

# ILLEGAL PUSHBACKS AND BORDER VIOLENCE REPORTS



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JANUARY 2023

BALKAN REGION



Border Violence  
Monitoring Network

# ILLEGAL PUSHBACKS AND BORDER VIOLENCE REPORTS

BALKAN REGION  
JANUARY 2023



Push-Back Alarm Austria  
+43 1345 1444



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SPOTS



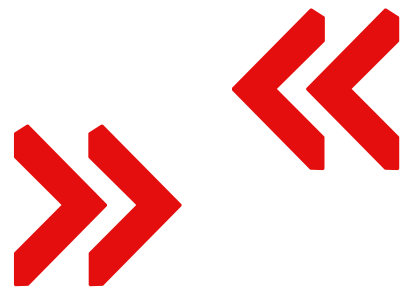
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# EXECUTIVE SUMMARY

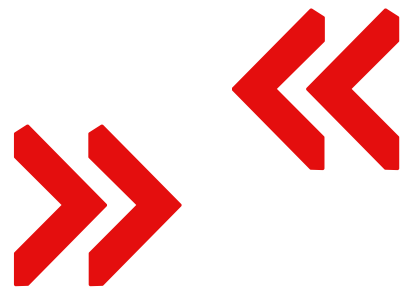


In January, the Border Violence Monitoring Network (BVMN) shared 18 testimonies of pushbacks impacting 172 people on the move (POM) across the Balkans and Greece. This report brings together first-hand testimonies from a range of countries in the region to look at the way European Union states and other actors are affecting systemic violence towards people crossing borders.

This month, members of the BVMN have reported on the increase of foreign officers in Hungary - mainly from Austria, Czechia and Slovakia - and their involvement in pushbacks to Serbia, amidst a trend of expanded collaboration between states in the region for the further securitisation of their borders. After a long period without reports of pushbacks from Bosnia-Herzegovina to Serbia, this month, teams on the field share a testimony of such practice, which was specially systematic during the Covid-19 pandemic. Moreover, a recent rise in the number of reports of pushbacks from Croatia to Bosnia-Herzegovina after the former's transition into the Schengen area is also discussed in this report, some of the testimonies pointing at the use of drones in the interception of transit groups and practices that could amount to torture or inhumane and degrading treatment. The border between Croatia and Bosnia-Herzegovina and the dangers it poses for people on the move is the focus of another section, that reports on the high number of people that have recently died or gone missing while trying to cross the Sava river that separates both countries.

Further updates address the pattern of evictions of people on the move across Greece, affecting beneficiaries of the ESTIA II housing program as well as residents of multiple camps that are being closed down, and the ongoing criminalisation of solidarity in the country, which had its most well-known example in the trial of 24 humanitarian aid workers that took place on January 13th. The situation of Turkish asylum-seekers in Greece, who face a constant risk of being pushed back, is also analysed in this report, exemplified by the case of three people who crossed to Greece this month to seek political asylum only to be pushed back to Turkey and imprisoned by the authorities. Meanwhile, updates from the Greek islands touch on the rise of arrivals to the Closed Controlled Access Center (CCAC) on Samos in January, as well as on the increased restrictions for NGOs to access the centre, which have left nearly 1.000 people without access to adequate medical care after Médecins Sans Frontières lost its permission to operate inside the CCAC.

Moreover, this report elaborates on the further securitisation of Turkey's land borders with Greece and Bulgaria, recently supported by the EU Commission, after Austria tried to push for the use of EU funds for the strengthening of the fence between Bulgaria and Turkey. It also analyses the current political dynamics between Sweden and Turkey that have followed the latter's objection to Sweden's accession to NATO, on the grounds of Sweden being home to an active Kurdish population, as well as the most recent publication of footage of pushbacks from Greece to Turkey by Turkish authorities, together with their own statistics of deportations to third countries.



Lastly, this monthly report provides updates on the new status agreement between Frontex and North Macedonia, which was debated this month, and the negotiations on the EU's Artificial Intelligence Act, after our Twitter series in January that focused on sharing testimonies evidencing the use of technology to facilitate illegal pushbacks. Furthermore, we include a summary of BVMN's submissions to the European Commission's Rule of Law Report, which provided input for Croatia, Slovenia and Greece, as well as of the ruling of the European Court of Human Rights that, on January 17th, found Croatia responsible for the deaths and injuries of people on the move, for the second time.

## ▶ 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, Centre for Peace Studies, Mare Liberum, Collective Aid, Blindspots, Pushback Alarmphone Austria and I Have Rights

# TRENDS IN BORDER VIOLENCE

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## FOREIGN OFFICERS AT THE SERBIAN-HUNGARIAN BORDER

In the past year, the BVMN team documenting violence against people on the move in the Northern Serbia region have noticed an increase in foreign officers present and involved in pushbacks from Hungary to Serbia. According to reports collected, not only were these foreign officers overlooking the orchestration of the pushbacks, but they were also actively involved in the violence committed against transit groups, which included beating, kicking, and destruction and theft of personal belongings.

One of the testimonies reporting on the presence of these foreign officers, from August, 2022, describes the pushback of a group of 15 injured people, some of which were reportedly injured by at least two Czech officers which the respondent identified by the Czech flags on their uniforms. According to the respondent, both officers repeatedly hit and kicked him and his friend on the ribs and legs, took money from them and broke their phones. *"They told me if they catch me again they're gonna break my legs. They said, 'I'll remember you'. I am afraid now to go again".*

On November 18th, 2022, following the collection of 32 pushback testimonies involving Czech officers in Hungary and North Macedonia, BVMN sent a notification and requested the initiation of an investigation to the Czech General Inspectorate of Security Forces.

Two months later, their presence is still felt. On January 19th, 2023, 5 people from Morocco, Syria and Gambia were reportedly apprehended in Hungary (close to the border with Serbia) by officers driving vehicles with licence plates from Hungary, Czechia and Slovakia, before being pushed back to Serbia with a bigger group of people that included families with children. In the report, the respondent described how after they were apprehended, some of the officers hit the transit group, forced them to undress and let the dogs bite them. One of the bites was still visible at the time the testimony was taken. The officers also reportedly took pictures of them and stole the money and phones of three people in the group.

This is not the first time that evidence has emerged of EU member states supporting Hungary with border control and surveillance. In September 2021, 50 Czech police officers were deployed to the Hungarian/Serbian border, while Austrian officers have been present in Hungary since 2020.

However, there seems to be an increase in bilateral and trilateral agreements between states in the region. Take for example, the Memorandum of Understanding, signed in November 2022 by Austria, Hungary and Serbia, which allows for joint patrol operations in the three countries and establishes the deployment of specialised equipment (including thermal cameras and drones) to the Serbian/North Macedonian border. Moreover, Slovakia, which sent officers to work alongside Hungarian police at the border with Serbia for the first time in October 2022, has just renewed this alliance with the deployment of 38 more officers in January 2023. They will be stationed there until February, while stating that support will be extended if necessary.

This expansion of foreign personnel in Hungary has recently been paralleled at the Serbian side of the border, where German, Austrian and Italian officers have become a daily sight for teams working in the area. This topic was addressed in the previous BVMN Monthly Report.

## ----- PUSHBACKS FROM BOSNIA-HERZEGOVINA TO SERBIA

In January, BVMN recorded a pushback from Bosnia-Herzegovina to Serbia affecting three men from Morocco. According to the respondent, four individuals wearing black uniforms with a police insignia on their arms written in Bosnian language apprehended the transit group and pushed them back across the Sava river to Sremska Rača.

Pushbacks from Bosnian territory are not an unusual occurrence. In September 2020, during the Covid-19 pandemic, KlikAktiv (Center for Development of Social Policies) also reported an increase in the number of pusbacks from Bosnia, resulting in a high number of deaths and drowning in the river Drina. On September 3rd 2020, four men from Syria and Iraq drowned in the area of Banja Koviljaca.

“When trying to cross the border over the river Drina refugees are using small boats or rafts. But when they reached the Bosnian coast police were usually already there. They took away their boats and forced them to swim back to the Serbian coast. They threaten them with guns, throw rocks at them, or release dogs on them.” (KlikAktiv, 2020).

BVMN recorded a similar incident this month that reported an analogous case of violence and brutality by the Bosnian authorities. In the testimony collected, the respondent stated that the officer unleashed the dogs and one of them bit him on the leg. After that, he reported being taken to a place that he described as a “White aluminium border guard house” close to the border, where he was brutally beaten with batons and kicked in the genital area by an individual wearing the Bosnian police uniform. He was then pushed back to Serbia.



## ----- INCREASE IN PUSHBACKS FROM CROATIA TO BOSNIA-HERZEGOVINA

Since Croatia joined the Schengen free movement area at the beginning of January, the No Name Kitchen team in Bihać has observed a significant increase in pushbacks from Croatia to Bosnia when compared to the previous eight months. Usually, at this time of year, numbers of transit groups subside due to the harsh winter conditions making it difficult to travel, yet many people are present in Una Sana Canton. The pushbacks are reportedly more frequent than before, and Croatian authorities are seemingly equipped with better weapons while acting more violently.

Accounts of beatings, ranging from kicking to the use of weapons like batons, and the use of firearms to threaten people, have risen. An increase in the number of dogs has been noted, and the reference to devices described as “big lights pointing everywhere” or “strange cameras in the sky” (the latter likely to be drones) has also grown.

Practices that seemingly amount to torture or cruel, inhumane or degrading treatment are also being used, with some respondents describing being forced by officers to stand in a “doggy position” on the wet ground for hours. It has also been reported that officers often take away medicine from people that have critical health conditions and refuse to call for help when people request aid.

Besides the violence and abuse, the cold is becoming unbearable in the Balkan countries. In Bosnia-Herzegovina, the plummeting temperatures are making it extremely difficult for people to access a temporary reception centre, like in Lipa, as they are forced to walk many kilometres in isolated areas with little to no resources or equipment.

With the rise of violence along the Croatian/Bosnian border in the last month causing further distress for people on the move, it is likely that the change in trends has to do with Croatia’s entry into the Schengen area.

# UPDATE ON THE SITUATION



## BOSNIA & HERZEGOVINA

### REPORTS OF PEOPLE DROWNING WHILE CROSSING RIVERS IN NORTHERN BOSNIA-HERZEGOVINA

Every week, Blindspots e.V. is hearing news of people going missing or dying while attempting to cross the Sava river which marks the border between Bosnia-Herzegovina and Croatia. It seems that more people are taking this route and crossing the Sava on inflatable dinghies, a trip colloquially referred to as the “boat game”, upon which many have met their death. In December alone: four unidentified bodies were pulled from the river; 10 persons were rescued after their boat was overturned and one person drowned; and five Turkish citizens went missing after their boat capsized. Furthermore, in January, one body was found (suspected of being from the Turkish group), 13 Cuban nationals were rescued after getting into difficulty in the river, and on the 12th of February, two more unidentified bodies were found on the Sava floodplain. The list of tragedies in the Sava river continues to grow dramatically.



In January, 4D, an open-source “migrant justice database focused on documenting human losses that occur on the so-called Balkan Route” was launched. It contains data on deaths and missing persons cases in the region since 1998. The evidence in this database shows that 9 people drowned in rivers along the Balkan route in December 2022 alone; 6 in the Sava river and 4 in the Drina between Serbia and Bosnia-Herzegovina.

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. The deaths in the Sava river contribute to a long litany of BVMN records in which people have been swept away in rivers.

Image Description: Death in rivers has always been an issue in Bosnia as well as in other Balkan countries.

Source: Blindspots

The deaths in the Sava river contribute to a long litany of BVMN records in which people have been swept away in rivers. Deaths have occurred as a direct result of people being forced to cross dangerous routes in order to claim international protection within the EU, as documented by No Name Kitchen, but also as a result of illegal pushbacks, as seen in the Evros region between Greece and Turkey. The latter often leads to drowning, death by hypothermia after being forced into the river, or even fatal infections from river water due to inaccessibility to clean drinking water.

The current inhumane border policies of the EU are a testimony to Europe's corrupt border management regime, which is leading to the unnecessary death of people on the move exercising their right to seek international protection.



## EVICTIIONS ACROSS GREECE

The past year has seen the eviction of thousands of people from their homes as the Greek government terminated the ESTIA II housing programme. Despite the EU's willingness to extend its support for the initiative, and protests by migrants and Greek residents, the government ended the programme in December 2022. Beneficiaries of ESTIA II have been forced to either leave their homes and move to extremely isolated camps, or find new accommodation without any state support, often resulting in people living on the streets due to lack of alternative options.

Many people living in housing provided through the ESTIA II programme were given very short notice of their evictions – some as little as 24 hours – and were not provided with any formal eviction notice. The Greek Minister of Migration and Asylum Panagiotis Mitarachi justified the closure of the programme by stating that fewer asylum seekers are arriving in Greece, despite the stated aim of the project to integrate asylum seekers already in Greece, and ensure the ongoing wellbeing of vulnerable arrivals.

In conjunction with the ESTIA evictions, there have been multiple closures of camps and refugee accommodation across Greece – the most recent one being the closure of Oinophyta camp, only weeks after the eviction of the last remaining residents in Eleonas camp.

These strategic and continuous actions taken by the Greek state to disrupt integration and impede access to essential services, education and healthcare for migrants segregates them from society and places them at high risk of detention, psychological and physical abuse and pushbacks.

## DEATH OF MAN IN RITSONA CAMP

A 45-year-old Congolese man died in Ritsona Camp on the morning of January 16th 2023, following a delayed response to his request for medical assistance by Greek state authorities. In response, residents of the camp put roadblocks in front of the entrance to the camp in protest of the inadequate medical treatment they receive.

## CRIMINALIZATION OF SOLIDARITY

The ongoing criminalisation of migrants' rights defenders in Greece was highlighted by a statement from the EU Commissioner for Human Rights this month. The statement follows a year in which the Greek government was accused of using illegal spyware to monitor more than 50 individuals, including politicians and a high-profile journalist working on migration issues. Especially since 2021, BVMN has witnessed a highly concerning increase in reprisals, acts of intimidation and targeted media smear campaigns against its partners operating in Greece. The issue of cyber surveillance and online harassment of individuals defending migrants' rights was additionally highlighted by the UN Special Rapporteur on Human Rights Defenders ahead of her visit to Greece in June 2022.

This month, a Greek court rejected charges against 24 humanitarian aid workers who assisted migrants through search and rescue operations in the Aegean Sea, following a trial held on 13th January. The defendants, including seven Greek and 17 foreign nationals, were arrested and detained by Greek authorities in August 2018. Those on trial include a prominent Syrian human rights worker, Sarah Mardini, and fellow volunteer Sean Binder, both of whom spent more than three months in jail in Lesbos after their arrest on misdemeanour charges that included espionage, forgery, and unlawful use of radio frequencies. The court in Mytilene, Lesbos, dismissed the misdemeanour charges on the grounds of procedural errors. However, an investigation into the more serious felony charges is ongoing and no trial date has been set. While the dismissal is a small victory, the defendants' legal team is still fighting for all charges to be dropped to avoid a dangerous precedent for the criminalisation of humanitarian assistance. They are also planning to submit evidence to the EU in the hope of reforming the Facilitation Directive, an EU statute used by member states to criminalise human rights defenders.

## TURKISH ASYLUM-SEEKERS IN GREECE

A report published by the Stockholm Center for Freedom (SCF) this month highlights the situation of Turkish asylum-seekers pushed back from Greece to Turkey, many of whom are reportedly arrested upon return on 'terrorism' charges, and may be subjected to torture and other forms of inhuman treatment by Turkish authorities. A testimony collected by BVMN in April 2021 reported on the pushback of a Turkish man to Turkey, despite him expressing an intention to apply for asylum in Greece. In the testimony the respondent described how the Turkish man told the Greek authorities: 'I can't go back to Turkey because if I go back they will kill me.'

Since March 2020, Turkey has refused to accept the return of rejected asylum seekers from Greece, yet the Greek government continues to designate Turkey as a so-called 'safe third country' for certain nationalities. This has led to people being left in limbo, unable to be returned to Turkey and without access to basic services and rights in Greece. The Hellenic Council of State (Supreme Administrative Court of Greece) recently challenged the Greek government's policy on this issue, by arguing that a country cannot be considered safe if it does not accept asylum seekers to be returned to its territory to claim asylum there, as is the case with Turkey. The matter has been referred to the EU Court of Justice of the European Union.

## PUSHED BACK TO PRISON

A specific case of the previous topic was covered in an article from Gazete Duvar published on January 21st, which addressed the situation of Ebubekir Gezer, a Kurdish-Turkish national who had crossed into Greece by land via Evros/Meriç from Turkey in mid-January, and was apprehended by Greek officers on a bus travelling from the city of Didymoteicho on January 17th. His whereabouts were unknown until days later, when lawyers of imprisoned former People's Democratic Party (HDP) co-chair Selahattin Demirtas located him back in Turkey in Edirne No.1 F-Type Prison.

His brother explained that Gezer had gone to Greece to seek political asylum and that they had not been able to learn the reason for his arrest once back in Turkey. He is the target of multiple lawsuits, with charges of insulting the President, as well as membership and propaganda for a terrorist organisation. His brother stated that they planned to file a lawsuit against Greece for denial of the right to claim asylum. The Turkish police told Gezer "You are lucky. We collect dead bodies here every day. The morgue and the cemetery are full. Some of them are thrown naked, some are beaten very badly and thrown away." The author of the piece also added that he had spoken to other asylum seekers who stated they had been with Gezer up until he left Didymoteicho on the bus. They were presently being held in camps by the Greek-Turkish border, having had their asylum procedures initiated.





Image Description: A photo taken by Ebubeki Gezer of his bus ticket from Didymoteicho on January 17th.

On January 23rd, another [video](#) was circulated in which Kurdish-Turkish nationals Feride Demir (of the [Saturday Mothers](#)) and Mehmet Sayit Demir (a former board member of HDP Amed/Diyarbakir) stated that they were in Greece and wanted to claim political asylum. Mehmet Sayit Demir had been previously sentenced to six years and eight months imprisonment in 2001. The couple was apprehended at around 11.00 am and violently pushed back to Turkey. They were detained at the Meriç Police station. The next day, while Feride Demir was released, Sayit Demir was arrested and [transferred](#) to the Edirne No 1 F-type prison. In Turkey, opposition politicians, journalists, political activists and others continue to face often baseless violent investigations, prosecutions and convictions. Ebubekir Gezer and Sayit Demir are just two documented cases where people crossing borders were violently denied the possibility to claim asylum in Greece and pushed back to prison.

## UPDATES FROM PATRAS

The No Name Kitchen team in Patras, Greece, continued to support around 30 people on the move this past month. The beginning of the new year saw a slight increase in the number of recorded incidents of internal violence -violence perpetrated outside of pushback practices- compared to the month prior. Most of these acts of violence have reportedly been perpetrated by private security staff at the port, who have repeatedly physically assaulted people on the move and destroyed their property. The team collected the testimony of a minor whose phone was destroyed, while two other people were assaulted by port security staff. Others shared stories of being handcuffed and detained in the security office for hours without food, water or information.

While no new informal readmissions were recorded this month, the issue of Italian authorities returning asylum seekers to Greece was brought into focus in January with the publication of the work from a coalition of news and media agencies led by the Netherlands' Lighthouse Reports. The No Name Kitchen team contributed knowledge and connections to the journalists, who exposed the inhumane conditions experienced by those who are prevented from claiming asylum as they are transported back to Greece.

The investigations led to coverage from a range of media outlets internationally: in addition to Lighthouse's [summary report](#), articles appeared in Greece's [We Are Solomon](#), Italy's [Euractiv](#), Belgium's [Brussels Times](#) and Egypt's [RPE news](#); France's [Loopsider](#) created a shareable [video](#); and Swiss broadcasters SRF produced an extended [documentary](#) and [illustrated report](#). 'Monitor', a current affairs programme on Germany's Erste One, also [reported on the story](#). Klaas Van Dijken, one of the founders of Lighthouse Reports, spoke about pushbacks on commercial ships and other European "black sites" on [The Civil Fleet podcast](#).

Informal readmissions from Italy to Greece have been recorded for some years, but evidence that the practice has taken place as recently as November 2022 contradicts denials made by the Italian authorities. This investigation has prompted parliamentary and civil society responses: the Italian interior ministry was [challenged on the issue](#), while the Panhellenic Sailor's Union [denounced](#) the "brutality, inhumanity and racism" of the commercial ferry operators complicit in pushbacks and demanded an immediate end to the practice and accountability for those involved.

## SAMOS: HIGH ARRIVAL RATES IN JANUARY 2023

This year, despite being the island with the [second-highest rate of pushbacks in the Aegean Sea](#), Samos has seen a large increase in the rate of arrivals to the Closed Controlled Access Center (CCAC). In fact, this January, 253 people made it to the CCAC, which is 16 times more than in the same period of 2022, when there were 15 registered arrivals. This can be starkly contrasted with January 2021 when there were no recorded arrivals to the island. It is important to stress, however, that these numbers do not reflect real arrival rates to the island. Due to the high rates of pushbacks, real arrival rates to the island and its surrounding territorial waters are likely to be much higher.

## SAMOS: RESTRICTION OF ACCESS FOR NGOS TO THE CCAC

In [April](#) and [September](#) 2020, two Joint Ministerial decisions required the official registration of migration NGOs and imposed strict statutory conditions that organisations must meet to be registered. The Registry adds [burdensome and intrusive requirements](#) to their registration process, and impedes on the right of free association. It is important to highlight that these requirements were imposed exclusively on migration related organisations.

This restrictive legal framework was heavily criticised, including by the [Council of Europe Commissioner for Human Rights](#) and [UN Special Rapporteurs](#). In July 2020, [Amnesty International](#) voiced concerns about the negative impact these regulations would have on people on the move's access to services and the overall realisation of their rights.

This January, on Samos, these concerns were confirmed when organisations who had not completed the registration process were denied access to the CCAC. This included Médecins Sans Frontières, which ran a mobile medical clinic three times per week in the CCAC since April 2022, in order to supplement the lack of a camp doctor. This sudden policy change left nearly 1,000 residents without access to a doctor in the CCAC.



## ----- READMISSIONS FROM ITALY TO SLOVENIA

In January 2023 alone, collectives operating in Piazza Liberta' witnessed the arrival of 874 people on the move, of which 128 were unaccompanied minors. While this represents a sharp decline from previous months, during the first 4 months of 2022, only 679 people arrived in Trieste. The most common country of origin is Afghanistan, representing 79% of all the transit groups.

The far-right Italian government's response to the issue of freedom of movement is largely founded on ideas of control and repression. The government publicly stated on multiple occasions that they want to introduce 'readmissions to Slovenia'. If implemented, this would likely mean that pushbacks to Slovenia would increase, with a rise in chain pushbacks following.

Unfortunately for the government, during the first half of 2022, it became increasingly clear that this practice, once widespread and systematic, can only work if Europe's external borders are used as a dumping ground for people on the move by Western European countries. Italian authorities are trying to push people back to Slovenia on a daily basis, but Slovenia is not facilitating this practice. In January, it was reported that 97 people that were pushed back and given expulsion papers, quickly managed to find their way to Trieste and transited Piazza Liberta'. 29 people reported being pushed back to Slovenia.

In another development, the Italian government is planning to find a suitable place on the border 'between Trieste and Tarvisio' that could serve as a closed hotspot facility (i.e. a detention centre for people on the move). So far, the concept has gathered the approval of right-wing parties in Trieste as well as of the wider region, Friuli. However, a location is yet to be found.



# TURKEY

*While there is always a gap between actual events and their reporting, a different kind of separation exists between events of January 2023 and their description now, in the aftermath of the earthquake that hit Turkey and Syria on February 6th. The incident is not covered in this report, other than to say that the response to the disaster in Turkey has often entailed the scapegoating of and even physical attacks on refugees and migrants, along with the denial of the right to access emergency services or to move freely within the country's borders. All the while, this has detracted from both a clear focus on alleviating the suffering caused by the disaster and the clear identification of culprits in the construction industry and in government.*

*This [interview](#) with Syrian lawyer and activist Taha el Gazi describes the hostile atmosphere that has only intensified with the approach of the May elections - conditions that make the post-earthquake vilifications hardly surprising. Meanwhile, this January 4th [article](#) of labour struggles in Antep - where the earthquake has had an enormous impact - gives us an example of the kind of solidarity we would hope might be spread throughout this period. In this case, around 200 local Turkish and Syrian foundry workers went on strike together for better pay and conditions.*

## SWEDEN-EU-TURKEY

- January saw Sweden take over the 6-month presidency of the Council of Europe, at a time when the country was also frequently occupied with its ongoing negotiations to join NATO, currently blocked by Turkey. Turkey's objection is largely based on Sweden being home to a sizable and active Kurdish population, members of which Turkey wants extradited for their ties with the Kurdish freedom movement as well as, allegedly, the Kurdistan Workers Party (PKK). Sweden is also home to many people alleged to be connected to the Gulen movement - or FETO (Fetullah Terrorist Organisation) as it is termed in Turkey. [Civil Rights Defenders](#), among others, object that these deportations to Turkey would violate the international principle of non-refoulement - which states that a person should not be brought to a country where they face a risk of torture or inhumane or degrading treatment.

- This situation has also been aggravated by repeated instances of [public burnings of the Quran](#) by right-wing protestors in Sweden, Denmark and in the Netherlands. These xenophobic, Islamophobic provocations have been opportunistically framed as a defiant response to the conditions set down by Turkey for Sweden's NATO accession. They prompted protests outside of the Swedish embassy and consulate in Ankara and Istanbul from various conservative Muslim and nationalist groups, with similar large-scale protests in Iraq and Jordan too. Swedish and other European consulates responded by temporarily closing their doors citing security threats. If Sweden eventually decided to defer to Turkey's demands and carry out the deportations, it could add further legitimacy to the idea of Turkey as a safe third country, or rather, take more legitimacy away from that classification.

## FURTHER SECURITISATION OF TURKEY'S LAND BORDERS

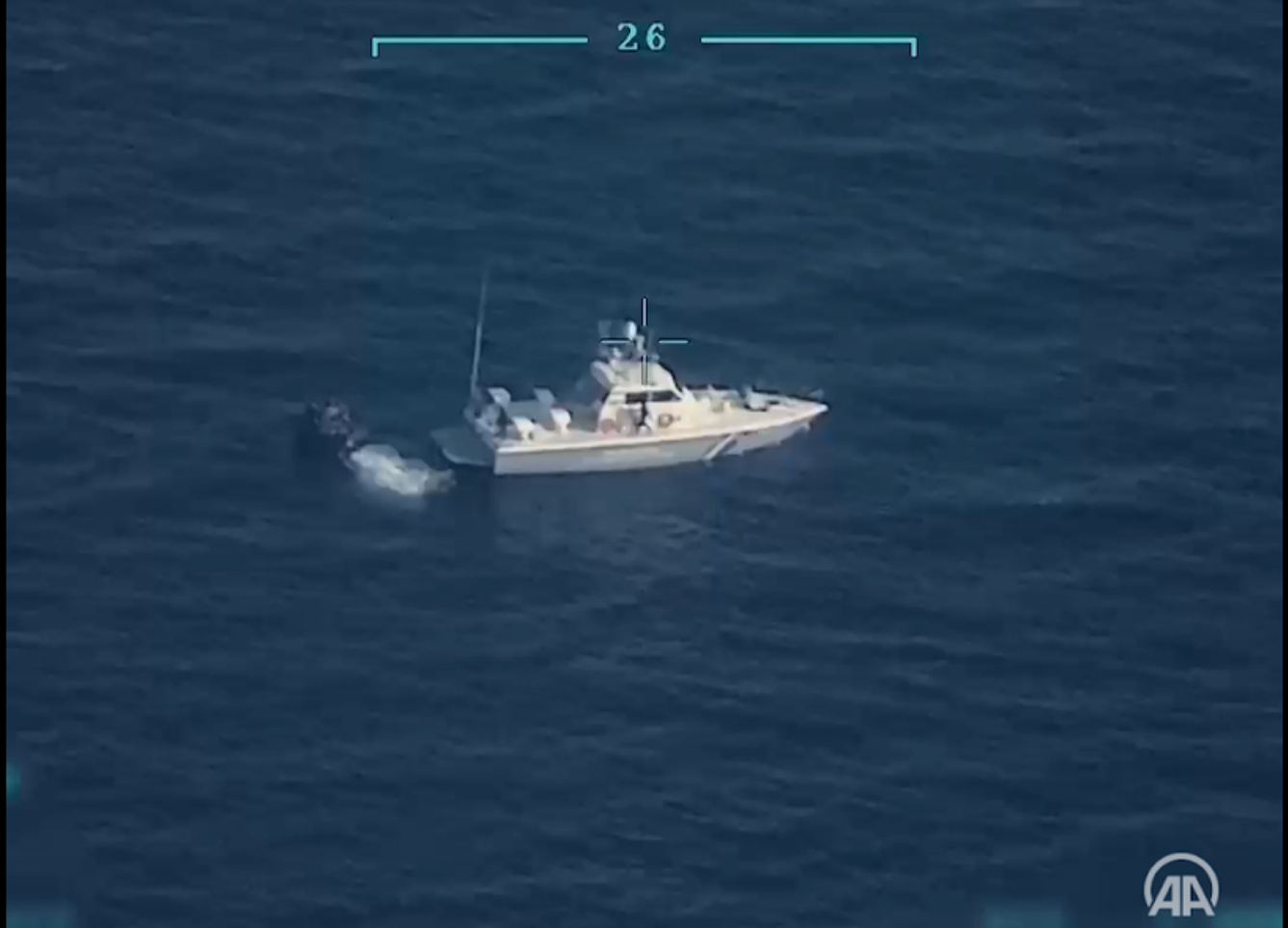
In late December into January there were a number of developments in terms of 'securing' Europe's borders affecting Turkey's land borders with Greece and Bulgaria. One of these developments was Greece's announcement of plans to extend the 37.5 kilometre-long border fence with Turkey by another 35 kilometres, which will cost around €100 million and will be funded by the Greek budget. In December, the Austrian Chancellor Karl Nehammer pushed for joint EU funding to strengthen the fence at the Bulgaria-Turkey border. This received a further push in February, when the president of the European Commission Ursula von den Leyen proposed strengthening Bulgaria's border management capabilities by providing drones, radar, and 'other' means of surveillance.

### PUSHBACK FOOTAGE AND STATISTICS

Most Turkish media have had a steady swell of coverage on pushbacks by sea and land from Greece. It is therefore noteworthy that the two cases concerning Turkish nationals who were pushed back and then imprisoned barely featured anywhere beyond smaller critical independent outlets and on social media, as they would complicate the narrative of how migration and justice are presented in the dominant media. Several claims backed by photos and video footage have been made by the Turkish Coast Guard over pushbacks in the Aegean Sea. Video footage released by the Turkish Coast Guard mid-January and reportedly recorded by a Turkish navy drone published in December shows a boat driving high-speed in the sea then skidding to a halt, before offloading a number of figures onto a rubber dingy and then speeding away. The dingy is then left adrift in the sea until the intervention of the Turkish Coast Guard. Other similar evidence of pushbacks by Greek officers were the topic of a number of stories from big media outlets in January.

The Turkish Coast Guard continues to release statistics on the number of sea rescue or pushback intervention cases that occur on a monthly basis. This month their website reported 29 pushbacks affecting 742 people.

On another note, Turkey's Directory of Migration Management also continues to regularly update the public with apprehension and deportation quotas. On January 28th, it stated that, so far in 2023, 8,571 "irregular" migrants had been deported to "third-countries" - the majority nationality being Afghan. The Directory's statements have also been supplemented with video clips complete with a variety of infographics showing soaring statistics coupled with a dramatic soundtrack.



**Image description:** Drone footage released by the Turkish Navy claiming to reveal pushbacks in the Aegean by Greek officers

**Image source:** Anadolu Agency

## SEXUAL ASSAULT IN VAN PRIOR TO PUSHBACK

Far away from the polished image of migration management inferred by such graphics and statistics, a case was reported from Van province on January 5th involving two Turkish soldiers who raped a 24-year-old Afghan woman. According to the report, they had separated her from a group of 16 people they were taking to the Iranian border - in the words of Van Bar Association - "to be deported illegally with the 'pushback' method." The association's statement lambasted the decision to make the ensuing investigation into the sexual assault confidential. They decried the "culture of impunity" for those empowered in a male-dominated system rife with anti-migrant hostility in which migrant women are especially exposed to violence.

## NORTH MACEDONIA

### ----- UPDATED STATUS AGREEMENT BETWEEN FRONTEX AND NORTH MACEDONIA

In January, the Council decision on an updated Status Agreement between the European Border and Coast Guard Agency (Frontex) and North Macedonia was up for debate and subject to a vote in the LIBE Committee of the European Parliament. The initial agreement was signed in 2009 to "counter illegal/irregular migration" through the means of "border control as well as strengthen[ing] security at the borders between EU Member States and the former Yugoslav Republic of Macedonia". The updated status agreement again mentions North Macedonia as "lying on one of the primary routes for irregular mixed movements". The move to update this agreement and to fully operationalise Frontex units in North Macedonia is in line with larger changes in the Western Balkan region; for example, the presence of Frontex in Northern Serbia, as explained in our last monthly report. These developments coincide with the Commission's Action Plan for the Western Balkans, also detailed in December's monthly report, which seeks to strengthen border management along the so-called Western Balkan route. These goals will be realised with increased operational support from Frontex.

With regards to the LIBE vote on the updated Status Agreement, the Commission delayed the delivery of the Fundamental Rights Impact Assessment (FRIA) which should have been provided to MEPs several days prior to the vote so that they would be able to take all factors into consideration. In the end, this was provided just four days before the vote took place which is particularly concerning given the recent finding from the European Ombudsman which outlined that the European Commission failed to ensure human rights risks were properly assessed before providing support in surveillance to third countries in Africa.

This is also specially concerning given the evidence BVMN has collected showing consistent fundamental rights violations in North Macedonia. Since 2020, the BVMN has collected 63 testimonies of illegal pushbacks from North Macedonia impacting a total of 830 individuals. 97% of these testimonies contain accounts of excessive and disproportionate use of force being perpetrated against people on the move; this includes pushing people to the ground, dog attacks, the use of pepper spray, and the use of batons, hands and/or feet, to beat a person. Furthermore, in 9 testimonies (15%) a firearm was used to threaten people on the move, and 23% of the testimonies collected mentioned the presence of minors during these illegal pushback operations. In spite of this, the FRIA seems to determine that the situation in North Macedonia does not pose a risk of serious or persistent violations or of international protection obligations being committed.

Nevertheless, the report acknowledges that the current legislation does not provide alternatives to detention for people in irregular movement when international and human rights law maintains detention should always be a measure of last resort. It also acknowledges the presence of pushbacks at the border between North Macedonia and Greece. Nevertheless, the summation remains that there is not a risk of serious nor persistent violations. Whilst the BVMN is aware that, in theory, Frontex presence in any region should increase the visibility of and therefore the accountability for these violations, recent findings from OLAF's investigation into the agency show this not to be true. In light of this, the BVMN expresses its concern that the updated Status Agreement will continue through the Plenary without interruption and without these issues being sufficiently addressed.



# ADVOCACY

## RULE OF LAW SUBMISSION

In January, BVMN's Legal Working Group submitted three contributions to the call for input for the European Commission's Rule of Law Report. The submission is open for Civil Society Organisations (CSOs) from each country; BVMN submitted input for three EU Member States: Croatia, Greece and Slovenia.

The rule of law constitutes one of the core values of the EU. The term stands for the obligation of governments to be bound by law, including a prohibition of arbitrary decisions, access of individuals to independent courts and jurisdiction, efforts against corruption, media freedom and provisions for informing the public about the government's work. The rule of law mechanism consists of an annual dialogue between several EU bodies such as the Commission, Council, parliament, national government representatives and civil society actors.



The outcomes of this are published in an annual report for which the Commission calls for input from civil society actors. If a breach is found, the Commission may start infringement proceedings or, in the case of “a crisis, the Commission can trigger the rule of law framework to address systemic threats in EU countries”, entailing an assessment of the situation in the country, the issuing of recommendations, as well as the monitoring of their implementation. In cases of non-compliance of a Member State with the EU fundamental values, including the rule of law, Art. 7 of the Treaty on European Union (TEU) might be triggered, leading to sanctions for the respective country.

In the submissions, referring to 2022, BVMN assesses that illegal pushbacks in their very nature constitute a violation of the rule of law, while at the same time removing survivors from state jurisdiction, thereby disabling their access to courts and justice. Next to linking the modus operandi of pushbacks in the three countries to the principle of rule of law, member organisations’ information on access to asylum was included in the report, as well as information on the implementation and follow up on court rulings concerning pushbacks in the respective countries, as well as criminalisation of Human Rights Defenders and a shrinking scope for civil society.

In the submission on Greece, the lack of access to justice of pushback survivors was elaborated upon, for instance, the lack of an investigation in the case of 19 deaths that were reportedly survivors of pusbacks at the Evros border in February 2022. In addition, the lack of access to free legal aid was mentioned; the gaps in the new asylum system, introduced in August 2022, inhibiting people on the move to register; as well as the lack of fair trials for people on the move, characterised by short timeframes of criminal trials against people on the move and the disproportionate lengths of sentences. Concerning media pluralism, wiretapping scandals that occurred throughout 2022 were elaborated upon, as well as the effects of the 2021 legislation prohibiting the spreading of vaguely defined “false news” and the fact that in particular CSOs and journalists reporting on migration related issues have been denied legitimacy by governmental officials throughout the year. BVMN also reported on the development of the SLAPP case against 24 Migrant Rights Defenders in the country and the intensification of incidents of criminalisation experienced by members of the network, as well as amendments made to Art. 187 of the Greek Criminal Code that removed legal safeguard for Human Rights Defenders facing criminalisation.

In the submission on Croatia, BVMN submitted information regarding the decision of the Dutch Council of State to reconsider deportations of people on the move to Croatia based on the Dublin regulation, due to the risk of pushbacks and the lack of access to asylum due to the modus operandi of pushbacks. In addition, the lack of oversight of and accountability for supervision of violence by the Croatian police was discussed, as well as the lack of implementation of the M.H. and Others v Croatia judgement and serious concerns regarding the implementation of the country’s Independent Border Monitoring Mechanism. The establishment of the practice to hand out ‘7-day notice’ expulsion decisions to people on the move was also elaborated upon. Concerning criminalisation, the topics of SLAPPs against journalists, lack of protection in the newly established “Whistleblower Act”, as well as criminalisation of Migrant Rights Defenders based on Art. 53 of Croatia’s Aliens act were discussed.

In the submission on Slovenia, BVMN elaborated on how the practice of chain-pushbacks happening from and through Slovenia constitute a violation of the rule of law and its interrelation with readmission agreements in place between Croatia and Slovenia. In addition, BVMN elaborated on the effects of the amendment to the Law on Foreigners, that could lead to restricted access to asylum in case of a “complex emergency”. Furthermore, it includes a section on the length of asylum procedures in the country, that increased for non-Ukrainian people on the move; the lack of implementation of judgements regarding pushback survivors, such as in case I U1686/2020; as well as the increasing public narrative of CSOs being framed as “smugglers”, while at the same time in the country’s new Action Plan on Countering Terrorism and Violent Extremism, the surveillance of “criminal NGOs” is mentioned, which could lead to an increase in criminalisation.

## THE EUROPEAN COURT OF HUMAN RIGHTS FINDS CROATIA RESPONSIBLE FOR THE DEATHS AND INJURIES OF PERSONS IT DEPRIVED OF LIBERTY, AGAIN

On January 17th, in the ruling of *Daraibou v Croatia*, the European Court of Human Rights (ECtHR) delivered a second judgement that found Croatia had violated the fundamental rights of people on the move. The plaintiff, Abdeljalil Daraibou, was a Moroccan national detained in a Croatian border police station with three other people on the move. A fire broke out, resulting in serious injuries to Abdeljalil and the death of his three friends, whilst they were supposed to be under the supervision of two guards. One of these guards faced disciplinary sanctions, but no criminal proceedings were initiated. The Croatian state instead began criminal proceedings against Abdeljalil Daraibou himself, declaring him a threat to national security. This ultimately led to his deportation to Morocco and a subsequent ban on entering Croatia for five years.

Abdeljalil Daraibou is represented by the lawyer Lidija Horvat, in cooperation with our member organisation Centre for Peace Studies (CPS). The ECtHR found a grave violation of the right to life under Article 2 of the European Convention on Human Rights (ECHR) because Croatia did not prevent the fire outbreak which led to severe life-threatening injuries. The judgement found a further procedural violation of Article 2 due to a lack of effective investigation, indicating the Croatian authorities’ failure to assess the shortcomings that led to the incident, and correction of them to prevent similar life-threatening incidents in the future. The judges reached a unanimous decision in the proceedings.

This is the second time the ECtHR has further validated the testimonies of people on the move regarding the systematic and continuous violation of their fundamental rights at Croatian borders and within the territory.

The first case, regarding the death of little Madina Hussiny - a six year old Afghan girl who was killed after being hit by a train after Croatian police officers ordered her and her family to return to Serbian territory by walking along the train tracks - also found the investigation into the death was ineffective. It is yet again evident that the relevant institutions in Croatia who are tasked with protecting the lives and rights of individuals and acting in accordance with the law, are instead consistently and routinely violating rights and breaking the laws they are bound by.

On the 31st of January, our partners at CPS published a second press release regarding the non-response of Croatia's Prime Minister Andrej Plenković and Interior Minister Davor Božinović to the verdict. This is particularly concerning, given that the Court has deemed the Croatian state as responsible for the violation of the right to life, asserting that these lives would not have been lost if the Croatian authorities had acted in accordance with the law and respected human rights. Antonia Pindulić, a lawyer from Centre for Peace Studies, asks: "The Government still, even after two judgments of the European Court of Human Rights, thousands of testimonies, documents, reports, video footage and photographs, does not admit that there is a systemic problem, when this is already clear to everyone. This recognition is the first step towards taking responsibility, and taking responsibility is the first step towards systematically addressing systemic problems. When will the Government take responsibility for the deaths and established violations of the rights of refugees and other migrants?"

## THE EU'S ARTIFICIAL INTELLIGENCE ACT

In April 2021, the European Commission published its proposal for a regulation laying down harmonised rules on Artificial Intelligence (AI), more commonly referred to as the Artificial Intelligence Act (AIA). The document is a pioneering proposal for a regulatory framework on AI that seeks to establish a legal framework for the development and use of new technology in EU Member States. This act is currently being negotiated between different groups at the European Parliament level, before a final compromise is adopted and voted upon. In the first phase of these negotiations, thousands of amendments were tabled by the different political groups, showing that the MEPs in the two leading committees are more or less equally split between right and left wing approaches, especially concerning the most controversial points of the legislation.

In November 2021, BVMN joined the AI-Migration Coalition led by Access Now, Statewatch, EDRI, PICUM, and Refugee Law Lab. Together we have released a Civil Society Statement signed by over 100 different Civils Society Organisations (CSOs) calling for changes to the AIA that would foreground fundamental rights and specifically recognise that AI systems exacerbate structural imbalances of power, with harms falling mostly on those already marginalised in our societies. The AI-Migration Coalition has also set forth a number of specific amendments to the wording of the AIA legislation that would address the structural, societal, political and economic impacts of the use of AI, and prioritise affected people and the protection of fundamental rights.



BVMN has published [extensive evidence](#) documenting how new technologies and AI are being used to facilitate illegal pushbacks, and to ensure they continue without detection. Our [Twitter series](#) in the month of January brought to the fore first-hand testimonies from our database that mention the usage of different technologies involved in pushback incidents across a range of borders. One specific device that comes up a lot in our testimonies is drones, which are used to locate transit groups and push them back, or to check if the path is clear on the other side of the border before perpetrating a pushback to avoid detection. Since 2018, the BVMN has collected 36 testimonies mentioning drones, affecting 1,016 individuals. Drones are collecting vast amounts of data, and the way they operate - silently and from far away - makes it virtually impossible for individuals to be aware that they are even being surveilled. This raises ethical concerns as well as potential human rights infringements around freedom from discrimination, the right to privacy, data protection issues, as well as impacts on civil liberties and human dignity.

This is just one example of why the AIA, and regulating the usage of new technologies, is so important to protect the fundamental rights of people on the move. One key flaw in the AIA as it stands is that any kind of safeguards and prohibitions around technologies are limited to the developer of the technology and do not apply to the user of that technology. If we go back to the case of drones, these are not in and of themselves 'bad' tech, they are not developed to be used to locate and illegally pushback people on the move. In fact there are a number of examples where they have been [used to coordinate Search and Rescue](#) (SAR) operations. The problem comes from how border officials are using drones, weaponising them against people on the move. Yet in the current formulation of the AIA, any safeguards around drones would only be applied to the developers, therefore missing any opportunity to safeguard the rights of transit groups being subject to pushbacks facilitated by the use of the drones specifically.

As the negotiations continue in the Parliament, we will continue to lobby MEPs to resist the harmful provisions given in the current regulation and to ensure adequate safeguards for people on the move. You can follow the work of the AI-Migration Coalition on our [new website](#).



# GLOSSARY OF REPORTS

Link	Incident	Recorded	Demographic	Group Size
Romania to Serbia				
<a href="#"><u>1.1</u></a>	21st December	-	Syria	4
Hungary to Serbia				
<a href="#"><u>2.1</u></a>	10th December	-	Morocco	1
<a href="#"><u>2.2</u></a>	18th December	21st January	Afghanistan, Morocco, Tunisia	10
<a href="#"><u>2.3</u></a>	5th January	8th January	Morocco	20
<a href="#"><u>2.4</u></a>	5th January	7th January	Syria	10
<a href="#"><u>2.5</u></a>	7th January	21st January	Morocco	3
<a href="#"><u>2.6</u></a>	16th January	17th January	Syria, Iraq, Palestine	14
<a href="#"><u>2.7</u></a>	16th January	18th January	Afghanistan, Syria	8
<a href="#"><u>2.8</u></a>	18th January	19th January	Syria	10
<a href="#"><u>2.9</u></a>	20th January	20th January	Syria, Morocco, Gambia	20
<a href="#"><u>2.10</u></a>	23rd January	28th January	Morocco	4
<a href="#"><u>2.11</u></a>	30th January	3rd February	Morocco, Syria, Unknown	37

Link	Incident	Recorded	Demographic	Group Size
Croatia to Serbia				
<u>3.1</u>	3rd January	12th February	Algeria, Morocco, Sudan, Tunisia	5
Bosnia-Herzegovina to Serbia				
<u>4.1</u>	12th January	16th January	Morocco	3
<u>Croatia</u> to Bosnia-Herzegovina				
<u>5.1</u>	2nd January	9th January	Afghanistan, Jordan, Palestine	8
<u>5.2</u>	7th January	27th January	Cuba	7
<u>5.3</u>	7th January	21st January	Morocco	3
<u>5.4</u>	13th January	16th january	Algeria, Unknown	5



# 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 participant organizations working in the field of documentation, media, advocacy and litigation.

We finance the work through charitable grants and foundations, and are not in receipt of funds from any political organisation. The expenditures cover transport subsidies for volunteers in the field and four paid positions.

To follow more from the Border Violence Monitoring Network, check out [our website](#) for the entire testimony archive, previous monthly reports and regular news pieces. To follow us on social media, find us on [Twitter handle @Border\\_Violence](#) and on [Facebook](#).

For further information regarding this report or more on how to become involved please email us at [mail@borderviolence.eu](mailto:mail@borderviolence.eu).

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