

NEW DEVELOPMENTS ON THE BALKAN REFUGEE ROUTE: ILLEGAL PUSH BACKS FROM ROMANIA TO SERBIA



klikAktiv
center for development of social policies

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PRO ASYL



KlikAktiv – Center for Development of Social Policies is a grass-roots Serbian NGO which provides free legal and psychosocial support to people on the move, asylum seekers and refugees in Serbia. KlikAktiv is based in Belgrade, but conducts regular field visits to informal squats in border areas where hundreds of people on the move are forced to reside while they are trying to reach the European Union (EU). Since Serbia is a final non-EU country on the Balkan refugee route, it also serves as a “buffer zone” for the EU. KlikAktiv is actively collecting testimonies on push-back practices from neighboring countries and monitors the situation at the EU’s external borders.



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EDITORIAL NOTES

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SUMMARY

This report analyses cases of push-backs on the Balkan refugee route, more specifically on the border between Romania and Serbia. KlikAktiv collected testimonies describing push-backs of 3.700 people on the move in the period between July 2020 and November 2021. The report also gives an overview of the developments along the Romanian-Serbian border, since the early establishment of this route in June 2020 until present day. Over the reported period, the number of illegal push-backs has increased as well as the violence perpetrated by the Romanian police. In 2021, Romanian police officers used different methods of beating, humiliating and threatening people on the move. In October and November 2021, people on the move also reported the presence of Frontex officers on Romanian territory, near the border with Serbia. Even though most people on the move pursuing this route come from Syria and Iraq and are clearly in need of international protection, Romanian authorities never allow them access to the national asylum procedure, but instead they illegally return them to the territory of Serbia.



INTRODUCTION TO THE REPORT

As a final non-EU country on the Balkan refugee route bordering Romania, Hungary and Croatia, Serbia is a country into which people on the move are being pushed back from the territory of the EU on a daily basis. These push-backs are being conducted mostly by national border police officers, but in some cases people on the move have also reported push-backs by FRONTEX officers or local civilian groups. In the vast majority of cases, these push-backs are extremely violent, as police officers beat people with batons and riffle-butts, kick them, or release dogs to attack people on the move.

The practice of illegal push-backs has increased since March 2016 when the “official” Balkan refugee route was closed, i.e. when European countries decided to close its borders and prevent people from reaching safety and it has reached its peak in 2021 with more and more cases of push-backs and violations of human rights at the EU borders. Acts of illegal push-backs done by Hungarian and Croatian police over the past years are already well-known, documented and presented in many reports. Both countries were held accountable for violations of the principle of non-refoulement by the relevant European courts as well as EU institutions.

This report focuses on the push-back practices of Romanian authorities. In the period from July 2020 until November 2021, the situation at the Serbian-Romanian border has drastically changed and has not yet been documented extensively.

The route from Serbia to Romania and then further to other western EU countries is relatively new and has become more frequented since the winter of 2019/2020. It was mostly used by refugees from Arab countries, dominantly from Syria and Iraq. During the reported period, there were between 6.000 and 10.000 people on the move in Serbia at any given time. Towards the end of the reporting period, the number of people on the move in Serbia significantly increased and reached around 10.000 people or even higher. Most refugees were from Afghanistan, Syria, Iraq, Somalia, Sudan, Pakistan, Eritrea, Morocco, Algeria, and Egypt. Out of the people who KlikAktiv reached, 20% were unaccompanied minors, 15% were women and 10% where minors accompanied by their parent(s). The majority of them came to Serbia following the route from Greece to Macedonia (50% people that KlikAktiv reached), while a smaller number came from Greece through Albania and Montenegro/Kosovo (15% people that KlikAktiv reached), and the rest entered Serbia from Bulgaria (35% people that KlikAktiv reached).

Over the reported period (July 2020 – November 2021) KlikAktiv's team regularly visited the villages of Majdan and Rabe, at the border triangle of Hungary, Romania and Serbia, which are the main spots for border crossings for people on the move. Also, there are several squats (self-organized residing spots) in these villages, since there are no official government accommodation facilities in this area.

This report is the outcome of KlikAktiv's field visits in the border area and direct testimonies describing push-backs from Romanian territory over a period of one year and four months. During this time, KlikAktiv talked to around 3.700 people who were pushed-back from Romanian territory — a testament to the scale at which these practices are occurring. All of the data and information outlined in this report were given to KlikAktiv repeatedly by hundreds of people on different occasions. Testimonies were collected through a set of pre-established questions, to facilitate the gathering and managing of statistical data and the tracking of developments at this border.

SERBIAN-ROMANIAN BORDER AS PART OF THE BALKAN REFUGEE ROUTE

Most people on the move try to cross from Serbia into Romania near the villages of Majdan and Rabe, which are located on the border triangle of Serbia, Hungary and Romania. This is the most convenient spot since Hungarian territory is not far away, so they can quickly cross into Hungary from Romania and continue their journey towards western EU countries.

The refugee route through Romania first became active in the winter of 2019/2020, can be erased. At the beginning, the success rate of crossing this border was quite high, there were no reported push-backs in this period. Through substantive testimonies, KlikAktiv's team learned that this route was used mostly by people on the move from Syria, who were staying in Serbia for a very limited time (usually just a few days) in hostels or private accommodation before they successfully crossed the Romanian border. During the winter of 2019/2020 there were no squats in the border area nor was the presence of refugees visible to the local community and service providers.

The situation changed during the summer of 2020, when the Romanian border police increased its presence at the border and started the practice of illegal push-backs, following in Hungary and Croatia's footsteps. KlikAktiv collected its first direct testimony of an illegal push-back from Romanian territory at the end of July 2020. At this time, the first squats in the proximity of the Romanian border emerged and people on the move were more visible to the local population as well as NGOs and activist groups. Still, it was mostly Syrians and Iraqis, including a high number of families with children. People who used this route stayed in Serbia an average of 15 days before they managed to cross the border and continue their journey toward their destination countries. Most people managed to cross the border in one of the first three attempts. Push-backs were happening but only if people were caught at the very proximity of the border line. At this time Romanian police were not using violence or threats while conducting push-backs.

Drastic changes on the Serbian-Romanian border occurred throughout the year 2021 when this border became equally active as the borders with Croatia and Hungary, both in terms of crossing attempts and push-backs. People experienced dozens of push-backs by the Romanian police officers before they succeeded in crossing the border and leaving for other EU countries, so people on the move began spending months stuck on Serbian territory. According to the testimonies that KlikAktiv collected between September and November 2021, people on the move in this area spent an average of three months in Serbia, all the while attempting to cross the Romanian border every or every other day.

As previously stated, there are no government-run accommodation facilities or camps in this region. The closest camp (and the only one in the north-east of Serbia) is in the city of Kikinda, which is around 50 km away. This camp was overcrowded throughout the year 2021, with extremely poor conditions inside the camp. People on the move reported the deficiency of food for everyone in the camp, no heating during winter months, no hot water, and lack of shoes, clothes and blankets. People on the move want to stay close to the border so they can repeatedly try to cross it, and since the only camp in the area is overcrowded, people are forced to stay in the squats in the villages of Majdan and Rabe. Both of these villages have a high number of abandoned houses, since the population of both villages has significantly

dropped over the past two decades due to movements of local population toward bigger cities and abroad. Therefore, people on the move usually squat in one of these abandoned houses, where they have to provide and organize themselves for basic living conditions and necessities.

Despite a great police presence in both villages, people on the move are not being provided with any assistance by Serbian authorities, nor are they granted access to the Serbian asylum procedure. People are not being informed about their rights, options for seeking asylum, nor consequences of their illegal residency in Serbia. Very often, the Serbian police encourage them to go on the “Game” instead of referring them to the national asylum system. Even those people who do go to the official camps are not being registered as asylum-seekers, and they are also not being informed about their rights and options.

The police presence near the Romanian border mostly serves to comfort the local population, which has become highly hostile towards the refugees. There were many police raids in these villages during the year 2021. During the raids, police officers would collect people on the move from abandoned houses in villages and take them to an abandoned milk factory, which is located on the road between these two villages on an isolated piece of land. With police patrols during the day at the entry points of both villages, movements were de facto limited, so very often people on the move were not even allowed to go to the nearest shop or ambulance. On the other side, they are not receiving any support from the Serbian authorities either.



As stated, push-backs from Romanian territory back to Serbia became common and visible during the summer of 2020. For general clarification, push-back is a term which describes the forced expulsion of third country nationals from a territory without giving them the opportunity to apply for asylum, which is a violation of both national and EU legislations, and also a violation of human rights charters.

At the beginning, during the summer of 2020, people on the move reported that Romanian police were not using violence when carrying out push-backs, which was one of the reasons why they decided to cross the Romanian border instead of the Croatian or Hungarian one. However, this quickly changed. Starting in autumn 2020, push-backs were almost always accompanied with violence, beatings, destruction of personal belongings (phones, shoes, bags, etc.), humiliation and other inhumane treatment.

Very quickly the actions of the Romanian police and their behavior during the push-backs became very similar to the actions of the Croatian and Hungarian police. People were beaten with batons, kicked in the legs and on their backs, slapped in the face, and attacked by police dogs.

One man from Syria said: “They (Romanian police) know how to beat us without leaving a mark on our bodies. They beat me with a baton on my back three days ago and I can still feel the pain, but you cannot see any bruises.”

Dozens of other people confirmed the same: that Romanian police usually use rubber batons or similar weapons that don't leave visible marks on the skin.

Also, Romanian police started applying different methods to humiliate people while pushing them back to the territory of Serbia. For instance, they would force them to strip down to the underwear and then walk back to Serbia. During winter and cold weather, the Romanian police would cut people's shoelaces with knives, practically forcing them to walk barefoot. In February 2021, one group of refugees sent us a video documenting this practice. With the consent of the group, this video was published on KlikAktiv's Facebook page at this link: <https://www.facebook.com/klikaktiv/videos/727697521273634>



People try to protect their bare feet with plastic bags.

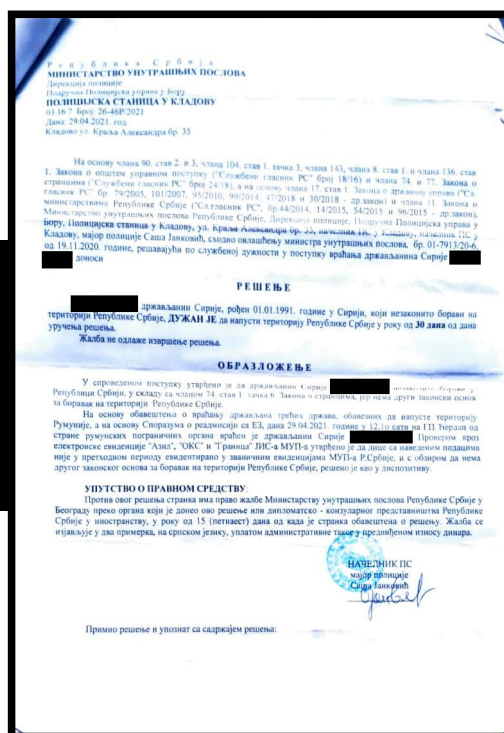
Another method of humiliation commonly employed by the Romanian police was to force people to walk for hours alongside the road, while two police cars would drive in front and behind them.

In March 2021, we interviewed an unaccompanied minor from Syria (age 16) who told us: “They made us walk for hours. It was very cold, my feet were freezing. One car in front of us and the other one behind us. We were a group of five people, so when we were close to the Serbian border, they told us to get into the cars and they drove us for a few minutes somewhere in the field and kicked us out. They said “Serbia, go!”, so we came back into Serbia.”

Very often the Romanian police would also steal cash from people on the move, break or confiscate their mobile phones, or destroy their personal belongings such as passports, bags, clothes, documents or any other items they found on them.

According to the testimonies, many people on the move wanted to apply for asylum in Romania and expressed their need for international protection to Romanian police officers, but their requests were ignored. Police officers would simply tell them: “No asylum here” or “You go back to Serbia”. None of the people that KlikAktiv interviewed in the reported period had access to legal assistance, interpretation or to UNHCR or other service providers in Romania.

In most cases the Romanian police would not even take them to the police station. Instead, they would be immediately taken to the “green border” with Serbia and forced to walk back. After they are pushed back to Serbia, people on the move don’t have access to the asylum system in Serbia, either. In most cases, they are pushed back over the “green border”, without the presence of Serbian police. In these cases, they return to the squats from which they are trying to cross the border over and over again. However, if they are caught or handed to the Serbian police, they are issued a Decision on Return. This decision, issued by the local police station, declares that the person has entered and stayed in Serbia without legal grounds and is therefore obligated to leave the territory of Serbia within 30 days. If the person doesn’t leave Serbia in this period, the authorities can initiate a forced removal procedure. Also, after this decision is issued, the person can not apply for asylum in Serbia.



Example of the *Decision on Return* issued by serbian police

SNAPSHOTS OF INDIVIDUAL CASES

I – Civilians with black masks assisting police officers in push-backs

In the period between August and October 2021, people on the move started reporting that unknown people, dressed as civilians, were helping Romanian police officers in conducting push-backs. Refugees referred to these civilians as “special agents” or “men in black masks”. KlikAktiv collected over 30 testimonies, all on different occasions but all with same narrative. According to the testimonies, refugees encountered “men in black masks” only when caught by the Romanian police near the Serbian border, a few kilometers into Romanian territory. Once the Romanian police catches them, they would make a phone call and soon after the “men in black masks” would arrive. Most of the refugees stated that they encountered these men during weekends (Saturday or Sunday night), except two Syrian men who said they encountered them on working days as well. Nobody was able to give us a description of these men, since they always wear black, civilian clothes from head to toe, without any recognizable markings. The refugees said that they also wear black masks covering their face and hair as well. They drive themselves in civilian cars to the spot, usually in groups of two or three.

Refugees said that these men beat them heavily and with a high dose of cruelty. On these occasions, Romanian police officers stayed aside and did not intervene.

One man told us: “Police took all of our money, we had about 130 EUR, two phones and one power bank. And they let us wait for around 20 minutes before those men came to the scene. They started kicking us so badly. I don’t know how somebody can hurt someone else so bad. How can you kick and beat someone who didn’t do anything to you? My leg was swollen from all the kicking and it still hurts when I walk.”

After the beating ends, the “men in black masks” leave with their car and the Romanian police officers take people on the move back to the green border with Serbia and push them back into Serbian territory. So far, nobody that reported on these incidents was able to provide more information that would help us identify the “men in black masks” and whether they belong to Romanian police structures, or if they are civilians who are informally working with the police.

II – FRONTEX in the Romanian territory

During the reported period, KlikAktiv collected testimonies alleging FRONTEX involvement in the push-back that happened at the Romanian – Serbian border.

The first testimony that KlikAktiv collected described an incident on the 20th of October, 15km into Romanian territory, where three Syrian men were caught by FRONTEX officers. The officers apprehended the men in the woods and immediately informed the Romanian police, who drove them to the official border crossing point with Serbia and handed them over to the Serbian police. When we asked the victims what happened, they were handed over to the Serbian police, the men replied: “The Serbian police didn’t even look at us, they didn’t care about us.” Therefore, the men

returned to Majdan and the squat in the milk factory. They said that both FRONTEX and the Romanian police officers treated them with dignity, as they were not beaten and their personal belongings were left intact.

At the beginning of the interview, KlikAktiv asked the men how they knew the officers belonged to FRONTEX, as opposed to Romanian police or other international officers. One of the men replied: “I know how FRONTEX officers look like, I saw them in Albania. Also, on the side of their car was written FRONTEX, so we knew it was them.”

After this initial testimony, KlikAktiv collected several other testimonies on FRONTEX's involvement in push-backs from Romanian territory. During one of KlikAktiv's visits in November 2021, one group of 30 people, all men from Syria, complained that FRONTEX officers were involved in several push-backs. These reported push-backs happened between the 10th of November and the 21st of November 2021.

One man from Syria (age 34) said: “The Romanian police beat us. They almost broke my leg one time. But FRONTEX is even worse. They beat you everywhere, they don't care.”

Another man from Syria (age 28) said: “I saw FRONTEX twice in last five days. It all depends on the officer. Some are nice and others are not nice. They didn't beat me, just told me to go back to Serbia.” Another man in the group agreed: “Yes, some are nice and some are very bad. I saw FRONTEX police few days ago. They were nice at first. But when I started complaining, one police officer from FRONTEX came to me and kicked me in my leg. I wanted to complain because I am already here for more than 2 months. Every day I try the “Game” and they send me back. What can I do?”

According to the official information available on Frontex's website and via media articles, particularly the statement¹ of Executive Director Fabrice Leggeri, Frontex deployed 50 border guards in Romania. Other media reports² suggest a presence of 20 officers at the Romanian-Serbian.

Starting from 16th June 2021 FRONTEX launched its operation in Serbia entitled “Joint Operation Serbia - Land 2021”. This operation started with 44 standing corps officers employed on the Serbian side of the Serbian-Bulgarian border, with the plan to raise the number of officers present in Serbia.



¹Source: Digi24, Article “Director FRONTEX: Aproape un sfert dintre membrii structurii de poliție europene provin din România. Sunt foarte eficienți” with video statement from 20.02.2021., available at: <https://www.digi24.ro/stiri/actualitate/director-frontex-aproape-un-sfert-dintre-membrii-structurii-de-politie-europene-provin-din-romania-sunt-foarte-eficienti-1455385>

²Deutsche Welle (DW) article “Frontex suspends operations in Hungary over asylum system”, available at: <https://www.dw.com/en/frontex-suspends-operations-in-hungary-over-asylum-system/a-56364948>

III – Picture of Romanian police officer

On the same day that KlikAktiv collected the first testimony on FRONTEX involvement, another man from Syria approached us and told us he had a picture of a Romanian police officer who forced them back to Serbia earlier that morning. He said that he wanted his story and this picture to be shared publicly. This happened on the 21st of October.

“It was five of us, five men. All from Syria. We walked 4 km into Romanian territory when this police officer caught us. I was the only one in my group who speaks English so I approached the policeman first. But he immediately kicked me between my legs with his right knee. I fell on the ground from pain. He was yelling at us in the Romanian language, I couldn’t understand what he was saying, but I am guessing he was cursing us, because he looked angry. I stood up after a few minutes and told him that we will go back to Serbia on our own, and I asked him not to beat anyone else in my group. So, we started walking back to Serbia, but I managed to take a picture of this policeman.”

The whole group of five men returned on foot back to Serbian territory. KlikAktiv talked to three of them who have confirmed this story, while the other two had already left for the Hungarian border, hoping they could cross from there into the EU.



FINAL REMARK

During the reported period, KlikAktiv collected many testimonies alleging a great number of illegal push-backs perpetrated by the Romanian authorities, which are covered and analyzed in this report. However, besides push-backs, KlikAktiv also collected testimonies and material proof of cases of readmissions of third country nationals from Romania to Serbia. These readmissions were done on the grounds of Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorization from the year 2007. Some of the cases that KlikAktiv recorded also included asylum seekers who were returned from different EU countries back to Romania on the grounds of Dublin Regulation, only to be deported back to Serbia on the ground of Readmission Agreement. These cases will be covered in KlikAktiv's next report.



Squats in the border triangle of Serbia, Hungary and Romania.

