels and informal outdoor settlements. The authorities relocated people-on-themove to a polluted area which posed several health and security risks. This polluted area would become Vučjak. For now, it was only four tents set up for 282 evicted and removed people. Law enforcement evicted people without ensuring the presence of essential services such as electricity, food, showers and toilets. On the first day of Vučjak's operation, no food was provided. It took another few days for food to be served, first once a day, then twice a day.

The eviction process must be carried out safely without unnecessary or unreasonable force by police or other officials. Media outlets report policemen being injured while evicting one of the two houses, but the amount of people-in-transit injured has not been disclosed or reported. How-

ever, in the weeks following the evictions, we received messages from dozens of people who reported being beaten and injured by the police during evictions and removals. We observed, both in direct testimony and in photographs such as the ones showcased here, a litany of violences: bruised and battered bodies, black eyes, open wounds, split lips and teeth beaten out of mouths.

"In one room there were twenty people sleeping, mostly on their stomachs, and when the police entered they walked on the backs of the sleeping people. For ten or fifteen minutes the police entered each room in the apartment and the respondent could hear people shouting throughout the three floors of the building."

-Reported by BVM, 26.06.2019

"I was walking in the street when at least 5 police cars, both civil and official, drove past quickly. The scene was really quick: a policeman managed the traffic while police cars and policemen surrounded the house where people-on-the-move were paying to stay. I walked in front of this house and I saw one person sitting on the terrace with his hands behind his head. From the street, I could hear people screaming, shouting. I could hear slaps."

-Reported by BVM, 14.06.2019

Several media outlets filmed the arrival of evicted and removed people to Vučjak, wherewecanseethattheyarevisiblyinjured.

















"Even animals here has rights, [...] They put us in a chemical field, trees and field create pimples. [...] I escaped from the evil, they [the police officers] tried their forces on us. They caught us in the street, put us in a corner and they beat us. No one say it."

-AM, 24-year-old, June 2019

"Me, they beat me in the van, but my friend, they took him outside, I could just hear screams. He was screaming. They beat him really strong. When he came back into the van, he looked like going out of a boxing ring."

-RK, 34-year-old Algerian, 24.06.2019

To this day, people-in-transit return from Vučjak reporting that their wounds are coming from the local authorities.







TESTIMONY OF AN EVICTION

June 14th

Around 11:00AM, officers enter the apartment. Some police were wearing the normal police uniforms, but others were wearing special forces uniforms with black masks over their faces. The respondent heard the police enter and saw the other residents running in different directions throughout the apartment. In one room, there were twenty people sleeping, mostly on their stomachs, and when the police entered, they walked on the backs of the sleeping people...After fifteen minutes, the police came into the respondent's room where there were twenty people inside. An officer wearing a mask stood on a mattress on the floor... All the people squeezed into two corners of the room because they were afraid. There were two officers in the room, one in the special forces uniform, the other one in a normal police uniform. The masked special forces officer took out his baton and hit all twenty men in the room. This officer hit the respondent in the face with his fists. Some people in the room were kicked in the face, others hit with the baton and one man was kneed in the side and then punched in the face. After ten minutes, the beatings stopped...The police put the residents in a van and did not inform them where they were going and took them to Vučjak.







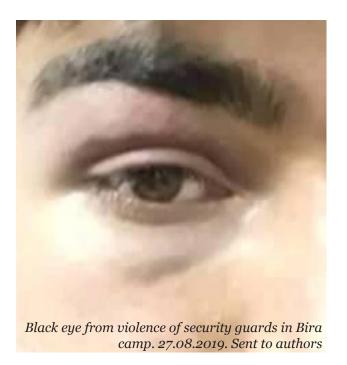


III. PRIVATE SECURITY FORCES

Violence not only occurs at the hands of law enforcement but from private security forces. During our time in Bihać, we have heard countless allegations and complaints about the private security forces hired by IOM to safeguard the IOM-run Bira camp. These security guards at Bira camp regularly beat and harass camp residents, and this has been occurring the entire length of time we monitored. Along with "Croatia police problem" and "Bosnia police problem", it is common to hear residents of Bira camp speak about "IOM security problem."

"He [security guard] beat people. But people [who] no have card, he fight them. And police, he see this but no talking, [no do anything]."

-Pakistani man, 21.08.2019



"He [security guard] oppress[es] people and badly behaves with people...he [hits us a lot]. For no reason, just hit. Last night a friend of mine [was] hit. He [security guard] was not letting him into the camp, so he was sitting in the parking lot...security guard hit him."

-Pakistani man, 28.08.2019

Not only this, but private security forces have regularly and arbitrarily required energy drinks, cigarettes and/or money (usually 10km) for re-entry into the camp.

"People give money, give food, give cigarette for security guards. After, security lets him inside the camp."

-23-year-old Algerian man, 31.08.2019

When a representative of IOM was asked about this practice in late July, they responded that they were aware of this practice but they felt there was nothing they could do to stop it. Despite knowing what is occurring, IOM has not taken the relevant steps to prevent abuse and degrading treatment of the vulnerable people in their camp either by punishing such security guards or utilizing a different security company for its safeguarding needs. This is particularly concerning because these patterns not only violate international standards for the safeguarding of people-in-transit, but they violate IOM's own standards which aim to "enhance...respect for the human rights of migrants in accordance with international law" and to "uphold the human dignity and well-being of migrants."55

CONCLUSION

Although Bosnia and Herzegovina is not part of the European Union, it is still part of the European project to uphold and protect human rights. BiH's constitution gives the Convention for the Protection of Human Rights and Fundamental Freedoms supremacy over national law and lists fifteen international conventions, covenants and charters to be applied within BiH, including the Geneva Conventions, the Convention against Torture, the Convention relating to the status of Refugees and the later 1967 Protocol.

However, along many interlocking measures, Bosnia and Herzegovina does not adhere to international standards for the protection of migrants, refugees and asylum-seekers and thus BiH violates its own constitution. BiH has insufficient legal protections for asylum-seekers and people-in-transit. Bosnian law enforcement act with hostility and impunity against the transit community, often violating national and international law. Since 2018, the government of BiH has been treating the influx of people-in-transit as a temporary phenomenon that threatens national security. However, this has meant that humanitarian efforts have been ad-hoc, rudimentary and simply not enough, with Vučjak acting as the ultimate symbol of this fact. Camps are not planned with sufficient foresight to ensure short- and long-term functioning and adequate standards of living for camp residents. The camps themselves should be altered to provide dignity and humanity for people-in-transit and asylum-seekers in line with international standards and best practices. This means that Vučjak absolutely must be shut down immediately after a new location is chosen and prepared in cooperation with relevant international organizations in line with the Humanitarian Charter and Minimum Standards. The entire country has a role to play in the management of people-in-transit, beginning with the internal monitoring and investigation of the behaviors of law enforcement towards people-in-transit. While national authorities have made progress by criticizing Croatia for its actions, political leaders must do more to ensure that public opinion shifts away from viewing the transit influx solely as a security problem to viewing it as a complex humanitarian issue connected inextricably to EU politics and practices. This type of problem can not be fixed by pushing people back from Bosnia to other countries. Additionally, more thorough supervision and monitoring of the use of the €38 million in EU funds given to BiH must be undertaken by independent, third parties.

However, the problem is much larger than merely the actions of Bosnian authorities but results from the illegal actions of EU countries, particularly Croatia and Slovenia.

In the long-term, the EU asylum systemmust be revised to more equitably spread asylum-seekers across Europe and to ensure that all those who want asylum get a fair chance to apply for it. In the short-term, Croatia and Slovenia must halt their illegal border practices, namely illegal pushbacks of asylum-seekers into BiH territory. Article 57 of the Croatian Law Concerning Foreigners states:

"It is forbidden forcibly to expel a foreigner to a state in which his life or liberty might be at risk because of his race, religious or ethnic affiliation; because of affiliation to some special social group or because of political opinions; or to a state in which he might be exposed to torture or inhuman or degrading procedures or punishments." 56

Both Slovenia and Croatia, as EU states, have an obligation to respect one of the most important principles in international law: non-refoulement. If Bosnia and Herzegovina is a country in which people-in-transit will be subject to beatings from law enforcement and private security forces, where people-in-transit will be kept in a camp on a former landfill surrounded by landmines, where people-in-transit will be at the mercy of a dysfunctional asylum system, then Croatia and Slovenia have an obligation as EU member states and as parties to the 1951 Convention and 1967 Protocol on Refugees to not return asylum-seekers to BiH territory. Such dire conditions call for saying the truth plainly: Bosnia and Herzegovina is not a safe or viable third-country option for people-in-transit and asylum-seekers. In fact, the actions of Bosnian law enforcement and the Bosnian government violate, in particular, Article 15 of the European Convention on Human Rights and Article 2 of the Convention against Torture, the latter of which states:

"No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be evoked as a justification of torture."

In relation to our conclusions, we find it important to mention how the circumstances on the ground have changed since we began and ended our observations in Bihać. In October 2019, Bihać mayor Suhret Fazlić announced he would halt funding for Vučjak.⁵⁷ At the same time, the Una-Sana Canton's Interior Ministry relocated more than 1000 people-in-transit sleeping in informal settlements to Vučjak, bringing Vučjak's population to 2,400.58 This prompted the Red Cross to pull its volunteers due to security concerns. It is expected that the Red Cross will largely cease its aid in Vučjak due to lack of funding and Fazlić's decree, which is a tactic meant to force the BiH government to become more actively involved in solving a humanitarian and political crisis that is only deepening.59 Reports coming in on October 21st allege that water is no longer being supplied to Vucjak.60

Yet, although the situation has deteriorated,

our report still represents the realities of the dysfunctional and hostile dynamics at play in BiH. Vučjak was not created with the well-being and humanity of people-in-transit in mind, and actions being taken right now by BiH authorities are again not taking into account the livelihoods of people-in-transit. When we use people-in-transit as pawns in a political game, it is always the people-in-transit that lose. As Bihać shows, Europe can continue to divert routes and close borders but this will not lead to a political and humanitarian solution but rather to humanitarian crises. Bihać today is fundamentally the Bihać we spent nearly three months recording in:

a city on the margins of Europe beset with a political and humanitarian crisis created by the EU's externalization policies.

Knowing this, we can not idly accept the degradation of human life in Bosnia and Herzegovina. People-in-transit in BiH desperately need dignified living centers, access to medical care and protections for minors, which they are all entitled to. They also need people in power to use all legal tools and political methods possible to reform our European asylum system and to ensure that the practice of illegal pushbacks ceases to exist within Europe and the Balkans.

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