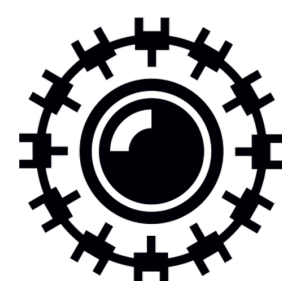


ANNUAL TORTURE REPORT 2020



**Border Violence
Monitoring Network**

Table of Contents

Executive Summary	3
Introduction	4
Methodology	5
Typologies of Torture	6
Excessive and Disproportionate Force	7
Electric Discharge Weapons (EDWs)	8
Forced Undressing	9
Threats of Violence with a Firearm	10
Inhuman Treatment inside a Police Vehicle	11
Inhuman Treatment inside a Detention Facility	12
Croatia	14
Excessive and Disproportionate Force	14
Electric Discharge Weapons (EDWs)	17
Forced Undressing	19
Threats of Violence with a Firearm	20
Inhuman Treatment inside a Police Vehicle	22
Inhuman Treatment inside a Detention Facility	23
Greece	26
Excessive and Disproportionate Force	26
Electric Discharge Weapons (EDWs)	29
Forced Undressing	30
Threats of Violence with a Firearm	32
Inhuman Treatment inside a Police Vehicle	34
Inhuman Treatment inside a Detention Facility	35
Torture and Ill-Treatment During Chain-Pushbacks	39
Chain-Pushbacks	39
Country Focus	40
Typologies of Torture	41
Excessive and Disproportionate Force	41
Forced Undressing	42
Threats of Violence with a Firearm	43
Inhuman Treatment inside a Police Vehicle	44
Inhuman Treatment inside a Detention Facility	45
The Croatian Response to Allegations of Border Violence	47
The Greek Response to Allegations of Border Violence	49
Greek Government Response to Pushback Accusations	50

EXECUTIVE SUMMARY

The Border Violence Monitoring Network (BVMN) is a coalition of 13 NGOs and collectives that have been monitoring and documenting illegal pushbacks and police violence along the EU's external borders in the Western Balkans since the formal closure of the route in 2016. Since the formulation of the Network in 2017, BVMN's monitoring has increased to encompass the Western Balkans, Greece and Turkey with a growing focus on chain-pushbacks from central European states such as Italy and Slovenia.

While the continued use of illegal pushbacks is extensively evidenced through the BVMN database of personal testimonies, this report focuses on pushbacks and the use of torture and inhuman or degrading treatment as defined by Article 3 of the European Convention of Human Rights. The report presents evidence that we believe shows how the systematic violence used by Croatian and Greek authorities, may in many cases, constitute as torture or inhuman and degrading treatment. Furthermore, through analysing chain-pushbacks facilitated by central European countries, notably Slovenia, Italy and Austria, BVMN further seeks to hold culpable States to account for their role in exposing or participating in the abuse of people-on-the-move.

Focusing on six typologies of abuse and misconduct observed across European pushbacks, testimonies are summarised and analysed alongside existing legal mechanisms. The result is an inventory of torture and cruel practices, inhuman or degrading treatment ranging from physical assault (including excessive force or the use of Electric Discharge Weapons) to psychological violence, humiliation and threats (such as forced undressing or mock executions) to brutality during detention or transportation (particularly inadequate facilities).

European Convention on Human Rights Article 3:

'No one shall be subjected to torture or to inhuman or degrading treatment or punishment.'

United Nations Convention Against Torture Article 1:

'For the purposes of this Convention, the term "torture" means 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 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.'

United Nations Convention Against Torture Article 2.2:

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

United Nations Convention Against Torture Article 3.1:

No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

INTRODUCTION

Since the formal closure of the so-called 'Balkan Route' in March 2016, independent activists, journalists and NGOs have documented how people-on-the-move are being 'pushed back' across Europe. Occurring without formal procedures of safeguards, a pushback is the (often violent) expulsion of an individual or group to another country. Distinct from deportation or refoulement, they preclude the possibility of asylum.

The first comprehensive reports detailing pushbacks were published by Human Rights Watch and Are You Syrious / Centre for Peace Studies / Welcome! Initiative in January of 2017.[1] Since then, successive reports have been published by the UNHCR,[2] Amnesty International,[3] regional Ombudspersons[4] and BVMN (amongst others), all describing increasingly brutal actions committed by state actors during pushbacks along Europe's external borders.

Left unsanctioned and unchallenged by both national and European authorities, in 2019 the BVMN observed the mass proliferation of torture during the pushback process. Indeed, the repeated refusal of the EU to condemn these practices has effectively afforded member states carte blanche to employ whatever means necessary to bring down the numbers. This increase in both frequency and choreography of abuse lead BVMN to publish the first comprehensive analysis of Croatian authorities use of torture and inhuman treatment during pushbacks in 2020.[5]

Thanks to the work of civil society actors, in 2020 pushbacks by European States attracted international condemnation, with Filippo Grandi, the United Nations High Commissioner for Refugees[6] calling the practice "shameful." Despite this, BVMN reports that in 2020, the regularity and extraordinary cruelty of pushback practices has grown ever more shocking. With this report, BVMN has expanded the scope and depth of its analysis, establishing the widespread use of torture by both Croatian and Greek police authorities. The focus on Croatia and Greece reflects both the Network's strong regional presence and the high number of testimonies collected from these areas. Furthermore, as evidenced within this report, BVMN concludes that in-land European states are knowingly exposing people-on-the-move to ill-treatment and torture through the returns process and thus, we assert, should additionally be held culpable for their treatment.

TERMINOLOGY

Article 3 - Article 3 of the European Convention on Human Rights

BiH - Bosnia and Herzegovina

ECHR - European Convention on Human Rights

EDWs - Electric Discharge Weapons

UNHCR - United Nations High Commissioner for Refugees

UDHR - Universal Declaration of Human Rights

ICC - International Criminal Court

CAT - Committee Against Torture

ECtHR - European Court of Human Rights

CPT - The European Committee for the Prevention of Torture

HR - Croatia

CEAS - Common European Asylum System

IPA - International Protection Act

TUR - Turkey

METHODOLOGY

Data Collection

The collection of data on illegal pushbacks and violence attributed to the police is done through a consortium of independent volunteers who are part of, or cooperate with, humanitarian support groups united through the Border Violence Monitoring Network. These volunteers engage with the project on a long-term basis, enabling them to build a Network of trust amongst the transit communities which they embed themselves in.

The accuracy of testimonies related to pushbacks is a crucial aspect of the Border Violence Monitoring Network's mission and thus the Network adheres to strict internal guidelines. To increase the credibility of this information, BVMN field volunteers aim to collect testimonies of pushbacks and violence within the closest possible time to the actual event. The interviews were either conducted in a group or with a single respondent with the presence of a lay translator if necessary.

Our volunteers are trained on how to conduct semi-structured in-depth interviews with respondents in precarious situations who are typically retelling traumatic events. The interview methodology has been designed to protect anonymity, avoid re-traumatisation and ensure that prior informed consent about the procedure is gained. A set of standard, open-ended questions are asked to establish among other things; the date and time; the number and nationality of authorities present; treatment received and the presence of minors or any vulnerable groups. This is paired with the collection of 'hard data' including the geolocations of pushbacks. Suggestive or leading questions are avoided, with some questions rephrased through the interview to ensure a clear and substantiated narrative. Throughout the interview, questionable remarks or judgments by the respondent can be respectfully challenged and can lead to the report being discredited and not included in our database.

Data Analysis

The Border Violence Monitoring Networks extensive evidentiary database of pushback testimonies was systematically analysed to identify patterns of abuse and misconduct carried out across the countries of focus. Once a pattern of abuse and misconduct was identified, a summary of incidents that highlighted the specific typology of violence was produced and analysed against existing domestic and international legal mechanisms to identify if a case for misconduct could be made.

Through systematically analysing BVMNs database of reports collected in 2020, it was identified that up to 85% of all pushback testimonies across all countries contain one or more features of torture, inhuman or degrading treatment. Whilst the 286 testimonies collected in 2020 enable us to make substantive conclusions regarding the treatment of people-on-the-move, it's imperative to recognise that this number reflects only the cases recorded by BVMN, with the real figure being indisputably larger.

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TYOLOGIES OF TORTURE

The following section presents six distinct variations of abuse observed throughout our reporting; the use of excessive and disproportionate force, the use of electric discharge weapons, forced undressing, threats or violence with a firearm, inhuman treatment inside a detention facility and inhuman treatment inside of a police vehicle. A brief legal framework is introduced for each of the six variations of abuse, followed by a short introduction. Further detailed information and examples can be found in our country reporting section.

Torture is an unjustifiable act of barbarism, “one of the vilest acts perpetrated by human beings on their fellow creatures.[1]” The prohibition on torture is absolute and binding on every state. It has its origins in UDHR which erected “an intransgressible barrier to torture and ill-treatment ... without exception or discrimination of any kind[2]” This prohibition has since been codified in international, EU and national laws. The Rome Statute of the ICC deems the “widespread or systematic[3]” use of torture a crime against humanity.

Torture is: “Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person[4]” according to the United Nations Convention Against Torture and its widely cited definition of torture. Additionally, the convention requires states to prevent all other acts of ill-treatment which do not amount to torture.[5]”

The prohibition on torture and ill-treatment in international law is “one of the most fundamental values of democratic societies ... closely bound up with respect for human dignity.[6]” It is embedded in various international laws. On a European level, Art. 3 ECHR states that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment.” No exceptions to the prohibition in ECHR Article 3 are permissible, even in defence of national security, in war or conflict, and “irrespective of the circumstances and the victim’s behaviour.[7]” States must also deter conduct that would breach human rights, provide information to those at risk of a violation and effectively investigate human rights breaches. If states fail in these positive duties they are complicit in torture

Ill-treatment (as opposed to torture) can take a wide variety of forms of unlawful infliction of pain. However, it must reach a level of severity to fall



<https://www.borderviolence.eu/15983-2/>

within the scope of Article 3. This assessment considers the duration, its physical or mental i.[8]” impact, and the victim’s sex or age.[9] Ill-treatment is likely to have a much greater impact on a minor[10] and “the threshold of prohibited ill-treatment generally will be reached sooner with regard to migrants with an irregular status or with other vulnerabilities.[11]”

Without actual bodily harm, ill-treatment which “humiliates or debases an individual ... diminishing his or her human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual’s moral and physical resistance[12]” may also qualify as a violation of ECHR, Article 3.

To qualify as torture the ill-treatment must meet a higher threshold. Torture involves “deliberate inhuman treatment causing very serious and cruel suffering.[13]” What is key is not the intensity of the suffering but “rather the purpose of the conduct, the intention of the perpetrator and the powerlessness of the victim.[14]” Furthermore, the ECHR has additionally established that “a threat of torture can amount to torture” as the fear of physical torture may constitute mental torture[15]. BVMN attests that the States in this report have not met their positive and negative obligations regarding the prohibition of torture and inhuman or degrading treatment. By failing to refrain from using torture and inhuman methods, failing to prevent such methods, and failing to investigate these breaches, states are in violation of the prohibition of torture, inhuman and degrading treatment

EXCESSIVE AND DISPROPORTIONATE FORCE

The use of force is permitted in certain circumstances under ECHR Article 3, yet “only if indispensable and must not be excessive.[16]” Physical force which has not been made strictly necessary “diminishes human dignity and is in principle an infringement of the rights set forth in Article 3 of the Convention.[17]” Here, the European Court of Human Rights (ECtHR) adopts a “strict proportionality approach.[18]”

The use of force “to prevent persons from entering a State’s territory generally cannot be regarded as lawful, necessary or proportionate, and may therefore well amount to ill-treatment or even torture.[19]” Violent punching, kicking and beating with police truncheons for the purposes of retaliation and humiliation has been seen to amount to a violation of ECHR Article 3.[20]

ECHR requires states to not only refrain from unnecessary use of force but also mandates states to protect individuals from such use of force and to effectively investigate allegations of ill-treatment and violence.[21]

Across all countries of reporting, testimonies of disproportionate force are the most frequent type of testimony collected by the Border Violence Monitoring Network. Our database of over 925 pushback testimonies affirms that physical assault, including with the use of police batons, fist and kicking are the most commonly reported application of disproportionate force used against people-on-the-move. A closer examination of the use of disproportionate force demonstrates that in comparison to previous years the severity, choreography and extraordinary cruelty have only increased.

The overwhelming use of excessive and disproportionate force across all countries of reporting shows that violence and abuse during pushbacks is not an isolated occurrence and is commonplace across all pushback zones and police jurisdiction.

In 2020, BVMN recorded an attempted lynching, frequent assault with improvised weapons and the continued use of police dogs to attack and injure compliant persons. Often during chain-pushbacks, individuals are exposed to excessive and disproportionate force in multiple consecutive countries, and due to the hostile nature of many countries along their migration route find it difficult to access medical treatment. Even when medical treatment is accessed, these hospital wards can also become hotspots for police collection for future pushbacks.



ELECTRIC DISCHARGE WEAPONS (EDWS)

EDWs are used to avoid lethal outcomes, yet they are “designed to inflict pain or suffering as a means of repelling or otherwise coercing the targeted persons.[22]” As such, the Committee Against Torture (CAT) warns of the risk of cruel, inhuman or degrading treatment or punishment associated with their use.[23]

EDWs should be “limited to situations where there is a real and immediate threat to life or risk of serious injury[24]” and their use towards vulnerable persons should be avoided according to guidelines issued by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

The use of EDWs should also be a last resort. “Recourse to such weapons .. should only be authorised when other less coercive methods (negotiation and persuasion, manual control techniques, etc) have failed or are impractical.[25]

The Border Violence Monitoring Network has consistently documented the punitive and abusive use of Electric Discharge Weapons across all countries of reporting. In 2020, BVMN recorded testimonies exposing the use of Electric Discharge Weapons during the pushback of 362 people from countries including Italy, Romania, Croatia and Greece. While BVMN acknowledges that EDWs can be an appropriate tactical response to violence, overwhelmingly, testimonies indicate that EDWs are being used as an unnecessary tactical tool to induce pain, fear and suffering. We assert that EDWs are regularly being employed against individuals who are compliant and in situations where there is no real and immediate threat to life or risk of serious injury to justify its use.

BVMN is increasingly concerned with the indiscriminate use of EDWs, with up to 41% of testimonies reporting the use of EDWs against pushback groups containing children and minors. This exposes both the potential physical harm and mental anguish that minors are exposed to during the pushback process.

The Border Violence Monitoring Network asserts that across all testimonies presented within this report, coercive methods of control were never necessary and thus may amount to a breach of Article 3, ECHR. Further to this, due to the persistent absence of any follow up medical care to victims of EDW's, we call upon all member states to follow CPT guidelines[26] and ensure that any individual against whom an Electric Discharge Weapon has been used against is seen by an appropriate medical professional.



FORCED UNDRRESSING

Whereas strip searches have been viewed by the ECtHR as sometimes necessary to prevent disorder or crime[27], forced undressing which left the individual “with feelings of anguish and inferiority capable of humiliating and debasing him”[28] amount to degrading treatment and have been deemed a violation of ECHR Article 3.

The Border Violence Monitoring Network asserts that the forced undressing of individuals in pushback situations, often followed by the confiscation of their clothing is a cruel act done with the intention to humiliate and intimidate victims and thus amounts to torture.

The Border Violence Monitoring Network is extremely concerned about the continued use of forced undressing as a humiliating and putative policing tactic documented during pushbacks across all areas of reporting. In 2020, up to 37% of all testimonies contained the use of forced undressing, noting a 16% increase compared to previous years. BVMN has routinely collected evidence that indicates that forced undressing, often under the direct threat of violence and assault, is indiscriminate with up to 40% of all testimonies affirming that children and minors were present, the youngest of which was only 6 months old.

Multiple testimonies demonstrate how police routinely set fire to the clothes of people-on-the-move-before pushing them back across borders zones in a complete state of undress, forcing them to walk naked for several hours, often in extreme weather conditions, to the nearest town to seek assistance.

Similar to other repertoires of violence and abuse, forced undressing is regularly used in conjunction with multiple other inhuman policing techniques. In 2020, BVMN has identified a new emergent trend of the use of mass forced undressing within informal detention spaces. Testimonies collected from Greece demonstrated multiple examples of mass undressing, with up to 120 people being detained within the same informal detention space, all of whom in a complete state of undress. Further to this, BVMN has recorded multiple incidents of forced undressing as a technique in which men will be forcibly undressed and placed in a cell with clothed women and children, ensuring a debasing and traumatising experience for all involved.



THREATS OR VIOLENCE WITH A FIREARM

The threat or use of excessive force with a firearm is prohibited under international law. According to the UN Special Rapporteur on torture, any use of “an otherwise permissible weapon [...] in order to intentionally and purposefully inflict pain or suffering on a powerless person, always amounts to an aggravated form of cruel, inhuman or degrading treatment or punishment or even torture.[29]”

Additionally, this treatment incorporates psychological harm since it has been established that ECHR Article 3 incorporates either physical or mental suffering. Hence, mock executions with a firearm or discharging a firearm directly at an individual should only be understood as a clear and sustained violation.

Increasingly the Border Violence Monitoring Network has documented pushback testimonies where a firearm has been used to threaten, intimidate or injure pushback victims. In 2020 alone, BVMN has identified that 23% of pushback testimonies report the use of a firearm. Across multiple years of reporting, we can attest to the extraordinary cruelty of pushbacks that involve firearms; including being assaulted with the firearm, using firearms to hold mock executions and discharging the firearm at or in close proximity to the victim.

Through the testimonies gathered by BVMN, we can attest that the use of firearms is an unnecessary tactic used against compliant persons where there is no risk to life or injury to justify such behaviour. Similar to other typologies of violence used by police, BVMN is additionally concerned about the indiscriminate nature of the use of threats or violence with a firearm, with these tactics regularly being used against unaccompanied children or groups containing minors.

We assert that all threats and excessive force with a firearm, especially including mock execution or instances where a firearm is discharged directly at an individual would likely invoke intense mental suffering and anguish and therefore we assert that this treatment should only be viewed as a clear and intentional method of torture or inhuman treatment.



INHUMAN TREATMENT INSIDE A POLICE VEHICLE

Standards for the appropriate transfer of detainees developed by the Council of Europe, the European Committee for the Prevention of Torture (CPT) and the UN require transfer conditions which respect human dignity. Transport which subjects detainees to “unnecessary physical hardship, shall be prohibited[30]” according to the UN Nelson Mandela rules. In view of the Council of Europe, “unacceptable conditions during transfers of prisoners may amount to inhuman or degrading treatment or punishment.[31]” Transport in extremely cramped conditions has led to violations of ECHR Article 3.[32]” However, the duration and frequency is decisive where a 30-minute transfer under difficult conditions was not seen to meet the severity threshold.[33] Additionally, lack of heating, ventilation or sufficient safety measures such as safety belts could be aggravating factors[34] which lead to a convention violation. The ECtHR is broadly guided by the CPT standards[35] and States’ compliance with them.

In 2019, BVMN identified the use of police vehicles as locations of widespread inhuman treatment and abuse. BVMN identified a pattern of extreme driving, prolonged confinement and the manipulation of conditions within police vehicles as techniques of violence used to purposefully punish and intimidate those detained. In 2020, BVMN has seen the continuation and expansion of this tactic of abuse, with up to 27% of all testimonies involving inhuman treatment in a police vehicle.

BVMN asserts that not only does the purposeful overcrowding of a police vehicle constitute as debasing or humiliating treatment but as evidenced within our reporting, places the individuals involved at grave risk of physical harm. Testimonies have indicated how people have been sick or even fainted due to their treatment inside police vehicles, which is additionally concerning due to the indiscriminate nature of this tactic of abuse that involves minors, pregnant women and the elderly.

The ECtHR established through its case law that a violation arises when detainees are transported in conveyances offering less than 0.5 square metres of space per person [36]. In addition to limited floor space, the ECtHR identified that vehicles exceeding their carrying capacity, insufficient ventilation on hot days or a lack of heating when a vehicle is stationary with the engine turned off, as additional aggravating factors. All these aggravating factors have been reported within pushback testimonies.

Through analysing the 27% of pushback cases involving inhuman treatment inside a police vehicle, BVMN concludes that the knowledge of this ill-treatment is widespread as it often involves multiple distinct police groups spanning different locations, jurisdictions and countries.



INHUMAN TREATMENT INSIDE A DETENTION FACILITY

Detention in itself can amount to torture, when it is based solely on migration status and “intentionally imposed or perpetuated for such purposes as deterring, intimidating or punishing irregular migrants.[37]”

Generally, individuals subjected “to hardship going beyond the unavoidable level of suffering inherent in detention[38]” are subject to a violation of ECHR, Article 3. As such, a series of obligations regarding prison conditions have been imposed on states. Cells should be “of an appropriate state of repair and cleanliness”, as well as “of a reasonable size for the number of persons they are used to accommodate.[39]” Additionally, there should be sufficient access to daylight, heating, ventilation, electricity or water, as well as suitable bedding or clothing.[40]

CAT has defined further guarantees to those in detention to prevent them being subject to ill-treatment or torture, including the right to be informed of their rights, and to receive legal and medical assistance.[41]

The detention of people-on-the-move has become an intrinsic part of the European pushback process. Testimonies collected by BVMN regularly indicated that whilst in these detention facilities, such as police stations or pre-removal centres, people-on-the-move are regularly withheld access to medical assistance, translators, access to information and effective remedy, washroom facilities or food and water. Consistently, testimonies describe dilapidated detention conditions without proper sleeping or bathroom facilities with people often being held in overcrowded rooms. This year alone, BVMN has documented that 38% of all testimonies involving detention indicate inhuman treatment or conditions.

BVMN is increasingly concerned about the use of unofficial detention sites and the growing use of incommunicado detention. Numerous testimonies from both Greece and Croatia indicate the widespread and frequent use of barns, garages or abandoned buildings being used to detain, house or process people-on-the-move. We assert that the continued and unnecessary use of informal detention sites only serve as a mechanism allowing police to escape legal or administrative oversight whilst conducting pushbacks.



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CROATIA

Reports of the pushbacks and collective expulsion of people-on-the-move from Croatian territory has been extensively documented since the closure of the so-called Balkan route in 2016. In 2020, the Border Violence Monitoring Network alone has collected 124 pushback testimonies from Croatia detailing the treatment of 1827 people. These victims testimonies indicate the widespread and systematic use of torture and inhuman treatment by Croatian authorities, with up to 87% of all pushback being impacted by one or more forms of torture or ill-treatment.

BVMNs documentation of pushbacks and the unlawful actions of the Croatian State has been consistently corroborated by international organisations, domestic preventive mechanisms and European human rights instruments. Further to this, through whistleblower testimonies of Croatian police officers we can affirm how police officers are clearly ordered to “return everyone without papers, no traces, take money, break mobile phones or take for ourselves and forcefully return refugees to Bosnia.”[1]

This overwhelming body of evidence of the premeditated and coordinated pushback and ill-treatment of people-on-the-move indicates consistent breaches of international law and puts the Croatian state in direct contravention to Article 3 of the ECHR.



<https://www.borderviolence.eu/15983-2/>

Excessive and Disproportionate Force

In 2020, the Border Violence Monitoring Network documented the use of excessive and disproportionate force in up to 89% of all pushback testimonies from Croatia. BVMN has observed a rise in the frequency and severity of the use of force during pushbacks, having documented a 10% increase from 2019. While the use of excessive and disproportionate force is commonplace across almost all pushbacks, frequently it is used as one of multiple forms of torture to abuse and degrade people-on-the-move.

The two examples included are not exemplary testimonies, but instead, showcase the daily reality of people-on-the-move. Excessive and disproportionate force documented by BVMN included prolonged attacks by groups of police officers for up to six hours at a time, unmuzzled police dogs being released and encouraged to attack, food being rubbed into the open wounds of pushback victims and their heads being spray-painted with crosses.

Incident A:

The respondent had left Bosnia-Herzegovina and crossed into Croatia with a group of four other men. They were travelling close to road number 42, besides the rail track when they were apprehended by the Croatian police on 26th May 2020.

The respondent said that the police began beating them indiscriminately. Describing how he was apprehended, the respondent said:

“They even fired shots close to our ears for the purpose of intimidating us; they did this in spite of our reassurances that we won’t run away. Why would we run away? Once we’d been caught they beat us in such a way that I can’t even... they didn’t ask us anything, just started the beating.”

There were five officers, all dressed in black uniforms. All the officers apart from one were wearing balaclavas.

“When one of us passed out (fainted is the word they used) they would start on the other. They beat us like they had the full right to beat us, I don’t know what to say to you, to describe the kind of injustice they dealt us with. I told the highest-ranking one that my bones were broken and that they had broken my leg that I couldn’t stand, he said not to worry as they would proceed to break my other body parts such as chest, feet, head and arms. They kept on beating me.”

From the point of apprehension at 23:00 on 26th May 2020, the respondent said that they were held by the police for six hours (during which most of the time officers were beating at least one of the five transit group members). He stated that the officers took turns, and had drinks breaks when they were tired.

“I don’t know if they were drinking water or if they were drinking alcohol and then they would come back and continue beating us.”

Describing the physical cost of this sustained assault, the respondent said that at least two of the men had broken or fractured arms.

“Towards the end, I had almost lost consciousness due to pain in my chest which was a result of wounds all over my body including the chest. I had a broken leg and arms. My ears were bleeding.”

“They struck on my head many times using the pistol butt and in spite of bleeding from my head which had three or four open wounds, they continued hitting me even when they saw the blood. I don’t want anyone else to go through what I went through.”

The officers then laughed and mocked the man by staunching the wounds with food and condiments found in the man's rucksack:

“We had mayonnaise and ketchup in our bags which they rubbed on our wounds. My head was bleeding and they rubbed it with ketchup and then mayonnaise and I had a bar of chocolate that they also rubbed into my head which had wounds. I think they were trying to stop the bleeding by putting things on top of it. I had three or four cuts from being hit by the butt of a pistol on my head.”

The respondent continued to be in severe pain from what he believed to be a break in his arm.

“I don’t speak a lot of English but the little bit of English I did speak I used to try and convince them to listen, but he kept saying I want to beat you I want to kill you. He was getting happy like when you cut a birthday cake and you say happy birthday, little children say happy birthday just like that. My head was bleeding in several places. I showed him my hand is full of blood and he said happy birthday to you, no problem I just thought that they were beating me to kill me they tortured us for 3 to 4 hours”

Once the police finished brutally attacking the group they loaded them into a police vehicle. As they did this, they continued to hit the men with sticks.

They were driven for a short time and then the vehicle halted. Each person was beckoned out individually by the Croatian police who were again holding sticks. The officers continued to beat them despite their already severe state of injury.

“At this stage, blood was dripping from three or four wounds on my head and when my friends were trying to lift me up to carry me with them they were hit by these policemen”

They were pushed back across the Bosnian border where they were helped by a local Bosnian man who called an ambulance and took them into his home where they were able to rest and get fed.

Incident B:

The respondent, travelling in a group of up to 11 men, were apprehended near to the village of Blata, on the 27th of May 2020. They were apprehended by 5 police officers who shouted at them to stop. The respondent described the officers uniform as consistent with the uniform of Croatia’s Interventna division.

The transit group was forced into a single file line, with their hands on the shoulder of the person in

front of them. The police started to shoot at their feet, forcing them to walk along the train tracks. As they walked, the officers started slapping, kicking and hitting the men with sticks. They were forced to walk along the tracks until they reached an old train station.

At the train station, there was another transit group who was being detained by a group of police officers. The respondent described how they looked like they already had been beaten.

When the respondent's group arrived, they were forced to empty their bags and then the officers proceeded to attack them.

“They beat me a lot. There were 5 of them and 5-7 others standing on the platform. Those others started kicking me and hitting me with steel or iron rods. They hit my knees, legs and calves and on all my body and face a lot. They kept me in the centre of them and beat me a lot. They then pushed me aside and started beating my friends. I don't remember understanding what was going on, my head was full of blood and my nose was bleeding. They hit me on the face so many times, on my back on my head with the butt of a rifle on my face, my cheeks, my head they hit me on my back.”

Shortly after more police arrived. The respondent recalled seeing a total of at least 12 police at the scene, he noted they were all wearing the same uniform.

The respondent described how the officers started to laugh at how he was left on the floor bloody and injured. They started to hit him with rods to force him to stand up, but he was too badly injured to comply. At this point, one officer pulled a knife and pinned him down.

“The third time they said stand up when I wasn't able to stand up one took my arm and put one knee on my chest and another on my neck. Two men were on top of me, one of them had a dagger strapped close to his knee. It was a black coloured dagger, he pulled it out and pointed it at my face. I said “no Sir, no Sir, please no Sir” I moved my hand in front of it to move it from my face. So a third policeman who was standing by, took hold of my hand and another forth policeman took my other hand and put both his feet on my hand. The second one on my body was hitting my legs with a stick he just kept hitting and hitting. God protected me.”

The respondent described how he was immobilised by four officers, while the fifth used the blade to cut his hand which was pinned down by the other officers feet:

“The first one with the knee on my chest and neck and the dagger in his hand said something in another language, then he knifed the index finger of my left hand, and blood start spurting out like a small shower, then he smiled, then he cut my

middle finger followed by my palm with a larger cut. The whole hand is swollen beyond recognition. They then continued hitting my face and my nose. I kept saying stop please stop”

Once the attack stopped, the two transit groups were forced into a police vehicle and driven to the border with Bosnia. At the border, the officers ordered the group across the border, telling them to “run, run.”

“They told the other guys to pick me up with my arms around their shoulders and take me to Bosnia in English.”

Other members of the group described having broken hands, and one had a fractured eye socket.

“When we were on the side of the road in Bosnia, we looked so bad that people driving by were taking photos throwing water and money at us. We looked in such bad condition, they were so upset at seeing us like this.”

Conclusion

Although BVMN acknowledges how in situations where there is a threat to life or risk of injury the use of force can be necessary, we affirm that within 87% of pushback testimonies from Croatia, this use of force was excessive or disproportionate. The intensity, severity and length of the attacks documented within both this report and the BVMN database clearly exceed the threshold of prohibited ill-treatment and thus we assert would constitute a breach of Article 3, ECHR.

In December 2020, BVMN partner organisation Centre for Peace Studies (CPS) filed two criminal complaints to the State Attorney's Office in Croatia, for two separate cases against unknown police perpetrators due to the well-founded belief that they kept in detention 13 victims, two of whom were children and then handed them over to ten armed men dressed in black. After that, the men in black uniforms and balaclavas tortured, humiliated and pushed back the victims from Croatia to Bosnia-Herzegovina. One of the victims was also raped.[2] Prior to this, since 2017, CPS and AYS have filed a total of ten criminal complaints against unknown perpetrators in the Croatian police for the excessive use of force, mistreatment or abuse of people-on-the-move. Despite overwhelming evidence, the Ministry of the interior has however claimed that such complaints are unsubstantiated and inaccurate. Therefore BVMN attests that by both failing to refrain from using torture and inhuman policing methods, and also failing to investigate these breaches, the Croatian State is in violation of the prohibition of torture, inhuman and degrading treatment.



<https://www.borderviolence.eu/violence-reports/january-5-2020-0200-near-jagrovac-croatia/>

Electric Discharge Weapons (EDWs)

In 2019, the Border Violence Monitoring Network presented evidence that the Croatian police were consistently misusing Electric Discharge Weapons. In 2020, BVMN has continued to see EDW's being used as a punitive and coercive policing tactic against compliant persons in situations where there is no risk to life or of injury to justify its use. Testimonies collected by BVMN regularly attest to Croatian police using EDWs during lengthy attacks against people-on-the-move to further inflict pain and suffering. BVMN further reiterates our concerns that victims of Electric Discharge Weapons are routinely denied follow up medical care, without consideration of their age or health status, and thus placed at additional risk of harm.

The two examples included are not exemplary testimonies, but instead, showcase the daily reality of people-on-the-move. Excessive and disproportionate force documented by BVMN included prolonged attacks by groups of police officers for up to six hours at a time, unmuzzled police dogs being released and encouraged to attack, food being rubbed into the open wounds of pushback victims and their heads being spray-painted with crosses.

Incident A:

On the night of September 3, 2020, two men, both cousins aged 17 and 34 were sleeping in an abandoned house in the city center of Zagreb when Croatian officers entered and subsequently detained them. These men were dressed in plain clothes, described as a plain T-shirt and pants. They drove the men to a police station about five minutes away.

After being fingerprinted, photographed, and asked to sign documents without a translator present, the 17-year-old boy asked for asylum several times while detained at the station, attempting to show them his camp ID in Bosnia and proof of his age. The first few times he asked for asylum, he was merely denied further procedure, but at one point the police officer told him "Look, if you keep asking for asylum I will fight you." They spent the night and through the next day until the following evening in a room without light or windows. The two men asked several times to use the toilet and at first were denied, but after the third or fourth time they asked they were finally granted access. This was the only time that they could drink water, from the sink next to the toilet; they were not given food during their time at the station.

The following evening, the two men were taken in a blue and white van accompanied by five Croatian officers in blue uniforms to the Bosnian-Croatian border. About halfway through the drive, they picked up an additional eight men. The men described how the drivers of the van would alternate between driving at a high speed, and then suddenly and forcefully hitting the brakes, creating an effect of the van moving "up, down, up, down." They also turned up the air conditioning to an "abnormally high" temperature.

It took about three hours total to drive from Zagreb to the Bosnian-Croatian border. At 8:00 pm, they arrived at a stretch of the border near to Šturlić, next to the Korana River. Two officers, one male and one female wearing black uniforms and black masks, waited at the border and proceeded to take the group out one by one from the van, the first being the elder cousin. When they took the

17-year-old out of the vehicle, they took his jacket and shoes, poured gasoline on them, and set them on fire. While they did not burn his phone, they confiscated it in a plastic bag that also held other telephones believed to have been taken from the rest of the group. He said that the male officer then began to beat him with a baton for several minutes, and after this the female officer administered a baton with electric shocks to his hip and thigh area.

The male officer then pushed him to the river and told him to go to the other side. The respondent could not say precisely how deep the water was, but said that it was deep enough that “maybe if I did not understand swimming, I am dead.” He then swam to the other side of the river. When he did not immediately begin to run away after emerging out of the river on the other side because he was cold and wanted to rest, the officer fired three shots in the air and screamed “Go, go, go!” He then proceeded to run away to reunite with his cousin a short distance away, and they walked back to Velika Kladuša.

Incident B:

The respondent travelled in a group of eight when he left Velika Kladusa (BiH) on the 28th January 2020. The group members were all male and aged between 16 and 32 years old (including two minors).

After five days walking – having crossed the Bosnian-Croatian border – the transit group were near Gornji Ostrc (HR), approximately 4 km away from the Slovenian border. When the group passed between two villages, they were approached from either side by a pair of officers. This apprehension occurred at 15:00 on 2nd February 2020.

The two male officers who wore dark blue uniforms caught five of the people-on-the-move with three being able to avoid apprehension. All five people asked for asylum, which was denied by the authorities. Power banks, phones, money and the passports of the group members were taken. Two group members, one of them a minor, were heavily hit with batons. According to the respondent, the minor allegedly suffered a severe injury to his leg from this incident. The officers continued to attack the group by pushing them onto the ground and then kicking them in the ribs. The respondent recalled how one officer punched a group member in the mouth. The person who received this blow suffered oral pain and his teeth allegedly turned black afterwards, suggesting severe decay from the impact.

The transit group was taken in a van to a police station in Croatia where they stayed for approximately two hours. According to the respondent it was very cold in the police station. The officers denied the respondent and his group

water, food and medical support. There was no translator present. The respondent remembers 16 male officers and one female officer at the police station.

At approximately 17:00 all group members were taken into a van by three male officers and one female officer wearing black uniforms and balaclavas. The group were driven for some time, before being unloaded in the evening at a location where a river runs along the Bosnian-Croatian border.

“If you looked into their eyes, they would beat you and hit you with electricity shocks.”

According to the respondent the group was ordered to look to the ground by the officers at the border. When a group member looked into the eyes of an officer, they were either beaten with a baton or hit with an electric shock administered from a “taser device.” The officers took away the transit groups sleeping bags and backpacks and burnt them in front of the respondent and the other group members. The group members were forced to undress while the officers pointed their firearms at them. They told the group members not to come back to Croatia. The officers forced the group to walk into the river and swim to the other side to Bosnia-Herzegovina. They were not asked if everybody knew how to swim. The officers shot into the river while the group was crossing.

Conclusion

As previously stated, the use of Electric Discharge Weapons is only permitted in situations where there is a real and immediate threat of life or risk of serious injury, yet BVMN affirms that in both the testimonies included above and others housed within our database, the use of EDWs was completely unjustified. The continued use of EDWs against compliant and defenceless people-on-the-move, including children or those already in the custody of police officers has repeatedly amounted to torture or cruel, inhuman and degrading treatment. Furthermore, considering the undisputed health risks attributed to the use of Electric Discharge Weapons, BVMN is especially concerned with the persistent absence of all and any follow up medical care to victims. Therefore, we call upon the relevant authorities to not only comply with the acceptable and proportionate use of Electric Discharge Weapons but also to implement stringent post-incident procedures including mandatory reporting and medical examinations.

Forced Undressing

In 2020, the use of forced undressing impacted up to 45% of all pushbacks carried out by Croatian authorities. Testimonies collected by the Border Violence Monitoring Network attest that forced undressing is being used as a punitive and indiscriminate policing tactic to debase and humiliate people-on-the-move. As within previous years, BVMN has documented cases involving the forced undressing of minors, the burning and destruction of clothes and Croatian police forcing people-on-the-move to cross borders in a complete state of undress. The relentless continuation of the use of force by Croatian officers, clearly demonstrates how this abusive policing tactic has become a staple of the pushback process.

Incident A:

The respondent and his three friends aged between 25 and 40 crossed into Croatia from Serbia on the 20th of August. The group walked for four nights until they stopped in a forested area near the E70 highway, north of Zupanja to sleep.

They were awoken by a group of six Croatian officers wearing black balaclava masks, standing over them. The respondent believes they were spotted through the use of night vision or thermal cameras. The officers discharged their firearms two times in the air next to their heads in order to scare them and, without talking or even asking any questions they started to beat them with batons. Afterwards, the officers sent their dogs to jump on the respondents.

According to the respondent, the dogs had muzzles so they could not bite and make marks on their bodies. The respondent said that the officers would stop the dogs from attacking and then refer back to beating with batons. This was reported to have been repeated a couple of times.

After the attack, the group was searched. The respondent believed that he was beaten more than his friends, as the police found a phone on him that he was using for navigation. He assumed that this was because the officers thought he was a smuggler. He also recalled that for every possession they had with them, they were beaten more.

“Everything I took out of my bag, they hit me. Whatever it was, they hit me.”

During the interview, the respondent showed the field team his injuries which appear consistent with his testimony. Across his back, there were long bruises that appeared consistent with being hit

with a police baton. Further to this across the respondent's upper arms were large deep purple bruises.

Eventually, the group was loaded into a white Croatian police van and were driven back to the Serbian border with Croatia. During this time, the police insulted the respondent and his friends and their families.

Arriving at the Serbian border, the Croatian police forced the young men to take off all their clothes. Once the group was completely naked, the police put their clothes and shoes into a pile and set it alight. The police then confiscated their phones and threw the group's food into the fire. They were then again attacked.

As their clothes had been set on fire, the officers forced the group of young men to cross into Serbian territory completely naked. After 8 hours of humiliation, walking naked through Serbia, they finally arrived at the camp they had first started their journey from four days prior.

Incident B:

On October 16, 2020 the respondent and three friends, all from Algeria, called a taxi in Zagreb, Croatia. After a few minutes of driving, the taxi driver called the police and stopped at a nearby parking lot. After 10 minutes, at about 7 pm, two male Croatian police officers arrived, picked up the men and took them to a nearby police station.

At the police station the four men were each interrogated for about 10 minutes. They had to answer questions about their nationality, their names and other key data. The officers took photos of the group members as well as their fingerprints. Afterwards they were put into a white police van and driven towards the Bosnian border. On the way to Bosnia, the van stopped twice in other villages to pick up more people. At the first stop 5 people from Pakistan and at the second 7 men from Bangladesh got onto the van. The respondent described that during the ride the temperature was turned down so far that the men were freezing. He also described that the driver was driving so wildly that they could hardly stay in their seats. He braked very sharply, drove wildly on the curves, accelerated and braked constantly.

The police van stopped right in front of the border to Bosnia. Then 7 male police officers wearing light blue uniforms and balaclavas, opened the door of the van. They forced the people to leave the van and walk with them over the border into the Bosnian territory. Somewhere in the forest, next to Velika Kladusa, they stopped and forced the men to line up in single file. First of all, they were asked to give all their money to the police officers. Then

they had to get undressed and hand over all of the other belongings they were carrying with them.

“And then it started. It was like war. Seven against one”

One by one, the men had to leave the rest of the group and come forward individually. The respondent describes how he was surrounded by the 7 police officers who shone their headlamps at him. He was beaten from all sides with batons and hands and kicked with feet. This lasted for 5 to 7 minutes for each of the group members. Afterwards their naked bodies were carried away and stacked up in a pile on the side.

He described how two men were laid down parallel to one another onto the ground, and then two more men were laid perpendicular on top of the first two, like a crosshatch. This process continued for multiple layers of men.

When the men were forced to walk back to Velika Kladusa, it was around 1 am on October 17th. All of the group members had difficulties walking due to the beating by the police. The respondent was left with an open wound on his head. Additionally, after this pushback, all of the men were left completely naked, not even wearing underwear.

“It is a nightmare. Maybe it is my fault, because it was me who decided to do this route. I will not complain about it. You know, I only did it for the future of my two daughters, but I am thinking about going back to Algeria. One can not stand it. It is a catastrophe.”

Conclusion

BVMN asserts that the continuous use of forced undressing by the Croatian police is a humiliating and punitive policing tactic designed merely to humiliate and debase its victims.

Through examining numerous pushback testimonies, it's clear that repeatedly forced undressing is used by Croatian police officers at the final stages of the pushback process; and not during the apprehension or detention of people-on-the-move. Therefore, due to the absence of forced undressing in any search or administrative procedures, it's obvious that this measure was not taken to prevent disorder or crime. The forced undressing of people-on-the-move is regularly accompanied by Croatian police setting clothes on fire or forcing the victims to walk naked for several hours across borders. BVMN has even documented cases of naked men being forcibly 'stacked' on top of each other. BVMN therefore concludes that the Croatian police has continuously breached Art. 3, ECHR, through their practice of forcing people-on-the-move to undress in settings such as the aforementioned.

Threats or Violence with a Firearm

Following several instances in 2019 of Croatian authorities shooting or discharging their firearms at people-on-the-move, BVMN is concerned about the continued use of firearms to threaten and intimidate. In 2020, BVMN has identified that up to 31% of all pushbacks from Croatia involved the use of threats or excessive force with a firearm, of which, 54% indicated the presence of minors.

Incident A:

On the evening of the 6th of March, the respondent who was travelling with five men aged between 18 and 24 years old, left Glinica (BiH) and crossed the border into Croatia. At around 12:30 am, whilst walking through the Croatian forest near the village of Crni Potok, the respondent who was attempting to navigate the group, walked further ahead to see if it was safe. The respondent saw an undetermined number of officers equipped with what he described as “thermal binoculars.” He inferred that it was thermal because it was a dark night and so it would not be possible to see through “normal” binoculars without high tech materials.

Upon seeing the officers, the respondent returned to his group but was almost immediately surrounded by six Croatian officers. The six policemen were dressed in dark blue uniforms with two of them wearing black balaclavas to cover their faces.

Several officers threatened the group with firearms. The respondent recalled that:

“When the police arrived, I was saying to them “please, peace with us, peace” but they weren't interested in that and pulled guns on us. I heard that they loaded it. One of the officers came to me with his gun and put it directly on my head while he was shouting on me “who's the leader ? I know it's you.”

The officer then slapped the respondent in question because he did not find any clear “leader”; the group was then frisked. The respondents then described being hit multiple times by several officers:

“The officers ordered us to make a line. We were sitting on the knees on the ground. The police put all our phones, money, power banks and food they found in a big [garbage bag]. After that, we were beaten with iron rods.”

At the time of the interview, the group members still had marks on their bodies from the attack. One member from the group had his arm broken during this attack.

“The worst thing is that it wasn’t finished for us. This team of police also took our clothes to make us cold. This is torture.”

The officers forced the group to undress down to their underwear whilst they watched and laughed. The group was then made to walk single file along a nearby path until they reached two police vans.

The entire group was ordered to go into one of the vans. Once inside the dark, cold and windowless van, the respondent described how they had to endure 20 minutes of reckless and inappropriate driving.

“One of our friends vomited inside.”

Once the van stopped they arrived at a secluded section of the border between Croatia and Bosnia-Herzegovina. They were forced out of the van to a group of waiting police officers. Similarly, the officer was also wearing dark blue and black uniforms and most of them wore balaclavas.

“They took me the first out of the van. Three policemen came inside, got me by the collar and threw me outside while they closed the van’s doors with my five friends inside. When I was on the ground, those three policemen beat me for ten minutes with the same iron rods as before. I think it was about two meters. After that, they carried me until the river where an officer in a ski mask was and threw me inside.”

Once in the water, the respondent swam until the Bosnian river’s edge and ran until a hidden place where he waited for his other friends, who were pushed back in the same way as him.

At some time between 4:00 am and 5:00 am on the 7th of March, the young men began a search for clothes or shoes in Bosnia and headed back to Velika Kladuša.

Incident B:

Six minors aged between 14 and 17 years, left Bosnia-Herzegovina on March 9th and travelled into Croatia. After four days of walking, on the 13th of March, the group neared the town of Križevci. The group was walking along a forest path at which point six Croatian officers apprehended them. The respondents described six officers (five males and one female) wearing dark blue uniforms and balaclavas. When the officers saw the group, they shouted at them to “sit down!” and discharged two gunshots in the air.

Afraid, the respondents immediately stopped and sat on the ground. The policewoman called for back-up via her walkie-talkie. While waiting for the other authorities to arrive, the group of minors

were violently frisked. The personal belongings of the group were confiscated (phones, power-banks) and put into a plastic bag. Their backpacks were emptied by the officers, who put the food in a plastic bag and then threw away the backpacks. The group was then forced to undress. Their jackets and jumpers were not returned to them. The minors only spoke Arabic and remarked how difficult it was to understand what the authorities were saying to them.

After some time, one officially marked police van arrived to pick up the group-members. They were unable to describe the officers inside the police van but recalled experiencing a rough and forceful drive within the van, which was dark, without windows, and had the air conditioning turned on. During the journey, one of the respondents vomited inside the van.

After roughly 30 minutes of driving, the young respondents were driven to a secluded section of the Croatia/Bosnia-Herzegovina border near Novi Grad (BiH), where four Croatian officers were standing. Two of them wore dark blue uniforms (one male and one female) and the two others (both male) were dressed in black uniforms and balaclavas.

At the border the respondents’ mobile phones were destroyed by the authorities before being given back. The respondents recalled that the officers were laughing at them as they did this.

The group of respondents also described seeing a fire when they arrived at the border. They inferred that some of their belongings that they did not receive back, were burnt in this fire.

The group was ordered to leave the van. The authorities shouted at them “Quick, quick, never come back, go back to Bosnia!” When the group-members began to run, one of the policemen pulled a gun on the group of minors, threatening them to go faster. After crossing into Bosnia, the group embarked on a long walk back to Velika Kladuša.

Conclusion:

As the aforementioned examples demonstrate, consistently the Croatian police have used firearms against compliant persons who often have already been detained and searched. We assert that the Croatian police discharging their firearms into the air, shooting at peoples feet, or holding people at gunpoint is a deadly policing tactic designed to invoke intense fear within people-on-the-move. Therefore, BVMN concludes that the psychological suffering likely elicited within the 31% of pushbacks that involved the use of threats or excessive force with a firearm amounts to inhuman or degrading treatment in the sense of Art. 3, ECHR.

Inhuman Treatment Inside Police Vehicles

In 2019, BVMN identified a pattern of evidence that indicated Croatian police exposing people-on-the-move to inhuman treatment inside police vehicles. In 2020, this pattern of abuse has continued with up to 41% of all pushback testimonies from Croatia indicating inhuman treatment inside a police vehicle. The use of extreme driving, prolonged confinement and the manipulation of temperature within the police vehicle is now viewed as a common method of abuse used to purposefully punish and intimidate people-on-the-move. BVMN has further identified the purposeful use of overcrowding in police vehicles, as a disturbingly abusive way in which people-on-the-move are transported by Croatian police, with testimonies indicating that up to 30 people may be forced into the same vehicle for several hours.

Incident A:

A group of 35 men were pushed back from Croatia to Bosnia on the morning of September 2, 2020. The group had departed from Bosnia a few days before. The two primary respondents from this group were 17 and 25 years old; the other ages in the group ranged from 15 to 32. All the members of the group had been pushed back on several occasions and described their experiences of attempting to cross through Croatia as a cycle of “catch, deport, catch, deport.”

At around 2:00AM on September 2nd, the group was walking in the forest a few kilometres outside of Zagreb. When ten members at the forefront of the group exited and crossed a small road, three Croatian police spotted them and shouted at them to stop. The group first attempted to flee, but the officers began to fire shots in the air. Upon hearing the shots, many of them stopped and immediately sat down. The respondent said that several members of the group continued to run away upon hearing the shots, but they were subsequently detained after discovering that two more officers were stationed a short distance away in the direction they were running. The respondents described how the officers kicked them during their apprehension. They described them as wearing blue uniforms, and thought that they were “normal” Croatian police.

After the entirety of the group were seated, the police inquired as to their country of origin, and then searched them and took their power-banks, phones, jackets, and the rest of their possessions. They were not taken to a police station or asked to sign any other paperwork or complete any administrative procedures. After a short wait they were transported in three blue and white vans to

the Bosnian-Croatian border. The respondents approximated that each van contained about 12 people.

They described that the van was “jumping” during the journey, suggesting that the driving of the officers was likely intentionally erratic. The conditions of the car (no windows, many people) made it difficult to breathe. During the journey, the group pounded on the sides of the car screaming “Oh my god, save us, save us!” The trip took around five hours, but the respondents said that around two of those hours were not actually spent advancing towards Bosnia; on several different occasions, the police officers would stop the van for no apparent reason, lock them inside and detain them there for some time. This was especially terrifying to the group because of the lack of air in the vehicle. The respondents believed that this was done as another form of punishment.

They were taken near the border, north of Banja Luka, where they reported that a different set of police officers wearing all black with black balaclavas were waiting for them. When they arrived, those in the respondents’ particular van were taken out of the car in groups of four or five. Once they had exited the van, the police officers beat them one by one as the remaining three or four watched and those left in the van listened. One respondent reported that while the officer was beating him, he screamed at him:

“Germany, France says they don’t need refugees, and the European Union don’t want refugees, therefore I will beat you, go back motherfucker (sic).”

After crossing back into Bosnia, the group traveled to Bihać in hopes of entering the camp there. At the time of the interview, one of the respondents and others in their group were still barefoot, several of them with significant foot injuries and a noticeable limp. One respondent expressed his belief that if “they not give punishment (sic), not take our food, they give me one chance, the situation will be better.”

Incident B:

On the 3rd of September a 28-year-old man from Afghanistan, along with his 26-year-old wife and their 18-month-old daughter began a transit attempt through Croatia. They left Borići Camp in Bihać, Bosnia, at around 5:00 pm and walked from there to the mountain which marks the border. The respondent described how dangerous the forest was, saying that it was easy to slip and fall, and that there were wild animals like wolves, wild boars and bears. “You can’t go directly, you have to change your way. We had women and children, it takes time.”

They had been walking for more than 12 hours when they arrived close to Croatia’s D1 road. This is where the Croatian border police approached and apprehended the group. The respondent

described that it was difficult to count the officers as they were hiding in the trees, but that there were around 8 or 10 officers, all of whom were male and wore uniforms consisting of blue shirts. The officers searched everyone. The respondent described that male officers searched his wife and his baby, looking for hidden money.

“They searched her whole body.”

The officers in blue shirts confiscated the phones and money of the group, the reporter had 2 phones and some money taken. They were then all taken to a police station where the respondent described how approximately 50 to 60 people were kept in a single windowless room for between 4 and 5 hours. They expressed to the officers that they wanted to claim asylum and the officers said “Sorry, can’t” or did not reply at all. The family was then handed over to officers in all-black uniforms. The family, along with 2 more families and 5 single men, were taken in the back of one van together. There were around 20 people including 5 minors, 3 of whom were infants. The van was described by the respondent as being like a “prison van.” They were in the van for around 3 hours, the conditions were so poor that people became dizzy and ill.

After some time, this vehicle arrived at the Bosnian border near a forest in the vicinity of Velika Kladuša. The officers, 6 or 7 men dressed in black with a police dog, took the remaining belongings from the groups and burnt them. The respondent described having two bags burnt – one with food, diapers and clothes for his baby daughter, and the other with clothes for him and his wife. The officers burnt these bags, and then told them to walk across the border. If they did not start walking, they would use the dog to scare people into doing so. They had no GPS to tell them where they were or where they should go. They slept in the jungle until it was light so that they could find their way. They started on the long journey back to Bihać – around 50km – which took two days, they slept briefly on the way.

Conclusion:

It has been observed by BVMN that transportation in police vehicles is increasingly used by the Croatian police as an abusive method of punishment. As the cited examples show, people-on-the-move have been exposed to unbearable conditions during their transportation in police vehicles. Men, women, minors and even infants have been transported in overcrowded vehicles with a lack of air and light. Frequently, testimonies have described the use of reckless driving by Croatian police officers to throw people detained in the police vehicle from side to side or to induce sickness. This use of reckless driving also undeniably increases the risk of a deadly collision. In both the examples cited above, and in the testimonies within the BVMN database,

people-on-the-move were locked in police vehicles for several hours, and stops were taken by the police only to punitively extend their confinement. We assert that this represents purposeful attempts on behalf of the Croatian police officers to inflict pain and suffering on, often vulnerable, people. BVMN is convinced that these practices breach the standards for the transportation of detainees developed by the CPT, and may additionally constitute inhuman or degrading treatment in the sense of Article 3, ECHR.

Inhuman Treatment Inside Detention Facilities

BVMN regularly records testimonies that depict how, before being pushed back, people-on-the-move are often detained by the Croatian police. BVMN asserts that detention occurs in both formal detention facilities such as police stations and the Trilj and Tovarnik detention centres but also in informal and inadequate facilities such as the notorious garage near Korenica police station. Data collected in 2020 indicates that up to 48% of testimonies resulted in detention, of which 66% of detention cases were held with no access to food, water or toilets.

Incident A:

A transit group of four men and one minor was travelling through Croatia. On the morning of 24th January 2020 the group was discovered by Croatian authorities.

The description of the officers given by the respondent alleged their uniform to be green and marked with an insignia “like a knife” which matches the uniform worn by Croatian Special Forces units. The authorities had hand guns (“pistol”) which they were holding when they approached the transit group. The officers included five men and one woman. The respondent describes how “they collect” the transit group from the woods, removing all their belongings from them at the site of apprehension.

The officers demanded their jackets, bags and valuables, and searched each individual, proceeding to break their phones:

“They will check everybody. If first time they [the transit person] doesn’t give, after [the officer began breaking phones] everybody gives.”

The respondent describes how the minor had 105 euros taken from him by the officers, and several of the other transit group members had money taken. When asked if any of the group expressed

intention to claim asylum the respondent said that the police officers ignored everything the transit group said.

“They just like a wall”

The Special Forces officers called a further unit of police officers dressed in darker uniforms who took the group of four in a Croatian police van to a station nearby. The respondent recalls how they were held in a detention cell together for approximately 24 hours without food or water.

“They don’t allow for water, no toilet”

The cell was described as unfurnished, and the transit group were forced to sleep on the cold floor. The respondent states that between the hours of 15:00 and midnight on 24th January 2020 the transit group were pleading through the cell door for the officers to provide some food and water. However, he reports that the officers present in the station could be heard laughing at these requests.

The group was removed from the station on the morning of the 25th January 2020. They were loaded into a police van along with one other Pakistani man who was being held in the police station, bringing the detained persons to a total of five. The group were driven for some hours during which the police turned on the air conditioning in the rear and reportedly emitted “some gases” through the vehicles’ ventilation system which made the group feel very sick.

The transit group arrived at a spot on the border with Bosnia-Herzegovina. The respondent suggests this was in the late morning, at around 10:00AM. At the border there were numerous officers dressed in dark uniforms, the respondent was unable to recall the exact number. The officers stood at the back of the van and as the transit group exited, they beat the men and minor with batons “one-by-one stick.”

The respondent recalls the treacherous conditions of where he was pushed back, which he says the police chose intentionally. There was compacted snow on the ground and the respondent describes how:

“When they deport us [there’s] some ice on the ground... if you cannot run they beat”

As the group slipped and fell the police reportedly struck them with their batons. The Pakistani man who had joined the detained group was beaten severely over the shoulder and head. The transit group were ordered back into BiH and walked for around five hours, arriving back to Bihać from the southern side of the city. From the route they took back and the villages they recognized on the way, the respondents group were able to identify that it was an area close to Kulen Vakuf (BiH) where they believe they were pushed back.

Incident B:

The respondent was travelling through Croatia with 15 other people, including three minors. After several days of travelling, they were apprehended on the 8th July by eight Croatian police officers dressed in black uniforms, wearing balaclavas and carrying guns.

The officers shouted for the group to stop and aimed their weapons at them. The first shot was fired to the air, but the following shots were directed at the ground very close to the group. The officers ordered everyone to the floor and told them to lower their heads.

The group described sitting in the rain while the officers removed their bags, spare clothing and food they’d been carrying. The police also took their phones, power banks and money. The officers kept the money, and the electricals were placed in a plastic bag and left in the rain where they became damaged by the water. The group were held at this point in the rain for two to three hours whilst the officers searched their belongings and took their photos.

Further officers arrived at the apprehension site with a police van. Unlike the other officers dressed in black, the respondent recalls these officers were wearing green uniforms. The group of 16 people were loaded into the van and driven for a short while before being brought to a police station.

The police put them in a shared cell without any facilities. This cell was described by the respondent as a ‘dirty room’ and explained that they were denied any access to food, water or toilets. As there was no toilet in the cell and the police refused any requests to use a bathroom the group of 16 men, including minors, were forced to urinate in front of each other in bottles.

The group were held in this dirty cell from around 12:00PM until 22:00PM, then they were removed by the station officers and loaded again into a van. The respondent said that alongside the 16 of them, another four men were already detained in the back of the van.

The van drove stop-start for several hours, with the officers taking long pauses and veering from side to side. The respondent states that the conditions in the rear were very poor and “some guys were vomiting.” The van stopped at the border after around 2 hours of driving, just before midnight on 8th July 2020. The van doors were opened and the group were called out individually by the police.

The respondent said there were five masked officers, including one woman. The officers made two lines and used batons to hit people who they considered were not moving fast enough while

shouting “run.” The attack was so severe that the respondent described his treatment by saying: “behaviour of the police was like [an] animal, [they] don’t give info to talk. They showed us not humanity, they broke our head, leg and hands”



Once the transit group made it through the lines of police with batons, they had to swim across the river which came “up to chest” height. When the group arrived onto the Bosnian side of the river, they walked in the dark. The pushback occurred close to Sturlic, and the group walked for some hours, arriving at an abandoned house on the way to Cazin. They spent the night there because they were tired and injured.

Conclusion:

As exemplified in the above-mentioned examples, BVMN has regularly documented testimonies that expose how people-on-the-move are routinely subjected to detention conditions in Croatia that are not compatible with international standards. The detention of people-on-the-move in unfurnished, dirty cells without any access to water and sanitary infrastructure, as well Border Violence as the routine denial of food for up to 24 hours, is, in the opinion of BVMN, in breach of the state obligations arising from Article 3, ECHR. Moreover, the exposure of minors to such detention conditions is very concerning and is not in conformity with international law. BVMN believes that the Croatian police persistently violates people-on-the-moves human rights by holding them in detention under extremely insalubrious conditions.



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GREECE

The Greece-Turkey border has become a key point of entry into the EU, both via the Aegean Sea and the Evros land-river border. In 2015, Greece became the site of the third largest humanitarian intervention in the world[1] when numbers of incoming people-on-the-move sky-rocketed. In 2016, two major developments marked the direction that migration management has taken in Europe: the EU-Turkey Statement and, complementing the former, the closure of the so-called Balkan Route, political measures to restrict movement and to, eventually, prevent it altogether. Whilst human rights watchdogs and NGOs have long documented the Greek State's increasingly repressive response to transit groups, this phenomenon was ramped up in 2019 when the right wing Nea Dimokratia (New Democracy) party entered into power. A key legislative development implemented by the new government has been the International Protection Act (IPA)[2], entered into force in January 2020 and later amended in May, transposing key EU directives into national legislation and imposing stricter migration provisions. The bill lowered protection standards to an extent that was incompatible with the CEAS and in clear violation of the EU Charter on Fundamental Rights[3] and other international protection instruments Greece has ratified.

Since BVMN established presence in the region in 2019, Network members on the ground have documented 89 pushback events which have affected approximately 4,500 individuals to date. In 2020, BVMN noted that almost 90% of all Greek pushback testimonies contained one or more types of torture or ill-treatment. Of increasing concern is the indiscriminate nature of this abuse with up to 52% of all pushback groups subject to such treatment containing minors. Within this section, BVMN will demonstrate and elaborate upon the widespread use of torture and inhuman or degrading treatment by Greek officials against people-on-the-move.

Excessive and Disproportionate Force

In 89% of the pushbacks carried out by Greek authorities in 2020, BVMN has observed the disproportionate and excessive use of force. This alarming number shows that the use of force in an abusive and therefore illicit way has become a normality.

Not only the frequency, but also the severity of physical force used in assaults against people-on-the-move is of great concern. Extremely cruel examples of police violence that have been documented in 2020 included prolonged excessive beatings (often on naked bodies), water immersion, the physical abuse of women and children, the use of metal rods, batons, and heavy boots to inflict injury. In some testimonies, respondents describe how their hands are tied to the bars of cells and a helmet is placed on their head before beatings ensue to hide more visible consequences. These assaults are not only humiliating, but very often also resulted in grave injuries such as broken bones or lapses of consciousness.



<https://www.borderviolence.eu/violence-reports/june-21-2020-2100-ipsala-edirne-turkey/>

Incident A:

The respondent and two of his friends (all male, aged 21, 21 and 24) were apprehended by two plain-clothed Greek officers in the village of Orestiada near the Turkish border, on 30 July, 2020, around 4:00 pm.

According to the respondent, the officers did not ask the group any questions; they just pushed the people into a white van and took them to a nearby police station. This was the 7th time the respondent had been apprehended in Greece and pushed back to Turkey. The group reportedly spent the night at the police station, where they were not given any food or water. They had to drink water from the toilet. Their phones were confiscated. The next morning, they were taken to another police station, around a 15 minute drive away, near the border.

Upon their arrival to the second police station, the officers threw water on them and spurted water on them from a hose.

“They treated us worse than animals,” stated the respondent.

They were put together into one room with about 25 other people from various countries, which included women and children. Most of their clothes were taken from them; the men were stripped and only a few clothes were returned to them, so they were very cold. Some were left with only one shoe. The officers took their money and other valuables, such as watches and jewellery. The women were searched by male officers without permission. The officers, four clad in army-color uniforms and one in a black uniform, all wore balaclava masks and spoke in foreign languages other than Greek (English, Spanish, Portuguese).

According to the respondent, these officers were physically violent with the group and beat them with metal batons, including women and children. They deprived everyone of food and water. Nobody was given a chance to ask for asylum. If someone tried to speak, they beat them. Our respondent was asked where he was from, and he was afraid to tell that he is from Morocco. The officer told him that he knew that he was from Morocco and started hitting him.

“If you just want to say the word asylum, they will kill you,” the respondent said.

According to the respondent, an officer in black uniform told them: “If you come back to Greece, we will kill you.” Many people were injured. The respondent was beaten so badly with the metal batons that he could barely walk the next day. At the time of our interview, he still had bruises on his back after one month.

After a day of violence and mistreatment, the officers put more than 50 people in a large van and drove them to the border, about 10 minutes away. The van was packed with people, who had to bend down to fit in and could barely breathe. An old man had breathing problems and he collapsed when they arrived at the Evros River. He didn't receive any assistance; the transit group were ordered to pick him up. The beatings continued at the riverside. The group were forbidden to lift their gaze from the ground and were threatened with guns. Those who looked at the officers were brutally beaten by the masked men in black and green army uniforms.

“If you look at them, they can hit you until you die. They don't care about this. We were so scared,” our interviewee told us.

The Greek officers then put the group in boats of about 17-18 persons, operated by 2 persons from Afghanistan and an Iraqi, who took the people

across the river. The people in distress, scared and beaten, were left wandering through a forest in cold and rain with very few clothes, until they reached the village of Alibey in Turkey. There, the villagers helped the people, who were exhausted and had not eaten for almost 3 days. They also called an ambulance for the old man who had a breathing problem. The rest of the people continued to the Meriç village and towards Istanbul. They were afraid of being apprehended by the Turkish police and being taken to a detention centre.

Incident B:

It was in the last days of March 2020 when the 33 year old male respondent was in Kamara, central Thessaloniki, chatting with a group of friends (who were all Greek citizens). Six Greek policemen in plain clothes arrived in grey unmarked cars. They approached the group, introduced themselves as the police, and asked the respondent to show them his documents. He showed them his valid asylum applicants card. They asked him to come with them to a police station in order to check his documents after which he was told he would be released. He complied and was taken to a police station in Kalamaria, a town about 7 kilometres south of Thessaloniki.

There, his documents were checked and his body was searched. The policemen brought some documents for him to sign which were written in Greek and no interpreter was provided. The respondent believed these were release papers, a part of regular procedure, so he signed. Afterwards his fingerprints and photo was taken. He was not given any food or water, and did not have access to toilets during custody.

Around 03:00-04:00 AM the respondent was taken from his cell by 2 policemen in plain clothes and brought to the Police Headquarters (Megalo) in Thessaloniki by car. The journey lasted about an hour. In Megalo, there were 20 other people-on-the-move, Algerians and Moroccans, who had also been taken from the street like the respondent. There were three minors among them and the others were in their mid-20s. All of them had legal documents to remain in Greece, which were confiscated by the police. The interviewee was detained there for 5 days. All 20 people were together in one cell. He recalls how the conditions were quite bad, and how the police were often violent against the detainees. There were good and bad officers, he stated. Some of the detainees were upset and demanded an explanation of why they were kept there. They were shouting, so the “good” policeman called the “violent ones,” who beat them.

After 5 days, officers came, handcuffed and removed all 20 people from the cell. Despite asking they were not informed of where they were being taken. The officers put the people in a large police

bus and left. The bus stopped on the way and more people were loaded inside until it was full, carrying around 60 people. Then they were taken to the Drama Paranesti Pre-removal Detention Centre. Their documents issued by the Greek State were never returned to them, and the cameras on everyone's mobile phones were broken in order to prevent documentation. The respondent was detained in Paranesti for 3 months. At the time of the interview he was still in contact with friends who had been there for 6 months plus.

Upon arrival, the newcomers were put in cells in groups of 10-15 persons. The detainees were always hungry, as they were being given very little food and the food was bad, unhealthy, and made them feel sick.

“They were only feeding us enough to survive,”

Moreover, the detainees were not given any clothes, and were constantly subjected to insults and physical violence. When a person asked questions such as why was he kept there, complained, or asked for basic necessities such as underwear, often an argument broke out. In these cases, the guards called the officers covered with balaclavas, who beat everyone from that cell. The beatings were brutal. The respondent was beaten many times in all kinds of ways – punched, hit with batons, kicked, stamped, etc. Some people's heads and cheeks were injured in the beatings, but the police did not care, stated the respondent.

“They hit you in your face, in your head, your back, it's up to them.”

The respondent's back was injured and at the time of interview, months later, he still had swelling on his upper arm from a beating in Drama. The injury occurred when he was being beaten and an officer attempted to hit his head with a baton, but he protected himself with his arms. In addition to physical violence and deprivation from basic necessities, the detainees were also constantly subjected to insults. They were called words that our translator was unable to state out loud because of their level of abuse.

After 3 months inside Paranesti, on approximately 5 July 2020, the respondent was pushed-back to Turkey, together with around 120 other people. According to the respondent, they were some of the first people to be a part of the mass pushbacks from inland detention centres in Greece that he knew of. At 15:00 one day, the detainees were loaded into two large police busses, carrying about 60 people per bus. They were told that they would be taken to Amygdaleza Pre Removal Detention Facility in Athens, but they were taken to the Evros River on the Greek-Turkish border. The bus journey lasted about 4-5 hours, so it was dark when they arrived at the border. There were several pushback points at the riverside. The bus stopped every half an hour or so and unloaded people in groups of 10-15.

When the group with the respondent got off the bus, involving about 10 people, including 16-17 year-old minors, there were about 50-60 Greek police officers and soldiers present at the riverside, some wearing plain clothes and some in uniforms. What followed was the worst treatment the respondent said he had ever experienced. The officers confiscated people's phones, shouted at them to shut up, telling them to go back to their countries, and brutally beat them. The officers forcefully held people's heads and cut their hair. They gathered everyone together, ordered them to sit down and face the ground with their hands behind their heads, and started hitting them with large metal batons. Both minors and adults were attacked in this way for about 1 hour according to the respondent. Some people's arms, legs, and heads were severely injured. The interviewee's ribs were broken and his leg was badly injured. Two persons from the group were beaten incredibly badly and they were unable to move, apparently unconscious.

At about 22:00/23:00, the people were loaded into a dinghy and taken over the Evros River by two police officers wearing balaclavas. When they arrived at the other side of the border, they carried the two unconscious people out of the boat. They were afraid of the Turkish soldiers, so they had to move on and abandon them. They thought they might have died, but later learned that they had been taken to a hospital by Turkish soldiers, where they had to be treated for 26 days in order to recover.

Conclusion:

The Border Violence Monitoring Network believes without a doubt that the physical violence, such as that used within the abovementioned case examples, constitutes as torture, inhuman or degrading treatment in the sense of Article 3, ECHR. Consistently, in almost 90% of testimonies from Greece, BVMN has identified the use of excessive and disproportionate force by the Greek police. This often involved but is not limited to: sustained physical assaults for up to an hour, including with improvised weapons such as tree branches, that results in unconsciousness and severe injuries. BVMN is therefore deeply concerned by the excessive and disproportionate nature of the tactics utilized by the Greek police against people-on-the-move and thus, considering the aforementioned and the persistent lack of an effective investigation into these abusive practices, BVMN concludes that the Greek State is continually violating Article 3, ECHR.

Electric Discharge Weapons (EDWs)

The disproportionate and unnecessary usage of Electric Discharge Weapons (EDWs) against people-on-the-move in Greece is another deeply concerning development, affecting up to 10% of Greek testimonies recorded by BVMN in 2020. Furthermore, the absence of any follow-up procedure or medical aftercare for victims of Electric Discharge Weapons is additionally concerning, especially considering the undeniable health risks attached to such policing methods.

Incident A:

The respondent had been in Greece for the last three years, of which the last ten months was spent in the Drama Paranesti Pre-removal Detention Facility. The respondent additionally had an asylum applicants card identification provided to asylum seekers, that regularised his stay in Greece.

The respondent shared how whilst in Drama Paranesti people were regularly beaten by the authorities and as a result, many people had recently taken part in a hunger strike. The respondent suggested that people had stopped as they were scared that their involvement would make them targets for illegal pushbacks to Turkey. This fear was later affirmed when the respondent was told by camp authorities “we will let you fast with Erdogan” indicating the intent of the officials to push people back during Ramadan, a month observed by Muslims worldwide as a period of fasting, prayer, reflection, and togetherness.

On the 23rd April 2020, on the first day of Ramadan, police officers removed at least 24 people from the centre. The respondent was one of them. The Greek authorities told them they would take them to Amygdaleza in Athens but instead, they were taken to the Turkish border.

They were in a blue truck (likely a riot van used by the Greek police) meaning they were unable to see where they were being driven. At the Turkish border they were confronted with officers wearing surgical masks. Over the next 6 hours, these officers used electric tasers and water immersions to torment the entire transit group. The respondent described how the officers took him and held his head under water, “effectively drowning him.”

After enduring six long hours of abuse, that evening the group was taken to the Evros River. The masked officers (described by the respondent as the “military”) beat the group with batons and threatened them with knives. Then the 24 people were put onto a dinghy in groups of around seven to be ferried across to the Turkish side.

During the pushback across the Evros River, the respondent describes how three Afghan men in military attire were driving the boat.

Many in the group suffered injuries as a result of the treatment from the Greek authorities, and the respondent stated some of the wounded were in hospital in Uzunköprü (TUR) which was the first large town they reached after being pushed back. He also alleged that he knew two people who had been in Greece for up to 10 years and were removed from the Drama Paranesti Pre-removal Centre and pushed back as part of this group.

When they arrived on Turkish land they were met by three Turkish officers who took them to five military personnel. The officers told them they have two options: 1) to cross the river back to Greece 2) to walk 230km to Istanbul. The group of approximately 24 people decided to split up into two smaller groups and walk to Istanbul.

Incident B:

been living in Athens for two years with his wife and children. He applied for asylum in 2018, was awaiting the outcome of his final interview, and had possession of a valid asylum applicants card. Additionally he had recently secured a job working in construction.

On April 27th, a bus he was travelling on was stopped by the police. He and a dozen other passengers were forced off the bus which was then ordered to leave. The respondent managed to separate from the group and make his way to a bus station in the nearby town of Lavara.

After some time, at around 21:00, the respondent stopped a passing car to ask some information about the bus schedule. In the car were three men who claimed to be police officers. One of them was in black clothes, whilst the other two were wearing clothes branded with the logo of the Greek police. The respondent was ordered to present his documents, specifically his asylum seeker’s card, to which he complied.

The respondent was detained whilst the officers made a call, he was then ordered to get on the floor and when he didn't immediately comply, he was assaulted and pushed to the floor where they began to kick and insult him. The respondent recalls an officer producing a metal stick (assumed to be a metal pipe) from the car, and starting to beat him with it. The respondent was kept pinned to the ground at gunpoint whilst his phone and asylum seekers card were destroyed. He was soon handcuffed and forced into a second car.

After driving for an hour and a half, they reached a building which the respondent referred to as a “police station.” To reach this building, the police had to drive through the forest. Once inside, he was forcibly undressed and left in his underclothes.

He was placed in a room with small windows, a squat toilet and a dirty mattress. A man entered the room and returned some of his belongings and asked to confirm if the respondent had really been living in Athens. The respondent was told that as it was true he would be returned to Athens.



<https://www.borderviolence.eu/violence-reports/april-27-2020-2130-lavara-evros/>

The next morning he was handcuffed and transferred to another room where some officers later came to ask the detainees some questions. One of the officers reportedly was wearing black clothes with Greek writing and an EU flag and a Greek flag on the shoulder.

Discussing among themselves, one of the officers explained that the respondent was registered as living in Athens. The masked officer described by the respondent as the “commander”, yelled that all of them would be taken to the river.

Soon after, the respondent was then summoned to a room where the “commander” was waiting with three other masked men. There, he was beaten again with metal sticks as well as being shot multiple times with an Electric Discharge Weapon, before being forced to hand over all his remaining documents as well as his money to the officers

At around 3 or 4pm, the detainees were driven to the Evros River by four masked men, where they were further assaulted by the police officers. The attack was so severe that it is believed one individual may have had his leg broken.

They were then forced to inflate a 3 meter raft and made to board it. The respondent reported seeing two of the masked men receive money from the “commando” - estimated as 500-600EUR). They were described as “smugglers” who were responsible for taking them across the river. When on the other side three Turkish military officers arrived and the respondent asked them for directions back to Istanbul.

Conclusion:

In both of the aforementioned examples, the use of Electric Discharge Weapons was performed against compliant persons in situations where there was no risk to life or injury to justify such use. Consistently, EDWs are used against people-on-the-move alongside physical assault, water immersion or forced undressing proving how this tactical repertoire of the Greek police can only be viewed as an abusive and violent tactic. BVMN is deeply concerned about the prolonged use of Electric Discharge Weapons, with testimonies indicating sustained assaults of up to six hours long. We assert that this abusive and unnecessary tactic constitutes acts of degrading treatment or torture in the sense of Article 3, ECHR.

Forced Undressing

In 2020, 44% of testimonies recorded by the Border Violence Monitoring Network contained descriptions of people-on-the-move being forcibly undressed. BVMN has recorded multiple examples of the forced mass undressing, of up to 120 people in informal detention facilities. Within these cases, the punitive and debasing practice of being stripped naked is indiscriminate, with neither the men, women or children being spared. We assert that this practice is not only psychologically degrading but also has a profound impact on the health and wellbeing of the victims. Routinely people-on-the-move are forcibly undressed before being pushed back across international borders, exposing them, for example, to the cold Evros River, rendering this practice of river pushbacks even more deadly. BVMN expresses serious concern over the psychological and physical repercussions of such policing tactics that are becoming an increasingly normalised facet of detention and pushback events in Greece.

Incident A:

The respondent, a 28-year old man, was travelling away from the Greek - North Macedonian border with his four friends. They were stopped by 6 Greek police officers who approached in their cars. Two of the officers were dressed in civilian clothes, two wore blue police uniforms and two wore military clothing and blue police jackets.

One of the policemen fired several shots into the air, shouting for them to sit down. They immediately complied. The officers approached the group asking about their nationalities before assaulting them with batons and repeatedly kicking them. Their hands were zip-tied and the

group was put into the two police cars. They were then brought to what is estimated to be the Polykastro Police department.

At the police department, they were left locked outside in a hot and cramped police car for 1.5 hours. After being taken inside, they had their photos taken before being transferred to Paranesti Pre-Removal Detention Facility, arriving at 11 pm.

There, they were taken to a caravan where they were searched and forced to undress leaving them in only T-shirts and shorts. Any attempt to retrieve their money or put on clothes resulted in them being beaten with a baton. They spent the night sleeping on the floor of the caravan.

The next evening the respondent was put into a van and driven for two and a half hours. Recalling where he was taken the respondent said:

“There is [...] close to this army station, the train tracks, so close to it. There is three cells and there are offices on the opposite side of the cells and there is barbed wire around the place, that’s how it was looking at night.”

As the respondent reported, this army camp is located near Ferres.

The respondent’s group were taken to a large room where 20-30 other people were located, including a family and women with their children. The room was guarded by men in army uniforms wearing balaclavas and bulletproof vests. The military personnel forced the group to strip naked in front of the other 20 - 30 people, leaving them humiliated and exposed in front of both men, women and children. Once they were naked the officers started to attack them with their batons.

“He doesn’t care if he hits you in your head or in your face, they are using metal sticks, big metal sticks, [...] my body was blue from this beating”

After this they were brought to the Evros River in two army trucks. The respondent was in the back of one truck together with 18-20 people, one reportedly “looked 14 years old.” At the river they were met by 6 officers wearing military clothes. They were forced into a dinghy and transferred to the Turkish side of the river along a boat that stretched from one bank to the other. The dinghy was reportedly driven by two Pakistanis wearing green safety vests. Each crossing took 9-10 people, the women and children were last.

In Turkey, the group encountered the Turkish army, but the respondent himself fled. He continued walking barefoot for two hours until he reached a village. He slept in the mosque for the night, before making his way back to Istanbul the following day.

Incident B:

On the 31st of August, a group of 16 people crossed the border from Meric, Turkey. 12 of them made an onward journey by car, the respondent and three of his friends continued by foot. They walked for six days and reached Alexandroupoli.

One member of the group had injured his ankle. The group decided to carry him to the bus station in Alexandroupoli and continue their journey by bus. They were able to purchase the tickets and get on the bus before the Greek police arrived. The officers came in a white car. Two police officers were wearing blue uniforms with Greek flags. They got out of the car. Two others in civilian clothes stayed inside the car.

The uniformed officers got on the bus and asked them where they were from and if they had passports or other IDs. When they said they did not have either, they were handcuffed and taken off the bus and into the car.

They believe that this time, they were not assaulted during their interaction with the police because at the time there were too many people present at the bus stop.

They were driven to a detention site in Didymoteicho. The respondent did not want to enter and pleaded with the officers not to be returned to Turkey. One of the officers took him by his feet and dragged him across the floor, another burned him with his cigarette.

Inside the detention site were 70-80 other individuals who had all been forced to undress. There was a Syrian family with small children, Egyptians, Pakistanis, Algerians, and many Moroccans. Men, women and children were all standing around completely naked in this one room.

They said the room did not look like a normal prison or police station but more like a stable. There were some short, thin mattresses and one very smelly toilet. Above the toilet, there was a small window. The respondent says when he looked outside through this window, he saw four cars with German license plates (they described the EU flag and D on the license plate). He cannot describe anything about the rest of the cars because the window was too small to see anything else.

They were kept there for around 24 hours and then 8-10 masked men dressed in black came and told them to get into a van – all 70 or 80 of them were forced into a single black vehicle. This vehicle was driving with the lights off, very fast and recklessly, in total for around 20min.

When they arrived at the Evros River on the 6th of September, 2020, they had to hide themselves. Several of the masked men were checking the other side of the river with what appeared to be night vision binoculars. Others got one dinghy ready.

They started boarding around 10 people at once onto the boat. The respondent describes:

“They drove us to the middle of the river – and then they told us to jump. Into the water. Some couldn’t swim and we told them, but they did not care!”

Only the Syrian family was taken to the other shore, everyone else had to swim.

The two other friends the respondent had crossed the border with disappeared in the river, and he has not heard from them since. At the time of the interview, the respondent stated that the men’s families keep calling him asking how they are doing. He could not bring himself to tell the real story, as he feared them to be dead.

“I tried. I got drunk for the first time in my life to have the courage to tell them, but I can’t. How can I tell them their child has died!?”

On the Turkish side, the group who made it to the bank were suddenly approached by a group of people in civilian clothes he thought to be locals. They were carrying guns and started shooting into the ground around them and asked them for money and phones – they did not have anything left anymore.

Conclusion:

The indicated examples demonstrate that the forced undressing of people-on-the-move in police custody has regularly been performed without any necessity to prevent disorder or crime. In the aforementioned examples, the affected persons had been under total supervision of the Greek police for a considerable amount of time and had already been searched, transported and taken into custody, before they were forced to undress. This indicates that these measures were not in any way necessary. Moreover, the forced undressings were performed in front of (and collectively for) large groups of people, including women and children. Additionally, they were even forced to stay naked all together in one room. In the opinion of BVMN, this illustrates clearly that forced undressing has been used by the Greek police exclusively for humiliating and degrading purposes. Therefore, these practices continuously violate Art. 3, ECHR, in line with case law of the European Court of Human Rights.

Threats or Violence with a Firearm

BVMN is concerned about the relative normalisation of firearms usage during the pushback process in Greece. In 15% of testimonies firearms are mentioned in some capacity - whether they are used in beatings, displayed as a threat, or used to fire “warning shots” in the air and induce compliance. Firearms can constitute a serious threat to life and should not form any standard or common practice within an EU Member States migration management or policing.

Incident A:

The respondent is a 26-year-old man who was travelling with 20 other males, one of which was a minor. On Sunday 4th October 2020 at 8 pm, he and the group crossed into Greece via the Evros River close to the town of Serem, north-western Turkey.

At 4 am on the 6th October, the group were walking beside a road close to a village when they were apprehended by 5-7 Greek police officers. Several men fled as the police officers ordered them to stop while firing into the air. At no time people were targeted, the shots were fired solely for the purpose of intimidation. The respondent, however, was prevented from escaping by tree branches which cut into his leg. 11 others from his group were apprehended by the officers.

The police officers then started beating and kicking the respondent’s group with batons while using derogatory language towards them. Afterwards, they checked their bags and pockets, collected all personal belongings and set them on fire.

“They collected everything on the same spot, they put fuel on it and they burnt them”

The respondent and the other members of his group were left without shoes, bags, mobiles, just with the T-shirt and pair of trousers they were wearing.

After that, they were loaded onto a blue bus which brought them back to the border close to Soufli. They were accompanied by the same police officers who drove separate police cars. The respondent couldn’t remember the duration of the drive as he was suffering from the injury he had sustained from the branch, but could indicate on a map where the pushback took place.

When they reached the river, the group were handed over to two people described as wearing military clothes with no flags on their uniform, who

the respondent stated were Greek. The area was checked for Turkish border guards before the group were loaded onto a dinghy and ferried by these two “military officers” to the other side of the river.

Incident B:

On the 10th of December 2020, around 12:00, the respondent along with 23 other people-on-the-move left the Turkish coast from a small village near Izmir. The transit group included pregnant women and children. At around 01:00 AM, the dinghy landed on the Greek Island of Lesbos, south of Mytilene close to Agria Kratigou.

After arriving, the respondent recalls someone from the transit group calling the UNHCR. They responded, saying they would come rescue the transit group, and asked for their location. The person on the phone with the UNHCR sent their location, and was informed that they were one hour away. Someone from the transit group called again in the morning, and the UNHCR informed them that they were 70 km away, and had informed the authorities of the location of the transit group. the respondent recalls the UNHCR official telling them that the police would take their group to the camp.

The transit group reached a road, where 10 police officers arrived in SUVs. People from the group expressed to the police that they wanted to move towards Mytilene, but were prevented from doing so and made to stand at the point of apprehension. The police later moved the transit group to a spot in the bushes, where the officers started to take their phones and belongings. The police informed the transit group that they would have to wait for one hour for a vehicle to transfer them to the camp.

The police began to beat people from the transit group. The respondent recalls people being kicked by police officers, hit with black batons, and held at gunpoint. A pregnant woman was pushed to the ground. The police officers collected the rest of the transit group’s belongings and papers, and burned them.

A vehicle arrived, and the transit group was loaded inside. The van drove about 9 km away from Mytilene, and the group were then put on Hellenic Coast Guard’s (HCG) ribs/speed boats to be transported onto a small panther class coast guard vessel. The respondent recalls the last two numbers on the HCG vessel’s registration number being 18.

“When they put us inside the vessel they put us at gunpoint again. They were hiding us. They said for the Greek police not to see us. They were beating us and told us to sit down. Some of us were

pretending as if our head is aching, so we are watching the officers. Just for us, to identify them. The vessel went for about one hour.”

The HCG vessel drove for one hour towards the Turkish coast. The transit group was then forced to board what the respondent describes as “balloon boats”, which likely refers to the orange and black inflatable life rafts often used in pushback events. The respondent recalls that at the time they were forced to board the life raft, there was already air leaking out of it. The HCG vessel quickly left.

“In that moment, we managed to hide two phones, we decided to call the Turkish police for them to rescue us. Because water was almost entering inside the boat now.”

Using phones they had been able to hide from the police, people from the transit group called the Turkish Coast Guard. The already-deflating life raft was taking on water. The transit group was rescued by the Turkish Coast Guard and taken to an office in Izmir, before releasing them.

Conclusion:

The use of firearms by police authorities is only admissible under international law in very restricted occasions. It must in any case be clearly necessary and proportionate, otherwise it may amount to a violation of Article 3, ECHR. In the examples described above, people-on-the move were threatened with firearms, either through shots in the air or by being held at gunpoint. The affected people-on-the-move were in fact unarmed and the threats were amongst others directed at vulnerable people such as minors and pregnant women. Under such circumstances, the use of firearms is disproportionate in the opinion of BVMN. It inflicts unnecessary suffering on powerless persons. Therefore, BVMN strongly believes the Greek police violate international law with such practices.

Inhuman Treatment Inside Police Vehicles

The Border Violence Monitoring Network has documented that inhuman treatment inside police vehicles in Greece is present in up to 19.7% of all victim testimonies collected in 2020. BVMN has regularly documented severe cases of overcrowding with examples showing that up to 60 people are being transported in police vans at any one time. The multiple reports of excessive overcrowding, forcing men, women and children to sit and stand on top of each for several hours clearly contravenes all current guidelines on the detention and transportation of people. Additionally, BVMN is increasingly concerned about reports of improvised vehicles such as freezer trucks or freight trucks being used to transport or hold people-on-the-move. We assert that the use of improvised vehicles is a deliberate attempt on behalf of the Greek authorities to avoid scrutiny or administrative oversight.

Incident A:

On the 9th of September the respondent, a 50-year-old man, boarded a bus in Xanthi bound for Thessaloniki. The bus was pulled over and a Greek police officer “dressed in a blue uniform” entered the vehicle. The officer approached the respondent and asked him to produce his documents. The respondent provided the officer with his valid temporary residency permit, but the officer told the respondent that he “needed to check the document” and escorted him outside where two more Greek police officers were waiting. A further three men were brought off the bus and the group were then walked “some minutes” away – to a point which the respondent claimed was purposefully out of sight – where they were handcuffed, their documents torn up, and eventually loaded into the back of a white, windowless van.

They were driven to a police station in Xanthi and placed in a large cell that contained 26 other people. The respondent described the cell as “filthy” and “overcrowded”, the officers stripped them of their clothes, shoes, valuables and money.

Approximately seven hours later, the group was corralled out the cell and forced into the police vehicle described as a “small minibus.” Additionally, four women and four minors were also loaded into the back of the van – two reportedly were below the age of seven.

Without air-conditioning, and with only a few holes in the roof for ventilation, the back of the van was not only pitch black but soon became intolerably

hot once the journey started. Many vomited from heatstroke, while others had to strip due to the high temperature. The group remained in these conditions for between four to five hours.

At 9:00 p.m., the group arrived at what the respondent called a “big army base” where 20 Greek soldiers were stationed. “They [the soldiers] covered their faces, they were wearing black uniforms and they were not letting anyone look up,” the respondent recounted. Many were armed.

They were led into a vast room with approximately another 120 people where they were forced to wait for two and a half hours. During that time many people were attacked by the officers.

The respondent was loaded into “the army’s big green buses” and again transported in dangerous, dehumanising conditions. Although six families were present, containing around eight women and 16 minors, there was insufficient seating on the bus and those standing up stifled the air of those below them. This time, two people fainted.

“They were screaming to the bus drivers and they were not stopping the bus”

The group was driven one and a half hours to the Greek-Turkish border where they were taken to a wooded area and then forced to crawl to the bank of the Evros River where a dinghy awaited them. This dinghy was driven by a Pakistani man speaking Pashto, who told the respondent that he had been offered documentation by the Greek authorities in exchange for two months manning the vessels.

The group had to wade out into the river to reach the dinghy, which was small. One person who raised the concern of size was aggressively beaten by the police. Only moments after the dinghy was loaded it capsized and everyone on board fell into the water. Many of the group were unable to swim and panicked, “they started screaming, and the police were saying to them don’t scream.” The respondent reports that two men fell unconscious and drowned, in spite of one group member trying to bring them to safety.

The survivors returned to the riverbank where a new dinghy was brought downstream. The Greek soldiers strung a rope between the bank and the dinghy to avoid another scene that might alert the Turkish soldiers of their activities. Once on the Turkish side of the border river, the respondent - still without shoes - sought refuge at a petrol station.

Incident B:

The respondent, a 21-year-old was apprehended in the centre of Thessaloniki on May 21st 2020 by eight police officers on four motorcycles. As they checked his documentation, they called for reinforcements and shortly after additional officers arrived in a “blue and white” police car. The respondent was loaded into the vehicle and brought to the Aristotelous police station. He was held there for three hours in a small cell with other people-on-the-move. He was not given food or water and had to ask to use the toilets.

The respondent was then transferred to what he believed to be Ampelokipi Police Department where he was held in a small cell with other people-on-the-move. His fingerprints and photos were taken.

The respondent stated that officers would tie detainees hands to the bars of the cell and place a motorcycle helmet on their head before assaulting them:

“Because they don’t want to leave injuries or wounds in your face. So they can beat you wherever they want. They just cover your head. The other parts they left of your body don’t matter to them.”

On 9th May, the respondent was transferred to Metagagon pre-removal detention centre in Thessaloniki. He shared a room with approximately 30 other people. The cell was “too small” and all the mattresses were on the floor. There were children as young as 13 also being housed in this facility. After nine days the respondent was transferred to Drama Paranesti Detention Facility. There were three buses carrying between 15 and 20 individuals each. Then on May 21st he was taken to Soufli by a police bus. After a “two hour ride” they arrived in front of Soufli police station where the respondent recalled seeing police cars and an official police station sign. The group were stripped of their jackets, leaving them in just t-shirts.

The group were directly transferred into a freezer truck parked in front of the police station. The officers closed the doors and locked the group inside. The respondent described the truck as white, old, and approximately 5 x 2 metres in size. The respondent recalled being confined inside this truck with more than 30 people. They were locked inside for what “felt like two hours.” Describing his experience inside the freezer truck he said “we were breathing hard” and “it was really hot.” After approximately two hours, they were released and transferred to Toyota vans. There were three vans in total; one of which was used to transport the dinghy. According to the respondent, they drove for 10-15 minutes on a dirt road through the forest until they reached the Maritsa River. When they

arrived at the river, the officers took them from the van and beat them one by one with their batons.

Still wearing only t-shirts they were forced into a dinghy, which the respondent stated was driven by two people he estimated to have been of Pakistani or Afghan origin. He was then pushed back to Turkey where he waited for the rest of the group before walking for approximately one hour and reaching the town of Meriç. There the group was apprehended by Turkish police officers and brought to Erdine. They had to quarantine for 17 days.

Conclusion:

The incidents described above are only two examples from 15 similar testimonies documented by BVMN, whereby up to 999 people-on-the-move have been transported under conditions that could constitute a breach of international standards for the transportation of detainees. Furthermore we assert that the grave physical and mental suffering that is likely to be elicited from transportation in extremely overcrowded and unsuitable vehicles (such as a freezer truck and rubber dinghies) are of such a severity that the treatment is in violation of Article 3, ECHR. Furthermore, testimonies reveal how exposure to heat and lack of air within a police vehicle, resulting in unconsciousness, sickness and screaming for help is evidently another tactic of abuse deployed by Greek police.

BVMN is seriously concerned with the persistent use of river pushbacks and the undisputed risk to life that is attributed to this method. In 2020, BVMN has collected evidence that indicates how eight people are suspected to have drowned through being forced to cross the Evros River. We conclude that exposing people-on-the-move to a real and sustained threat to life through conducting river pushbacks, is not only a violation of Article 3, ECHR, but of the right to life guaranteed in Art. 2, ECHR. Therefore, in the opinion of BVMN, very severe human rights violations have been committed by the Greek authorities in the context of the transportation of people-on-the-move.

Inhuman Treatment Inside a Detention Facility

The following examples demonstrate how inhuman treatment is not limited to the pushback event itself, but rather is intrinsic to people-on-the-moves’ experiences of border zones. This is additionally because, as BVMN has observed, detention has become an increasingly prevalent part of migration management. Reports collected by BVMN in 2020 reveal that, in the case of Greece, people-on-the-move who are detained

find themselves faced with physical abuse, psychological torment, a lack of access to basic facilities like food, water, toilets and showers as well as the denial of their right to interpretation, information and effective remedy regarding their detention. Additionally, BVMN is increasingly concerned with the growing use of informal and incommunicado detention in Greece. We assert that these informal detention sites, including stables, abandoned buildings and derelict railway stations, are a premeditated attempt on behalf of the Greek authorities to escape or evade administrative oversight when committing grave human rights abuses. Within these informal detention sites additional inhuman treatment such as mass forced undressing has routinely been observed.

Incident A:

After four days of walking through Greece, the respondent and the five other people he was travelling with were apprehended by six men in black clothes wearing balaclavas. The masked men started shooting into the ground close to where the group was standing whilst yelling at them to get on the floor.

When the transit group complied, the men approached and started beating them with batons and kicking them on the head, face, torso, legs. They were laughing while hitting them. Then they were instructed to get into one of the cars that was hidden behind some trees. When the transit group entered the car, each of them was beaten once more with the baton.

The respondent had previously lived in Germany for four years and is fluent in German (the testimony was taken in German). He recounts that at least two of the masked men who caught them in the forest spoke German with each other. The other four spoke Greek.

One of the masked men asked the group where they were from. When one of the people replied saying he was from Palestine, one of the other masked men (Greek speaker) approached him aggressively and said "I'm a Jew. I hate Palestine!" The masked man then proceeded to kick the Palestinian man in the face.

Out of fear, the respondent did not reveal his German language skills but recalls the masked men calling them rats and terrorists. The respondent explained during his previous transit attempt around two months ago, he saw two unmarked cars, Volkswagen and Opel, with German license plates at the detention site (next to several cars of the Greek police).

The masked men then took the group to a detention site around thirty minutes away, other detainees informed the respondent he was in

Alexandroupoli. The place was described as a police station, and the group were forced to undress before being taken to a large room:

"Like the last times, they told us to get naked – completely naked. And they kept hitting us with a baton while telling us to undress. They were hitting us everywhere."

The room contained between 110 and 120 people from mixed nationalities and genders. Everybody was completely naked, one woman had tried to hide her phone in her vagina and was heavily beaten when it was found during a body search.

Inside the room there was no furniture whatsoever. There were no beds for anyone to sleep on. There was only one toilet. The toilet was dirty and stank, and despite being shared by over 100 people was also their only source of water.

"It stank really bad, but you still have to drink it because the thirst is just too strong."

The respondent described that there were 16 or 17 officers present at that site in total, wearing blue clothes, like police uniforms, with no flags on them. All of them were wearing black balaclavas. The respondent describes that they were laughing when hitting the people:

"They were laughing while they were hitting us. Laughing so much. No normal person can do that. Maybe they are taking drugs, cocaine, I don't know – no normal human can do that. No way."

The detainees were kept in the facility for the whole day. At around 18:00, some of the officers came to the room and threw in some clothes. Everybody had to get dressed with whatever they could find. They were not given back their shoes.

Afterwards, 8 or 9 men dressed in black, wearing balaclavas and carrying guns entered. They told the detainees to go outside where a big white vehicle was waiting. Around 50 or 60 individuals were crammed into the vehicle, all beaten with a baton by a masked man standing next to the door as they entered. The vehicle transferred the first group then returned to collect the second.

They were driven to the border river with the vehicle lights turned off. One small dinghy was prepared and the people were ferried across in groups of 7 or 8. The respondent believes the two people driving the dinghy were either Afghan or Pakistani. On the Turkish side they walked for a while until they found a bus stop and begged for money to return to Istanbul.

Incident B:

On the evening of the 12th September, the respondent, a 31-year-old male, and his 30-year-old friend were walking beside the sea close to the port of Thessaloniki. At around midnight, there were stopped by two O.II.K.E Greek police officers

on a motorbike. The police officers were immediately physically violent towards them and afterwards they were forced to walk to a “secret place.”

On the evening of the 12th September, the respondent, a 31-year-old male, and his 30-year-old friend were walking beside the sea close to the port of Thessaloniki. At around midnight, they were stopped by two O.P.K.E Greek police officers on a motorbike. The police officers were immediately physically violent towards them and afterwards they were forced to walk to a “secret place.”

They were taken to a dark place outdoors that was surrounded by trees, close to the White Tower of Thessaloniki. Another four men were waiting there who had been apprehended. 12 or 13 officers wearing police uniforms began to beat them using batons and kick them for around 10 minutes. They were then handcuffed and taken in a police car to a station in the upper part of the city around 20 minutes away. From the descriptions given this is estimated to be the Sykies police department.

Once there, two of the group were released because they had papers, the rest of them were slapped and beaten with sticks, insulted in Greek and denied food or water. They had to ask for permission to go to the toilet. In the morning of the same day, two more people from his group were taken away (their whereabouts are unknown) before the respondent and his friend were transferred to Thessaloniki police headquarters.

At the police headquarters, they were searched and had their fingerprints and photos taken. They were forced to sign documents in Greek without any translation provided. In total, the respondent stayed for 28 hours at the police headquarters, and during that time only received one meal and a small bottle of water (0,5l).

The next day (14/09/2020) at 12 am the police zip-tied the hands of the respondent’s group which now consisted of 10 people. They were put in the back of a green Mercedes van without windows or seats and driven 35 minutes to another police station (the location of this police station is unknown). Once there, their money was taken from them and their bags were handed over by the police to the driver of the Mercedes. The respondent’s group were transferred to a “big blue bus.”

The group consisted of 30-35 individuals who were guarded by an unknown number of civil police and placed into 12 small cells which the bus was divided into. They drove to another location close to Komothini which was described by the respondent as a temporary building made of plastic and metal. He was put together with 75 people in a room of approximately 8 × 12 metres and had to stay there for 24 hours. There were other rooms

similarly crowded at this location. Due to the bad isolation of the ‘building’, it got extremely hot during the day and very cold in the night. Again they were refused water or food. They had access to a toilet, from where they also drank water:

“The toilet was so dirty and you have to drink water from there”

In the night, 25 people were taken from this room in a white van with no police insignia on it (their whereabouts are unknown).

On the next day, the respondent was put into the back of a white van with another 25 people and was taken from there to Feres. He described how this “station” in Feres had no police signs or logos indicating that it was likely another informal detention site. There were another 50 people there including children and women. The detention site was described as “so dirty” by the respondent. Their guards (supposedly police), who were wearing balaclavas, also beat some people there. The same guards forced them to undress, confiscated their clothes and shoes, leaving them with only a t-shirt and boxers.

In the night a group of around 90 individuals, including women and children, were taken to the Evros River in a big truck. There they were separated into groups of twelve and two members of the group were beaten by men wearing balaclavas.

“They were taking off their clothes and they beat them a lot, badly, so badly”

When they reached the river at around 10PM they had to get on dinghies group by group and were ferried to the Turkish side. The dinghies were driven by four people, one from Syria, two from Pakistan and one white man who was only talking English. On the Turkish side, they were helped by the Turkish army and got to Ipsala which was 20km away from the point where they crossed back into Turkey.

Conclusion:

BVMN is extremely concerned regarding the untenable detention conditions described across testimonies collected from Greece. The reported mass overcrowding in places of detention, without any separation of male, female or child detainees raises significant safeguarding concerns, especially considering the overwhelming evidence of the persistent use of forced undressing. Furthermore, we assert that the Greek state is knowingly breaching its international obligations through regularly denying detainees access to food and water, sanitary facilities and beds.

BVMN further asserts that alarming use of informal or incommunicado detentions with a complete absence of any and all procedural guarantees further constitutes a human rights violation. Considering the aforementioned, BVMN concludes that the Greek State is persistently and knowingly violating Article 3, ECHR during the detention of people-on-the-move.

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Torture and Ill-Treatment During Chain-Pushbacks



<https://www.borderviolence.eu/violence-reports/july-15-2020-0000-piazza-liberta-trieste/>

Further to demonstrating the systematic use of torture and ill-treatment by Croatian and Greek authorities, the Border Violence Monitoring Network can additionally illustrate the widespread use of torture and abuse during chain-pushbacks initiated by inland European countries such as Austria, Italy and Slovenia.

BVMN asserts there has been a consistent failure by these European States in upholding international law. Our extensive database of testimonies has documented how victims of chain-pushbacks are often subjected to multiple forms of torture or inhuman and degrading treatment within consecutive countries of pushbacks. The continued refoulement of people-on-the-move, without the possibility of challenging the return or taking into account the serious risk of torture that they may be subjected to, renders many European States in violation of the prohibition of torture, inhuman or degrading treatment[1] and of the prohibition of collective expulsion.[2]

BVMN concludes that EU States who facilitate or expose people-on-the-move to mistreatment, abuse and torture through the initiation of chain-pushbacks should be held culpable. We call upon both EU Member States and signatories of the ECHR to immediately stop refouling people-on-the-move and to investigate all possible involvement or facilitation of historic chain-pushbacks.

Chain Pushbacks

The absolute and binding nature of the prohibition of torture not only forbids States from actively participating in torture or inhuman treatment, but also sets forth an obligation not to put an individual into a position where they may suffer such treatment or punishment at the hands of other states, including through deportation.[3] Increasingly, the Border Violence Monitoring Network has documented the use of chain-pushbacks, in which people-on-the-move are pushed back through multiple consecutive countries. Victims of chain-pushback are often subjected to multiple forms of torture or ill-treatment across multiple consecutive countries in which they are pushed back through. We assert that the widespread documentation of torture and ill-treatment during chain pushback renders the behaviour of responsible States in direct contravention to the principle of non-refoulement.[4] This principle prohibits States from transferring or removing individuals from their jurisdiction or effective control when there are substantial grounds for believing that a person would be at risk of irreparable harm upon return, including persecution, torture, ill-treatment or other serious human rights violations.[5]

Furthermore, where substantial grounds have been shown for believing that the individual concerned, if deported, faces a real risk of being subjected to torture or other serious human rights violations, the State has an obligation not to deport the person in question to that country.[6] Upon failure, then the returning State is “not being held directly responsible for the acts of another state, but for facilitation, through the process of extradition, of a denial of the applicant’s rights by that other state.[7]”

Within 2020, the Border Violence Monitoring Network has recorded up to 795 victims of chain-pushbacks through the collection of 39 testimonies. Within these testimonies it has been identified that chain-pushbacks have originated from Slovenia, Italy, Austria, North Macedonia, Bulgaria, Croatia and Kosovo.

Country Focus

Through publicly available government statistics, the Border Violence Monitoring Network can demonstrate how widespread the practice of refoulement is across Europe. Government statistics, coupled with BVMNs extensive database of victim testimonies, illuminates the stark reality of chain-pushback practices within the European Union.

Slovenia

This year alone, BVMN has recorded 346 victims of chain-pushbacks from Slovenia into Croatia and Bosnia or Serbia. This developing record of the facilitation of chain-pushbacks by Slovenian authorities is further supported by government statistics that revealed in 2020 the Republic of Slovenia formally returned 9950 people to Croatia.

Describing the treatment during a three-country chain-pushback initiated by Slovenia, one respondent recalled: “The group were forced to sign documents which they could not understand and no official translator was present. The group in transit saw their request for asylum denied.” After being handed over to the Croatian police “the Croatian police officers who drove them delivered all of their personal belongings to these officers in waiting, who then set everything on fire. “Croatian police do not give me back my phone, my clothes...” The officers were waiting for the group in a line, wearing ski masks and had batons. The group in transit had to exit the van and run past the officers while they were beating them with batons. “Go, go, go, go to Bosnia” , the officers shouted at the group.”

Italy

In 2020, the Border Violence Monitoring Network recorded 161 victims of chain-pushbacks originating from Italy. Official government data on formal returns and expulsions further supports this, with official data indicating the return of 1116 people from Italy to Slovenia. Testimonies of chain-pushbacks initiated by Italy demonstrate two alternative routes; the first resulting in people-on-the-move being pushed back to Bosnia or Serbia, (via Slovenia and Croatia), the second resulting in people-on-the-move being pushed back to Turkey (via Greece).

Austria

In 2020, official government data indicated that Austria formally returned 176 people to Slovenian police. Many of these returns were carried out through Croatia and ended in Bosnia, Serbia or beyond. BVMN collected one testimony of a chain pushback from Austria, which affected a group of 5 persons from Syria, Morocco and Tunisia. “The group reported asking for asylum in every country that they were detained in—including Austria—but were denied further procedure each time.”

Torture and Ill-Treatment During Chain-Pushbacks

Excessive and Disproportionate Force

Whilst this testimony recalls a chain-pushback from Bulgaria via Greece to Turkey, it forms part of a broader collection of testimonies in which over 400 people, between the ages of 1 to 50 years old including men, women, unaccompanied minors and families with small children, were consecutively pushed back from Bulgaria via Greece to Turkey, back from Turkey to Greece and then again back to Turkey.

Incident A:

The 19-year-old male respondent and eight other men crossed into Greece from Turkey. They walked through Greece for several days, until on the sixth day, October 26, they were found by seven policemen. The police who were identified by the respondent to be Bulgarian border police and were additionally described as wearing night-vision goggles. The respondent believed that their night vision goggles were how the police found them.

The officers released their police dogs and started to beat the group with “big sticks.” The respondent explained how the dogs bit both him and two other members of the transit group. As two of the group managed to hide from the officers and avoid apprehension, when two cars came the police only detained eight members of the group. After being arrested, the group of eight was driven to a detention centre, but after having their belongings taken from them and answering some questions regarding their country of origin, they were then transferred to another detention centre closer to the Bulgaria-Greece border. This detention centre was a small building and inside there were many people. Some of the police had balaclavas on. The respondent and his friends were hit and forced to undress. They were left only wearing a shirt and had their pants cut. No shoes, trousers or warm clothes. It was very cold. The Bulgarian police pushed them back to Greece. As they were being pushed back, they were being hit with sticks on their legs and backs.

Once in Greece, the men stayed in a forest overnight. In the morning one of the members walked into a nearby café and asked for the police to be called. The police arrived, followed by the military who subsequently transferred them to a ‘camp’ an hour from the Bulgaria border in a small military truck. They stayed in the ‘camp’ for one day.

There were already 20 people in the ‘camp’, including a family of two women, three little children, one baby and three men from Kurdistan. This family had been there for two days. Then, the people in this detention site were put in a big lorry. There were about 30-40 people in this lorry, with little air it was hard to breathe. They were then put into smaller cars to be taken to the Greek-Turkish border. The cars were described as white Mercedes sprinters.

When they arrived at the Greek-Turkish border, there were many people. About 200-300. The people were told not to make any noise by the masked men who were pushing them all back to Turkey. A boat driven by a Syrian and Moroccan, who were both wearing balaclavas, took them across the Evros River. The Syrian and Moroccan hit those that spoke with a metal stick. They dropped them in the middle of the river and told them to get to the Turkish side. Some of the group did not know how to swim and were shouting as the currents were strong. People were taken to the middle of Evros River in a rubber blow-up dingy, 10 at a time.

When they arrived on the Turkish side, they hid but were eventually caught by the Turkish army who nevertheless proceeded to hit them. They told them to go back to Greece.

The respondent explained it was cold and their clothes were wet and they did not even have their shoes or jackets. They explained to the soldiers that they were wounded, but the police insisted that they go back to Greece. The Turkish soldiers continued to hit them and pushed them back by throwing them into the river. Since some of the men did not know how to swim, the police gave them a black and red blow-up raft to use. The Turkish soldiers were firing their guns in the river and throwing stones at them to force them to go back to Greece. It’s clear that the Turkish officers firing into the water was directly endangering everyone who was in the water.

After being pushed back to Greece, the group felt like they had no choice but to go to the Greek police. They eventually arrived in a military area and told them about their situation. The Greek military spoke to them in English and asked them what had happened. The respondent mentioned that he noticed one of the Greek soldiers was filming them and that while they were filming, the Greek military was speaking to them in a kind way. The military leader asked if anyone was injured and gave them medicine. They were given food and water as well. The respondent was told by the military that they would be taken to hospital to be

treated, and they said they would help them. But the respondent explained it was all a lie. When they had finished filming, the soldiers called the police. The police took them to the same detention site they had been kept in previously in a white truck.

They stayed there until the middle of the night when they were piled into a truck and hit as they were doing so. The truck was full of people and it was hard to breathe. After three hours, they arrived at a place where they were divided into smaller cars to be taken to the border.

The masked police wanted to throw everyone into the water, but after protests amongst the group that the river was deep with fast currents and that people could not swim they took them to a different point in the river. The respondent was put into a boat of ten people but in the middle of the river the boat capsized. There was a young Moroccan who could not swim so was forced to grab a hold of the respondent but as the respondent had been bitten earlier by a dog, he himself was struggling. The young man who was holding onto him eventually was taken away by the current. Whilst the respondent was able to make it to the river bank, he recalled that only two people in the group actually knew how to swim. The respondent and his two friends then crossed through a forest, walked for five hours until they reached a village where a taxi driver offered them food and water. He then took them to Istanbul. He has not heard from his four friends who disappeared in the river and believes they must have drowned.

Conclusion:

As the aforementioned example highlights, routinely chain-pushback victims are exposed to consecutive acts of violence across all pushback countries. We conclude that the continued and sustained exposure to excessive and disproportionate force, does breach Art. 3 ECHR, and thus we assert any State who facilitates, through the process of extradition, should in turn be held culpable.

Forced Undressing

This testimony involves a chain-pushback from Slovenia via Croatia to Bosnia-Herzegovina which took place on October 22, 2020 and affected a group of 25 men. They all range in age from 16 to 25. The respondent estimated that there were about five to six minors within the group

Incident A:

Before the apprehension in Slovenia, the transit group had already walked eight days, starting in Velika Kladusa, Bosnia. The respondent remembered seeing the road sign of the city “Rodik 65” and being about a day-walk away from the Italian city Trieste when they encountered three male Slovenian authorities described as “army officers.” The officers made the men stop and called a colleague who came to pick the men up with a big police van. He drove them to a nearby police station.

At the police station they spent one or two hours waiting in the hallway while each of them had to give their fingerprints. They were asked questions about their nationality, their age and their families. Afterwards they were all put into the big police van again and driven to an unknown police station in Croatia. At this station they just changed into another police van, this time operated by Croatian officers, and were driven to the Croatian-Bosnian border near Velika Kladusa.

The respondent described how the driver deliberately drove recklessly during the whole ride. The group, who had to squeeze themselves in the back of the van, experienced difficulties breathing, due to the lack of ventilation.

When the police van stopped at the Bosnian border, they had to leave the vehicle one by one and strip completely naked. The six police officers present took their money, phones and power banks and piled up their clothes and bags on the side, where they were set on fire afterwards. The men were then forced to lie down next to each other, their face turned onto the ground, “like sleeping.” The respondent described how one police officer stamped onto his head, moving his feet back and forth while pressing the respondent’s face further into the ground.

Afterwards the men were struck individually by several police officers. The officers used their hands, feet and batons, as well as big wooden branches that they took out of the woods. The naked men were primarily beaten onto their backs, arms and heads. The respondent estimated that they were hitting each person for at least five minutes, some even up to ten minutes.

While the officers were beating the respondent, they kept asking him, why he came to Croatia. “Why you come? Why you come?” The interviewee describes that he felt like the police officers enjoyed hitting him: “They make: ‘ah, ah. Yeah, yeah!’” They continued doing this while the respondent pleaded for them to stop.

“Help, help mama, help! Please, please! Please help me. Don’t hit. Don’t hit me.”

After the officers finished attacking the group, the men were permitted to put back on their T-shirt and their underwear. They then had to line up in file, each grabbing the shoulders of the person standing in front. In this formation they were forced to cross the border with the police officers flanking them, repeatedly striking the men onto their torsos and legs.

“I am already one year and eight months in Bosnia. I go to so many games. But now it is different. I see so many people coming back with big problems. [...]

Two weeks ago, so many people come back with so dangerous health. Very dangerous. Before I never see the situation like this.”

Conclusion:

As previously asserted, the humiliating and punitive policing tactic of forcing people on mass to remove their clothes, under duress and often in adverse weather conditions, has been well documented across all pushback zones. Therefore, we conclude that any State initiating a chain-pushback to Europe's external borders, must understand the risk attributed to the process, and therefore is knowingly exposing people-on-the-move to humiliating and punitive treatment.

Threats or Violence with a Firearm

This testimony involves 16 people between the ages of 17 to 40 who experienced a chain-pushback from Serbia to North Macedonia and Greece.

Incident A:

On the 3rd April 2020, at around midday, a large number of Serbian police officers dressed in black tops, green trousers and carrying guns entered Tutin camp in cars/jeeps where the respondent was living and registered. The respondents say that the officers came to the main square of the camp and ordered camp residents to exit the buildings where they were staying. Describing the authorities attire, one respondent shared how the officers were dressed: “black...big...ready to beat us.”

The officers reportedly had a list of the residents given by the camp officials. The respondents suggest the initiative was led by one of the camp directors known as “Maria.” They also state they were aware of a civil clothes police officer named “Sacha”, who was also noted to be organising this role call.

The respondents described being inside their sleeping area (dormitory) when the authorities arrived and began calling people out into the yard. The officers called out peoples' full names and summoned them forwards. Each person called forward was ordered to remove their jackets or overcoats and then fully searched in a pat-down method (legs, arms, torso) which the respondents presumed was to find any knives or sharp objects. The pat-down was carried out by officers wearing gloves.

The group of 16, alongside some other residents of the camp, were informed that they were going to be transferred to the camp in Prescevo as a measure related to COVID-19 prevention. The group included one minor aged 17, and one man in his 40s who was due an operation for an injury suffered severe impact injuries to his skull due to a police attack in Romania. They were denied the ability to collect their possessions and were quickly placed into a van by the Serbian Special Forces at approximately 14:00. The conditions inside the van were extremely cramped and they were forced to stand, or sit on top of one another. Describing the journey towards Prescevo one respondent shared the fact that there was no stop made by the van and “no water, no toilet.” A video that the respondent shared with BVMN shows the inside of the van with a group of men sitting and standing on top of each other.

The van drove for a reported nine hours, stopping at points, but never allowing the transit group to disembark. At 23:00, the van stopped but rather than taking them to the camp in Prescevo as stated, the authorities brought them to a remote area of hills and ordered them to cross into North Macedonia.

The Serbian officers pointed guns at them and told them to leave. The respondent describes how they were threatened with guns “they say ‘go go’ with their guns” before the officers started to attack them. The man with the existing head injury felt faint and passed out after running from the officers. After stopping, the group identified that they had been pushed back into North Macedonia close to the town of Lojane.

The group accessed help in a mosque the following day (4th April 2020) and sheltered inside some abandoned buildings close to Lojane. During the following eight days the respondents allege that they tried to re-enter Serbia on four different occasions, but were pushed back with violence by Serbian police, who discovered them on foot within a short distance of the border and returned them by vans to the border with North Macedonia where they used physical violence and on one occasion told the group: “Don't come again, we will kill you.”

On the 12th April 2020, North Macedonian police came to the building in the early morning and found some of the group there. The police took the

eight people present, recording their names and details, before loading them into a police van and stating they would be taken to a camp. The transit group found that there were already six other people detained in the back of the van (from a separate capture carried out by the officers).

Rather than driving to a camp, the group were taken directly to the Greek border (which they arrived at around midday). At the border, the North Macedonian police forced the group to cross back into Greece. The respondent said that they slept one night in some improvised shelter, before finding a train line which was going to Thessaloniki (suggesting they were pushed back close to Gevgelija, MNK). The group boarded a train and arrived in Thessaloniki on 14th April 2020, where they were forced to reside in abandoned buildings because they were scared of the police and of the risk of being pushed back further into Turkey.

Conclusion:

The example included above is one of multiple testimonies describing the use of excessive force with a firearm against people-on-the-move during chain pushbacks. We continue to assert that all incidents of the use of firearms in any situation where there is no credible threat to life or injury is unjustifiable and forms part of an ongoing repertoire of policing tactics used to intimate, threaten or debase people-on-the-move. It's undisputed that being held at gunpoint, as demonstrated within the above case, would cause substantial psychological harm especially during a pushback where there has been significant or sustained violence. Therefore, BVMN concludes that any State who enabled, through the facilitation of the chain pushback process, such ill-treatment should be held responsible alongside the committing State.

The officers reportedly had a list of the residents given by the camp officials. The respondents suggest the initiative was led by one of the camp directors known as "Maria." They also state they were aware of a civil clothes police officer named "Sacha", who was also noted to be organising this role call.

Inhuman Treatment Inside a Police Vehicle

This testimony involves a chain-pushback from Slovenia to Bosnia via Croatia. This chain-pushback involved 21 people between the ages of 20 to 30.

Incident A:

In mid-November 2020, a man in his mid-twenties set out from Bihać (BiH) on his ninth border crossing attempt. He traveled alone, crossing into Croatia near Javornik-tisov Vrh nature reserve. He rose at 06:00 and walked in the forest throughout the day, stopping at 17:00 to sleep each night. He travelled like this for several days, seeing nobody else during this time, until he crossed into Slovenia near Vukova Gorica.

On Tuesday, November 24th at approximately 15:00, the respondent was approximately 30 kilometers into the Slovenian interior in the forest when he encountered 4 officers. The officers were all male and wore green uniforms and carried pistols with them. The officers searched his belongings and made him sit on the ground for approximately 1 hour until a white police car arrived. The driver of the car, also male and wearing the same uniform as the other officers, took his cell phone, power bank, and money. The respondent was placed in the back of the police car and was driven for less than one hour to a small village, where he was taken to the police station. One female officer and two male officers were at the station when he arrived, and when he was taken into the station a male officer hit him on the back of his legs with an unidentified object. While this was happening, the other officers shouted at him in Slovenian.

The respondent was then walked to a building resembling a caravan, where he was locked inside. The respondent is unsure of the timing of events as he did not have a phone or watch, but at some point in the evening he was given one small meal consisting of one small water bottle, a piece of bread, and a small can of meat. A short time later, he was let out of the caravan to take a shower and was able to access a toilet when he requested. He was given another small bottle of water later in the night. During this evening, they recorded his name and took his fingerprint and a photo of him. While they recorded his personal information, the respondent asked to claim asylum, and the officers verbally refused this request. He was then given documents written in Slovenian with no translation available, and officers told him the documents were to allow him to be taken to the camp in Ljubljana. He was taken back to the caravan and locked in for the remainder of the night.

On the morning of Wednesday, November 25th, at an undetermined time, the respondent was driven in the back of a white police van with a closed back for approximately 4-5 hours until he arrived at a police station in an undetermined city in Croatia. He witnessed the van driver deliver the papers he signed in Slovenia to a Croatian officer at the department. This male officer was dressed in a blue uniform, and brought the respondent into a small room. The respondent was asked his name, age, parents' names, and for his signature. Immediately

after this information was given, the respondent was put in the back of a white police car with one male driver wearing a blue uniform.

The respondent reports that the back of this police vehicle was “a closed box with no ventilation, no air, and no air escaping from it.” Hot air was blowing on him for the duration of the journey, and he felt very ill as a result. He emphasized that this experience is common among people who are returned from Croatia to Bosnia and that during this route many people experience dizziness, vomiting, and difficulty breathing.

After being driven for 4-5 hours, the respondent exited the vehicle and saw a white Croatian police car parked in the forest, exact coordinates unknown, accompanied by two male officers in blue uniforms. The respondent also reported a Bosnian police car (also white) was parked nearby, also with two male officers in blue uniforms. When he stepped out of the vehicle, a group of approximately 20 other individuals were already gathered. The respondent reports that everyone in this group was approximately in their 20s or 30s, and were from Iraq, Afghanistan, Pakistan, Morocco and Algeria. The officers made the group take off their shoes and jackets and set these items on fire. While these items were burned, the officers yelled at them in Bosnian/Croatian.

At this time the sun was setting (approximately 16:30), and the officers told the group to gather in a nearby pathway and “start running.” The group did not know which direction they were running in, but one officer chased behind them with a pistol in his hand. The group ran for what felt like almost one hour, and at this point the officer chasing them turned around to head back to the vehicle. After the officer left them alone, the group stayed in the woods until the next morning (Thursday, November 26). When the sun rose the group walked to the center of Bihać, which the respondent believes was approximately 45 km away. They arrived in Bihać at approximately 14:00.

Conclusion:

The continued use of detainment within police vehicles or the use of erratic driving to intimidate, threaten or injure people-on-the-move has been well established by BVMN across all areas of reporting. We conclude that all States must ensure that the detention and transportation process of people-on-the-move in both their jurisdiction and the jurisdiction of the subsequent country of refoulement confirms with the Convention and case law established by the Court. BVMN has established that the current testimonies of chain-pushbacks involving inhuman treatment inside police vehicles would breach Article 3 of the ECHR. Therefore we would additionally seek to hold States who enabled such ill-treatment, insofar as the facilitation of the chain-pushback, culpable for such abuse.

Inhuman Treatment Inside a Detention Facility

This testimony involves a chain-pushback from Slovenia to Bosnia via Croatia. This chain-pushback involved 10 people-on-the-move. The respondent, a 27-year old man, was stopped by police in Slovenia while he was walking on a path close to the roadside on the 14th January 2020 at 15:00.

Incident A:

Two Slovenian policemen wearing official uniforms and with an official police car saw the respondent, they stopped him and called their colleagues who arrived in an unmarked “jeep.” The officers held the respondent for around 10 minutes until this jeep vehicle arrived. Inside the jeep there were two officers dressed in black, who asked the respondent to enter the vehicle. The officers did not inform the respondent where they were driving him, and only asked him about his nationality. The jeep started and left the path, but the official car stayed at that same location where the respondent had been apprehended.

“It was a trap. The car was hidden, waiting for immigrants”

The respondent, who did not dare to ask questions, felt that the drive lasted for about 30 minutes until they reached a police station in Croatia. The respondent was not able to recognize in which city he was.

When the car arrived at the police station, at about 15:40, the two policemen who had been driving the car brought him directly into the cell where the respondent remained under the officers’ surveillance for four hours. The respondent did not have access to food, water or toilet. “I did”, says the respondent, meaning that he had to “relieve himself” on the floor, in the cell without any intimacy because there was no toilet.

At the police station, no officer spoke with the respondent. All the respondent’s personal belongings (backpack, power bank and money) had been taken away before entering the cell by one of the two policemen.

“They treated me like a dog”

Around 19:00, another official van arrived at the police station with two policemen. The respondent noticed that one of the officers was very young, without being able to specify his exact age. The youngest policeman was the most aggressive “he was mean and very aggressive with me”, says the respondent. He reports that the driver waited inside the car. Only the young officer entered the

police station to take the respondent out of the van. The respondent saw the policemen taking all his belongings into the van: “He brought a bag with my phone, my money, my power bank.” The respondent reports that the policemen pushed him hard to enter into the van, where nine people were already inside. There were now ten people in the detained transit group.

In the van, there were no windows, cold air conditioning was on and the driving was reckless and abrupt. The respondent reports throwing up during the drive due to the poor driving.

After what the respondents felt was two hours (around 21.00), the group arrived at the border with Bosnia-Herzegovina, close to the town of Velika Kladuša. The respondent reports that when they arrived at the border, there were approximately ten police officers including one woman. One of those officers opened the doors with violence to get the transit group out of the van; “It was the ski masks”, says the respondent. The officers were wearing black clothes, ski masks and wielded guns and batons. The respondent reports that when the doors opened he saw his personal belongings in a bag next to the group of officers

“All my important personal belongings were here, including my fanny bag. I knew that my backpack was far away.”

The respondent suggests that the officers knew that the group was already out of money because the previous policemen had taken all they had, so that the officers were only looking for a pretext to hit them.

“They steal the phones. The officers asked for more money just with the aim to beat us more. They are looking for something to hit you.”

To get out of the van, the respondent affirms that the officers shouted to the group on the move “go, go, go and one by one!” The officers put the flashlights in the eyes of the respondents to dazzle them so that they could not recognize the authorities' faces. Each member of the group (ten in total) was beaten with a baton when they got out of the van, and were then forced to run back into BiH.

Conclusion:

The Border Violence Monitoring Network regularly collects testimonies that demonstrate how people-on-the-move are exposed to inhuman treatment inside a detention facility. The continued denial of food, water or sanitary infrastructure leading to people having to defecate on the floor, as outlined within the above example, is a clear and premeditated method of humiliation and ill-treatment. BVMN asserts that the authorities facilitating chain-pushback would be aware of the substantial and widespread documentation of inadequate and abusive detention practices in countries of refoulement, and thus, knowingly refouled at-risk persons to a place where violations of Article 3 ECHR are likely to occur. Therefore, BVMN concludes that these States should be held responsible, insofar as enabling such treatment, alongside States who have also committed such illegal practices.

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The Croatian Response to Allegations of Border Violence

Since the beginning of systematic pushback practice in 2016, Croatian authorities have been denying human rights violations in the border areas, even in exceptionally well-documented cases such as the tragedy of the Hussiny family,[1] whose 6-year old daughter died minutes after being pushed back from Croatia to Serbia in November 2017.

In the first years, Croatian police and the Ministry of Interior were denying the mere existence of collective expulsions from the country. However, when faced with the extensive video evidence published by BVMN in 2018, the Ministry changed the tactic to attempting to legally justify pushbacks by referring to them as “deterrence”[2] and quoting Article 13 of the Schengen Border Code that says “The main purpose of the state border protection is to prevent unauthorized border crossings, suppress cross-border crime, and take measures against persons who have crossed the border illegally.” However, they are ignoring Article 14 of the Schengen Borders Code, which clearly stipulates that the application of the existing provisions of the Schengen Border Code does not call into question the application of special provisions on the right to asylum and international protection.

The need to protect the borders in order to secure Croatian accession to the Schengen area has often been implicitly used as a political justification of pushbacks.

“Croatia is on the major migration route, and it can change everything... our national security, our chances to enter Schengen area...”

Prime Minister Andrej Plenković at Split University, 2018.

Following the release of the new footage obtained by BVMN in 2020, clearly showing an act of pushback from Croatia to Bosnia, the Ministry of Interior suggested the purpose of the video was to discredit the Croatian state “by organizations working in Bosnia and Herzegovina”.

“It wouldn't be the first time someone dressed up in uniforms similar to Croatian police officers... it is probably someone who doesn't want to see Croatia entering the Schengen area”

Minister of Interior Davor Božinović at a press conference, 11 November 2020 [3]

The allegations of provocateurs posing as police officers were first made a year earlier by the Croatian state secretary Terezija Gras, who told the representatives of the Human Rights Watch “local activists are dressing up as police officers and subjecting migrants to injuries to make the Croatian police look bad”[4]. Accusations against BVMN, and especially our member NGOs No Name Kitchen, Are You Syrious and Centre for Peace Studies are often made by the representatives of the Ministry of Interior. In response to our reports about pushbacks, Croatian officials are usually suggesting BVMN members are facilitating illegal border crossings or making unfounded claims against the Republic of Croatia. The backlash against watchdog NGOs peaked when raising formal charges against the volunteers of Are You Syrious, asking for their imprisonment, ban of work of the NGO and deeming them a threat to national security.

In addition to defamation campaigns against human rights defenders, official denials of violent pushbacks at Croatian borders are often accompanied by portraying Croatian police officers as rescuers [5] of “reckless migrants”, who are putting their own lives at danger by entering Croatia irregularly. The portrayal of perpetrators as saviours extends even to the cases of shootings of apprehended migrants, which are regularly described as “isolated accidents” despite overwhelming evidence collected by BVMN that gun violence is actually a common practice in pushback operations.[6]

For example, in November 2019 an officer who shot a migrant in the Gorski Kotar area was described as a “person who recently saved another migrant from freezing to death”, and in the case of shooting the Ministry stated his assault rifle went off by accident. While the victim was still in a coma following four urgent surgeries, the head of the police union even claimed that the victim's life was actually saved by the officer who shot him.

“Unfortunately, the wounds were grave and the person is still in serious condition, but his life was saved only because the officer whose weapon accidentally went off acted in line with all the highest principles of the police profession and humanity, carrying the migrant, together with a colleague, over three kilometres of inaccessible terrain to a place which an ambulance could reach”

Head of Police Union Dubravko Jagić, 2019 [7]

The Ministry of Interior is also regularly trying to dismiss international media reports as unfounded or biased.

The British news portal The Guardian published an article yesterday, yet another in a series full of factually unfounded accusations made at the expense of the Croatian Police concerning their treatment of illegal migrants (...) The lack of objectiveness in the reporting is also visible in the fact that numerous cases of

violence among the migrants in Bosnia and Herzegovina are not mentioned. (...) No reference is made about the many lives of migrants which have been saved by the Croatian Police. (...) Nevertheless, such and similar articles will not weaken the measures which this Ministry implements in order to protect the state border.

Croatian Ministry of Interior, press release in response to *The Guardian* article, 2020 [8]

Despite verified geolocations, exact times and demographics of victims that have described their pushbacks in detail, one of the main arguments of the Croatian Ministry of Interior against the vast body of evidence collected by BVMN and other organizations is that testimonies of victims “lack enough data to be investigated”. This raises concerns about the willingness of the Ministry to implement efficient investigation, especially having in mind that the Croatian Ombudswoman has repeatedly warned that her well-substantiated investigations were obstructed by the Ministry of Interior. The Ombudswoman warned that and even the very detailed whistleblowers’ accounts [9] about internal police orders on how to perpetrate pushbacks have been left unaddressed by the Ministry of Interior.

In 2020, a scandal broke after the members of the European Parliament discovered no independent border monitoring is in place in Croatia, despite 300.000 EUR its establishment by the European Commission through the EMAS grant in 2018. In the LIBE committee in 2020, the Croatian Minister of Interior claimed the mechanism exists and it is carried out by UNHCR and the Croatian Law Centre. Soon after that, both organizations have made clear to the European Commission and MEPs that they had nothing to do with the monitoring mechanism that the EMAS funding was meant to set up. They have also made clear that they have strong concerns regarding the pushbacks carried out by the Croatian police. [10]

Despite systematic denial and attempts to silence the NGOs and journalists that are reporting about pushbacks, it should be noted that the then-president of Croatia Kolinda Grabar Kitarović publicly admitted Croatian police officers are perpetrating pushbacks of the “illegal migrants” in an interview for Swiss TV. [11]

“Of course it takes a little bit of force when you’re doing a pushback, but you should see that terrain... Croatia is protecting the EU from illegal migrations”

Kolinda Grabar Kitarović,
President of Croatia for SRF, 2019

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The Greek Response to Allegations of Border Violence

Even when presented with overwhelming documentation and evidence, the Greek government continuously seeks to assure the international community that it does not permit, nor carry out, pushbacks or collective expulsion of refugees, migrants and people-on-the-move.

Upon being questioned about the government's knowledge or involvement in pushbacks either at its land or sea borders, Greek Ministers continuously state that "Greece has been complying, and will continue to do so, with its obligations under international law, including all relevant human rights treaties to which it is a party, also mindful of its obligations under the borders, migration and asylum EU legal framework, as enshrined in the EU Treaties.[1]" Despite this, in May 2020, the Minister for Migration and Asylum, Notis Mitarakis, had declared in Parliament that immigration was a national issue and the priorities were reducing flows as well as to protect the borders and ensure the security of Greek citizens. [2] Under the guise of protecting borders from "illegal" migration the Ministry of Migration and Asylum has adopted an opaque "black fund"[3] designated to be used in the context of tackling "smuggling networks."

Removals from inland Greece, according to testimonies collected by BVMN reflect a systematized removal practice from mainland Greece[4] across the Evros border to Turkey, with evidence showing how Greek authorities are directly involved in the organization of these removals. Victims of pushbacks describe similar practices[5] of being apprehended by the police, belongings being removed including cell phones, kept detained for some time before being loaded into buses and transported to the border area. One of the testimonies attests to a family being taken from a detention facility and being handed over by police officers to plain-clothed men that the respondent described as 'mafia'. [6] In wake of evidence of Greek pushbacks, the UNHCR[7] and IOM[8] have repeatedly called upon Greek authorities to investigate such allegations.[9]

While no investigations were conducted in Greece, these events came to the attention of Members of the European Parliament (MEPs). As an EU Member State, Greece must abide by EU law and must implement the Common European Asylum System (CEAS) provisions. The Committee on Civil Liberties, Justice and Home Affairs[10] called upon Greek Ministers to respond to the allegations that Greek authorities were involved in pushbacks, but Greek Ministers denied all allegations. Within their rebuttal of these substantive allegations, the

Greek Ministers sought to frame pushbacks as 'fake news'[11] and 'Turkish propaganda'. [12] Furthermore, they continued to express the necessity of "returns" and safeguarding borders, highlighting how the EU-Turkey Agreement had been suspended as of February 2020.

European Commissioner, Ylva Johansson, expressed concerns regarding the allegations of EU law violations and insisted that the Greek government should investigate reports of alleged misconduct by Greek authorities.[13] Alternate Minister for Migration and Asylum Policy, Giorgos Koumoutsakos[14], provided an evocative answer of Greek-EU politics, to the Commissioner's and MEP's demands, stating that "the heads of EU institutions [that] congratulated Greece because it acted as an effective shield for the EU, so it is now hypocritical that we are called to apologize ex post because of being the shield of the EU." [15] The Minister referred to the March visit of EU leaders to the Greek land borders, when EU Commissioner von der Leyen praised Greece for being "our European shield"[16], as Greece is located at Europe's external borders.

To continue to conceal their use of pushbacks from further public scrutiny, the Greek government has additionally sought to focus their attention on the work of NGOs and civil society organizations (CSOs). The defamation of NGOs including the false accusations that NGOs are directly involved in crossings[17] or that they are running a criminal organization, espionage and violating state secrets[18] is a clear attempt to silence organizations working to hold the government to account. Not just content with defamation or criminalization, the Greek government also sought to restrict and hinder the work of NGOs by introducing a regulatory regime that would facilitate a crackdown on NGOs working with asylum seekers and refugees with restrictions on certification and registration.[19] Minister of Migration Mitarakis strongly reaffirms his Ministry's stance that "it's clear that we are protecting our borders - yes, absolutely we are protecting our borders, but we are protecting our borders in line with what international law and European law expects us to do." [20]

Despite the current Greek government attempting to uphold and sustain a public discourse that Greece is a democratic country that respects human rights, abides by international and European law and does not permit pushbacks, BVMN can attest to the contrary. Whether it be using the COVID-19 pandemic and the national lockdown to serve as a cover for pushbacks, fashioning open-air prisons,[21] or preventing boats from entering Greek waters by firing warning shots towards boats[22], the evidence indicates the persistent refusal to uphold democratic values, human rights and international and European law.

Greek Government Response to Pushback Accusations

“Greece doesn’t push people back, all practices are with respect to human rights”

08/02/2020 - **der Spiegel**[23] - Exposay on a Turkish woman who fled her country only to be forcibly pushed back to Turkey to face persecution. In response to evidence of Greek police committing a pushback, the Greek police stated that they "always comply with Greek and European law in the performance of their duties."

16/06/2020 - **der Spiegel**[24] - Reflecting upon allegations that Greek border guards on the Maritsa River are using live ammunition against refugees, likely killing at least one, and the allegations that Greek Coast Guards are abandoning refugees in Life Raft's government officials do not dispute these claims but refers to the practices as "active surveillance."

02/07/2020 - **Daily Sabah**[25] - Upon the European Union Commissioner for Home Affairs calling upon Greek authorities to issue an investigation into the allegations of pushbacks of migrants at the Greek-Turkish border, the Greek Minister of Citizen Protection Michalis Chrisochoidis denied the allegations but promised to investigate all cases. He also stressed that Greece is a democratic country that respects human rights and EU law.

06/07/2020 - **LIBE Committee & Greek MPs**[26] - Giorgos Koumoutsakos in the European Parliament's Committee on Civil Liberties, Justice and Home Affairs: "Von der Leyen, as well as the heads of EU Institutions that congratulated Greece because it acted as an effective shield for the EU, so it is now hypocritical that we are called to apologize ex post because of being the shield of the EU. Now what is the role of a country on the frontline that at any time can become victim of an orchestrated attempt to use migrants and refugees? we gonna act as shield or we are going to have to answer if we act as a shield?"

02/09/2020 - **AP News**[27] - Giannis Plakiotakis, the Greek shipping minister whose portfolio also includes responsibility for the Coast Guard stated that the Greek coastguard "operates based on international law and international legality, based on the rules of engagement at sea, and [...] with complete respect for human dignity and of course for human life." This is despite admitting that "since the start of the year, the entry of more than 10,000 people has been prevented."

27/09/2020 - **Mitarakis.gr**[28] - Mr. Mitarakis stated that Greece does not tolerate illegal immigration and effectively guards its borders. He further explained how Greece had a decrease in flows of more than 89% in the last quarter, while departures, relocations, legal deportations and voluntary returns are more than arrivals. He concluded by reaffirming that "Greece guards its borders with absolute respect for International and European Law."

23/10/2020 - **der Spiegel**[29] - The Greek government gave a blanket denial to the allegations that Greek border guards had been forcing large numbers of refugees back to sea in pushback operations that violate international law saying that "[the Greek State] complies with the law and does not carry out illegal deportations."

24/10/2020 - **Mitarakis.gr** [30] - Within a discussion on the motion of censure against the Greek Minister of Finance, Notis Mitarakis stated the government's message is clear: expel those who are not entitled to international protection. Mitarakis also stated that the Government has decisively changed the doctrine of border guarding with absolutely measurable results.

06/11/2020 - **InfoMigrants**[31] - Notis Mitarakis, the Greek Minister of Migration and Asylum, said in an interview that the Greek government planned to get tougher on migration, with closed camps, new asylum laws and tighter border controls. He denied allegations of migrant pushbacks, claiming Greece has acted within the law.

12/11/2020 - **Mitarakis.gr**[32] - The Greek Minister of Migration and Asylum set out the National Immigration Strategy 2020-21 with the stated objective of bringing about a substantial restriction of [migration] flows.

01/12/2020 - **Mitarakis.gr**[33] - Within an interview in a Greek newspaper, the Minister for Migration was asked about the allegations that Greek authorities are participating in sea pushbacks. The minister responded that Greece does not carry out deportation and respects both European and International law but affirmed that they guard their land and sea borders with determination and efficiency. The minister additionally highlighted that due to policy changes Greece has seen an 80% decrease in migration flows.

06/12/2020 - **Mitarakis.gr**[34] - Within an interview in a Greek newspaper, the Minister for Migration sought to claim that Greece is guarding its borders against the pursuit of smugglers, and claimed that Greece is protecting its sovereign rights on the basis of international law, European values and the rules of engagement at Sea.

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