

April - May 2023

NORTHERN SERBIA ADVOCACY REPORT

Observations and Trends in Pushbacks, Border Violence, and Conditions in Northern Serbia



Photo: Medical Volunteers International

Collaborative work by:



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INTRODUCTION:

Observations and Trends Reported from the Field

This is our fourth report documenting observations and trend updates regarding border pushbacks, international political developments and Serbian state action relating to people on the move in Northern Serbia. **These findings refer to observations made during April and May and are produced by grassroots organisations working along the Serbian border with Hungary and Romania.** (To read our previous report visit collectiveaidngo.org or medical-volunteers.org.)

On the ground, **we have seen the number of people on the move travelling through the Northern Serbian border remain at a steady increase.** Official Hungarian Police data supports this observation documenting a higher number of pushbacks at the Hungarian border than at the beginning of the year.¹ While the number of people increases, illegal Hungarian and Serbian State practices remain visible daily.

This report concerns the EU's hypocrisy regarding Serbia's policies. While the EU strongly condemns the state of the rule of law in Serbia, a fact which is supported by our observations, it continues to praise its migration policies.

Our observations are primarily concerned with the mistreatment and oppressive conditions for people on the move within Serbia. We provide testimonies of the inhumane and degrading treatment which is administered by police during evictions. Further, conversations have evidenced the continuation of Frontex's role in these practices which involve systematic police brutality. We present an update on the violence experienced by people on the move in state-run Transit Centres and the evident misuse of funding.

At the Serbian-Hungarian border, illegal and violent pushbacks to Serbian territory continue. This report includes **testimonies evidencing the torturous and inhumane and degrading treatment tactics used by Hungarian border forces during pushbacks.** In addition, we highlight the concerning use of technology operated at the border to support the illegal practices. Finally, our observations highlight the medical negligence experienced in Hungarian hospitals and the continuation of pushback of those seriously injured people.

¹ Official Hungarian Police Website, 'Illegális migráció alakulása', data referring to border crossings, accessible at: <https://www.police.hu/hu/hirek-es-informaciok/hatarinfo/illegalis-migracio-alakulasa>

POLITICAL DEVELOPMENTS:

EU Hypocrisy Regarding Serbian Politics

Praise for Serbia's migration management has dominated the narrative on the Western Balkans and has been strategically used as an incentive for their accession into the EU. However, this applause is limited to the realm of border controls. During April and May, **the European Parliament and European Council condemned the Serbian government's pro-Russian stance, promotion of anti-democratic values and lack of judicial independence.** As a consequence, the European Parliament reported that there had been no advance in negotiations and that accession would be determined by Serbia's progress on the rule of law and fundamental rights.²



An official public statement highlighting EU praise and support for Serbia, from the Frontex Twitter page @Frontex.

The condemnation of Serbia's disregard for fundamental human rights, while at the same time praising and supporting Serbia's migration management is explicitly hypocritical. By supporting the migration policies of Serbia through millions of Euros, resources, and over 140 Frontex personnel, the EU is directly and consciously contributing to the systematic oppression of people on the move mentioned in this report.³ **The mobilisation of Serbia's border management to defend the EU's external borders evidentially promotes the oppression of people on the move.**

² European Parliament, News "Serbia: No advance in accession negotiations" accessible at: <https://www.europarl.europa.eu/news/en/-/press-room/20230424IPR82038/serbia-no-advance-in-accession-negotiations>

³ European Commission, "EU increases support for border and migration management in the Western Balkans, accessible at: https://ec.europa.eu/commission/presscorner/detail/en/ip_22_6276

LIVING CONDITIONS IN SERBIA:

Inhumane Treatment During Evictions

This section provides an update on the evictions of informal living settlements (squats). In our last report for February and March, we observed a decrease in the frequency of evictions. However, **the data we have collected shows an increase in violent evictions for April and May.** Gathered from conversations with the people on the move, **our data shows there have been at least 28 evictions of squats along the Serbian-Hungarian border in the past two months.**⁴

The following is a testimony taken documenting a violent eviction of a squat in northern Serbia on 3rd April 2023:

The Respondent hid in the forest and was able to watch the eviction that occurred at 6 am. The Respondent saw the 20 Serbian police officers beating people on the move with batons. Three young men were beaten severely so that they were bleeding from their injuries. The Respondent showed us photos of a severely bleeding head injury and another one of a bleeding hand. According to the Respondent, 60 to 70 people on the move were forced on the bus and were taken to Sid at the Croatian border.

The following testimony is from 3rd April which details the **physical violence carried out by Serbian police during an eviction** on the north-east border:

The respondent ran away but was caught by the three police officers. He reported that they severely abused him physically. He was pushed to the floor and was kicked while being on the floor. They kicked him especially in his back, his legs, as well as his head. He had very visible bruises around his eyes and his cheekbones. He also stated that he and the rest of the people with him were forced by the police to kneel on the ground and they were threatened by the police with guns. The respondent further stated that the police officers stole all the money of everyone, as well as phones and that they destroyed all the tents by cutting them with knives.

⁴ N.B This is the minimum number of evictions to have occurred in April and May. Our teams are unable to collect data on every eviction that has taken place.

In an eviction on May 25th, **pepper spray and gas canisters were used during an eviction:**

Serbian Police arrived in vans at 4 am and threw gas canisters into each building. They also pepper-sprayed all the buildings and destroyed all the cooking supplies, taking the gas bottle, electric generator and large cooking pots. Tents were dragged out of buildings and set on fire. While everyone fled, Sombor civilians were spotted around the squat taking personal belongings. Those that escaped the police could not enter the building where they were sleeping due to the gas residue.



The gas cannister used by Serbian police in the above testimony.



Burnt belongings set on fire by Serbian police from the above testimony.

These testimonies portray the systematic eviction procedure that occurs in northern Serbia every week. Conducting evictions in the early hours of the morning, using unnecessary and excessive violence, and theft/destruction of belongings **all amount to degrading and inhumane treatment which is a clear breach of universal fundamental rights.**

As a consequence of these frequent evictions, people on the move are extremely aware of the police brutality they will encounter if caught. **The fear of violence at the hands of police has forced at least three individuals to jump out of windows this month, leaving all of them hospitalised.** This has resulted in an increase in injuries such as broken bones, sprained ankles and large wounds.

Additionally, this well-founded fear has resulted in people on the move attempting to become more invisible by sleeping outside in the woods rather than in temporary shelters and abandoned buildings. This further marginalises and oppresses people on the move in northern Serbia.

LIVING CONDITIONS IN SERBIA:

Frontex Continues to Commit Human Rights Violations

Despite entering the sixth month of international police presence in northern Serbia, there is still no clear mandate outlining the duties, objectives, and responsibilities of Frontex. What is clear, however, is that **Frontex officers are continuing to commit human rights violations alongside Serbian authorities.** The following is a testimony taken on 7th April 2023 after the eviction of an informal living settlement in northern Serbia:

The respondent reported that German and Italian officers were present when Serbian police destroyed the living structures and belongings of the people on the move. They used knives to slash the tents where people sleep at night. They did this after they arrested everyone. They also destroyed the stoves used to heat the living structures by kicking them and using knives to pierce holes into them. The respondent also reported that German and Italian police were present when Serbian police officers beat individuals with batons before forcibly placing them on large buses. They were then transported seven hours to the south of Serbia.⁵



The temporary shelter destroyed by Frontex and Serbian Police.

During an eviction on April 24th, a **German police officer threatened violence against a young Moroccan man.** The man told our team that the German police officer said **“If you run, problem (violence), if you stay, no problem.”** During this same eviction, tents were confiscated, water bottles were slashed and personal belongings were stolen.

These testimonies **evidence a clear breach of the Frontex Code of Conduct**, Article 4, which states that “Participants in Frontex activities shall promote and respect human dignity and the fundamental rights of every individual”.⁶ Additionally, they are evidence of a breach of international standards of fundamental rights, by which all the officers involved are legally bound to.



Photographs of uniform identification for Frontex officers to aid in border violence testimonies.
Photo: Jericho Leavitt

⁶ Frontex, Code of Conduct, accessible at: https://frontex.europa.eu/assets/Publications/General/Frontex_Code_of_Conduct.pdf

LIVING CONDITIONS IN SERBIA:

State Violence within Government Transit Centres

Previously our reports presented the uninhabitable living conditions within state-funded transit centres in the north of Serbia. While this issue persists, in April and May there has also been an increase in the evictions of Subotica and Sombor Transit Centres. Similar to the evictions of squats, Serbian police are violent and inhumane when forcibly removing people on the move from transit centres. This procedure pushes individuals into the hands of smugglers and forces them to stay in unofficial living settlements in the wilderness.

The state-run camps are officially meant to provide a safe place for people on the move to reside and have access to shelter, food, and health care. However, **as seen in this video footage⁷ obtained of the eviction of the Sombor Transit Centre, it is evident transit centres are not excluded from police brutality and violence.** In the video, taken on 24th April 2023 at 6:30 am. **Serbian police can be seen excessively kicking, stamping and beating with batons on two individuals.**



A still picture taken from the video of a Serbian officer beating a person on the move.

After this eviction, a member of No Name Kitchen took a testimony from a person on the move present at this eviction:

⁷ Video footage from Youtube, Sombor Transit Centre Eviction 24/4/2023, accessible at: https://www.youtube.com/watch?v=xCC0witH9a0&ab_channel=nodrogeitak

They (police) arrived and started beating everyone, especially those who were trying to escape or run away. The police entered the camp running and started beating everyone with batons. A young man, who is a minor, fell on the ground and one officer reached him. He was hit several times with the baton. He tried to protect his head with his hands. Other officers stood and watched the beating. The uniformed group used consistent violence against women, minors, and men. A family was hit with the baton and the parents with their two children were pushed inside the van. Uniformed men pushed without their consent all these people inside the vans, which were described as overcrowded. There were more than two people in one seat and the vans had two levels. The people who were forcibly pushed inside the vans, couldn't bring with them their personal belongings. The three respondents say that people who are taken by the uniformed men are never told the location to which they are carried.

Although this incident is not unique to the systematic eviction practices of the Serbian state, it is the first occasion which was captured on video. **Since the footage of this eviction went online, the Ministry of Interior and the national Ombudsman both launched an investigation into the actions of the police officers in the video.** Additionally, multiple NGOs in Serbia have issued legal complaints against the relevant authorities. However, it is unlikely any substantive action against the offending officers will arise from the investigation.

The people injured in this video were likely transferred to south Serbia (Presevo Transit Centre) and pushed back to the neighbouring countries. This made it impossible for NGOs to reach the affected individuals to offer assistance in pursuing legal action. The mechanisms by which individuals can report this behaviour require the person on the move to apply for asylum and testify against the Serbian police. However, most individuals are too frightened to speak out against the authorities, do not have the required evidence, or will not remain in Serbia long enough to see the process through. **Therefore accountability is absent for those who violate the rights of people on the move in Serbia.**

LIVING CONDITIONS IN SERBIA:

Misuse of Subotica Reception Transit Centre's Funding

This section provides insight into the funding structure of Subotica Reception Transit Centre (the camp) and how EU funds are being misused. The Subotica Reception Transit Centre, established in 2015 with financial support from the German Federal Foreign Ministry and German NGO Arbeiter Samariter Bund (ASB), has become a glaring example of the misuse of European funds. **Currently, the camp relies on funding from the Internal Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), and Serbian governmental organisations.**⁸ Although staffing is supposed to be provided by the Serbian state, a statement from the European Commission Report for Serbia reveals a concerning reality:

“The Commissariat for Refugees and Migration is operating without a full complement of staff, while staffing in the reception centres remains fully dependent on external (EU) funding.”⁹

In our December/January report, we shed light on the deplorable living conditions and chronic overcrowding within the Subotica camp. In April, Collective Aid was contacted to provide emergency aid to Afghan people **who had just been denied access to the camp. It was reported that around 60-70 people, all from Afghanistan, had their camp IDs taken away and were told they would not be allowed to sleep in or around the camp that night.** Other organisations on the ground reported that this was not an isolated incident and that the Commissariat systematically denied camp IDs to Afghan people, on the grounds of racial tensions - denying access to services for people based on their country of origin. This discriminatory practice seems the new norm and goes against the equality principle European and UN agencies have committed to uphold.

The Serbian government's actions at the Subotica Reception Transit Centre violate the requirements of the Instrument for Pre-accession Assistance (IPA) fund provided by the European Commission. In October, the Commission pledged a substantial **60% increase in funding for Balkan partners, amounting to at least €350 million, to support the development of border management, including funds designated for reception centres.**¹⁰ Additionally, Serbia and the EU signed a new grant agreement in October 2022 worth **over 36 million euros partially dedicated to camp management.**

Our observations have highlighted that the IPA III funds are not being allocated to improve reception facilities as intended. Instead, these funds are being redirected to bolster capacities for illegal pushbacks through the new technological equipment, strengthen return and readmission operations, and fortify border security.¹¹

8 UNHCR, 'Centre Profiling March 2023', accessible at: <https://kirs.gov.rs/media/uploads/1Site%20Profiles%20MARCH%202023.pdf>

9 European Commission, 'Serbia 2022 Report', accessible at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Serbia%20Report%202022.pdf>

10 European Commission, 'EU increases support for border and migration management' accessible at: https://ec.europa.eu/commission/presscorner/detail/en/IP_22_6276

11 Statewatch, 'Analysis: Submission to European Commission Consultation on "security-related information sharing"', accessible at: <https://www.statewatch.org/analyses/2023/submission-to-european-commission-consultation-on-security-related-information-sharing/>

TRENDS IN BORDER VIOLENCE:

Tactics of Torture and Inhumane and Degrading Treatment

This section features an update on the systematic pushback practices at the Serbian-Hungarian border while providing a snapshot of police brutality through collected personal testimonies. These practices continue despite multiple rulings by the European Court of Justice and the European Court on Human Rights against Hungary. **In April and May 9 testimonies were taken, involving 217 people on the move, who were all violently pushed back to northern Serbia.** However, it is important to note this is only a fraction of the number of individuals pushed back.

The pushbacks from Hungarian territory continue to be cruel and brutal. **We are continuously observing wounds to the head and body from police beatings.** Below is a testimony which involves the degrading treatment and torture tactics used by Hungarian police when they apprehend people on the move. The following testimony is a pushback on April 7th, 2023 at 3:00 am near the Horgos border in Hungary:

The police reportedly instructed the group to walk into the nearby stream and go into the water up to their waists. They were beaten as they walked into the stream. The respondent described that the officers threatened them with an electric weapon to coerce them into the river, where they had to stay for **15** minutes. The respondent said that the water was freezing and the children and women also had to remain in the river.¹²



Injury to the ear caused by police beating.

The adjacent picture was taken of the injuries sustained by the respondent during the police apprehension. The injury was caused by the Hungarian police beating him with a baton.

¹² BVMN Testimony collected by MVI, accessible at: <https://borderviolence.eu/testimonies/april-7-2023-20-meters-from-horgos-border-near-small-stream/>

TRENDS IN BORDER VIOLENCE:

The Use of Technology in Border Control

Technological equipment plays a large role in monitoring and controlling the EU's external borders. **The use of technology to assist border control raises concerns due to the lack of safeguards, racial profiling, and the absence of accountability mechanisms.**

On 11th April the Syrian respondent, and a group of 50 individuals were apprehended in Hungarian territory before being pushed back to Serbia. The group reported that:

“The drone had followed them for about 10 minutes before the police arrived.”¹³

While it is increasingly common practice for drones to be used to detect people on the move, there is little accountability for those operating them as it is challenging to identify the individual. **In this case, the officer operating the drone assisted in the illegal pushback and inhumane treatment experienced by the respondent and his family.**

While the role of technology in border control is already a cause for concern, its place in the future of asylum management at the EU's external borders is deeply problematic. **The proposed Artificial Intelligence Act into EU law makes these testimonies even more problematic.**¹⁴ The lack of transparency on how the data collected by border technology such as fingerprints and facial recognition will be used in individual asylum applications within the EU, makes the use of it in northern Serbian very concerning.

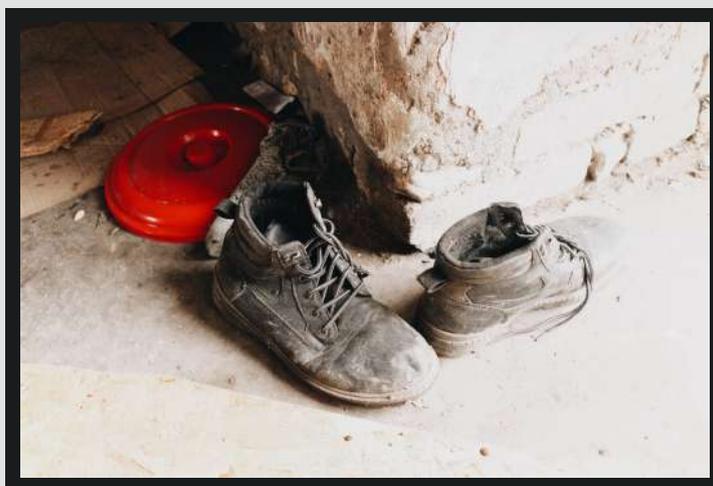


Photo of a person's shoes at an informal living settlement.

Photo: Jericho Leavitt

¹³ BVMN report collected by Collective Aid, 'April 11, 2023; Kelebia, Hungary', Read full testimony here: <https://borderviolence.eu/testimonies/april-11-2023-near-kelebia-hungary/>

¹⁴ Protect Not Surveil, 'The EU AI Act', accessible at: https://protectnotsurveil.eu/#eu_ai_act

TRENDS IN BORDER VIOLENCE:

Pushbacks from Hungarian Hospitals

Our internal reporting has confirmed the continuation of the pushback of patients from Hungarian hospitals. In April and May, we saw three people on the move who were injured crossing the fence and then taken to the Hungarian hospital, quickly discharged and then pushed back to Serbia. Below is a testimony of these routine pushbacks to Serbia from Hungarian hospitals. This testimony constitutes not only an illegal pushback by the standards of international law but also medical negligence by the Hungarian hospital.

In April, a man from Syria suffered deep lacerations to his hands when he crossed the border fence. Despite the injuries needing to be stitched up, his hands were only bandaged by the Hungarian hospital without sutures or pain relief. Additionally, the wounds on his arms also needed to be packed and also required stitches. However, they were only dressed with simple bandages. After the man was seen at the hospital, he was quickly pushed back to Serbia by the Hungarian police. Because of this medical negligence, the man's injuries took multiple weeks to heal, requiring substantial medical care in Serbia.



The extent of the injury after proper medical care in Serbia.



Insufficient treatment administered by the Hungarian hospital.

RECOMMENDATIONS:

The increase in violent Serbian and International police action has forced people on the move in northern Serbia to make themselves invisible. This further limits their access to basic needs such as food, health care and a safe place to sleep, as well as causing significant physical and psychological injuries. The complete violation of fundamental human rights by the Serbian authorities which is backed and funded by the EU must come to an end. The following are recommendations by our teams on the ground are based on the evidence we see daily:

SERBIAN STATE:

- To complete a full and thorough investigation into the two officers who used excessive force against two individuals at Sombor Reception Transit Centre on 24th April 2023.
- Make proper use of the funds granted by the EU for migration management, and use the funds to improve the living conditions in the Reception Transit Centres in Serbia.
- Put an end to the violent and systematic evictions of informal living settlements of people on the move.
- Comply with the international standards of human rights and permit people on the move access to basic needs.

HUNGARIAN STATE:

- To end the systematic pushback practice which includes tactics of torture, theft, and inhumane and degrading treatment, and comply with international law by processing asylum claims on their territory.
- Administer the correct medical care when treating people on the move, and stop the inhumane and illegal practice of pushbacks from hospitals.

EUROPEAN UNION AND FRONTEX:

- To provide a clear mandate of Frontex's duties, objectives, and responsibilities in northern Serbia and to end the human rights violations committed by Frontex officers.
- Take accountability for the mistreatment of people on the move supported by EU funding, and to create safe legal routes to claim asylum.
- To ensure funding for the Reception Transit Centres and migration management is not being misused, and ensure the funds that are currently being misused are used properly.

Appendix 1: The Authors

MEDICAL VOLUNTEERS INTERNATIONAL

Medical Volunteers International (MVI) is a grassroots NGO based in Hamburg with projects across the Balkan route. We have been working in Northern Serbia since March 2022. We provide health education to people on the move, help with their medical needs and facilitate people's access to the Serbian healthcare system.

To connect with MVI in Northern Serbia, please contact:
advocacy-serbia@medical-volunteers.org.

COLLECTIVE AID

Collective Aid is a grassroots NGO committed to bringing dignity and care to refugees and other displaced people across Europe. Our organisation currently works in Serbia, Bosnia and Herzegovina, and France facilitating showers, clothes & washing services, providing food, safe water, and essential material aid. We have been working in Northern Serbia since 2019 and have provided thousands of people seeking safety in Europe with countless amounts of vital material aid and hygiene solutions.

To connect with Collective Aid in Northern Serbia, please contact:
subotica@collectiveaidngo.org.

Appendix 2: Methodology

Our methodology comprises several data collection approaches to obtain detailed and accurate information which informs the content of this report.

Border and Internal Violence Testimony Collection

Our organisations leverage close social contacts with people on the move to monitor pushbacks and violence at the Hungarian and Romanian borders. Our field volunteers are trained in violence reporting and testimony collection by the Border Violence Monitoring Network (BVMN) to document incidents at the borders and within Serbia. When individuals decide to share stories of pushbacks and/or encounters with authorities (i.e., both violent and non-violent), one of the volunteers will collect their testimony and document any injuries they have. There are two standardised questioning frameworks for the interview structure which blends hard data collection (e.g., dates, geo-locations, officer descriptions, photos of injuries / medical reports) with open narratives of the abuse.

Medical Conversations

We come into daily contact with a large number of people on the move, sometimes exceeding 120 patients per day. A member of the team will offer and explain to the patient that they can report their experience. Speaking specifically about medical issues not only corroborates the border violence testimonies that are given but the number of medical concerns that we see far exceeds the number of testimonies taken which provides a more accurate sense of the extent of the violence being experienced in Northern Serbia.

Joint Organisational Observations

Several humanitarian, legal, and advocacy organisations monitor the conditions of people on the move across Northern Serbia such as Collective Aid, No Name Kitchen, and Medical Volunteers International, to name a few. These organisations meet regularly to share and validate observations, trends, and incidents in the field which increases the number of data points in our analysis and enhances the accuracy of information provided in this report.

Secondary Resources

This report is also informed by secondary research across a variety of channels, including government statistics, non-governmental organisation databases, quarterly reports, and reporting from Serbian and European media outlets.

Appendix 3: Analysis of Subotica Camp Funding

UNHCR, Centre Profiling, Serbia, 20th March 2023

NAME		STATUS	PURPOSE OF FUNDING
SCRM	Serbian Commissariat for Refugee and Migration	Serbian	Protection Administration/Legal Information & Food & Nutrition
IOM	International Organization for Migration	UN	Protection Administration/Legal Information
UNHCR	United Nations High Commissioner for Refugees	UN	Protection Administration/Legal Information
EHO	Ecumenical Humanitarian Organization	Serbian	Occupational Activities & Non-Food Items
VU Dedinje	http://www.vudedinje.mod.gov.rs/	Serbian	Food & Nutrition
EUD	Europa-Union Deutschland	German	Shelter
MoH	Ministry of Health	Serbian	Health
ZZJZ	Institute of Public Health (Zavoda za javno zdravstvo)	Serbian	Health