

# FORCIBLE IRREGULAR RETURNS TO THE REPUBLIC OF SERBIA FROM NEIGHBOURING COUNTRIES

*Hungary and Croatia*

*Collected throughout 2016 and 2017*



Men in Šid, resting after an expulsion from Croatia, Photo Credit: HCIT

From May 1<sup>st</sup> 2016, until March 31<sup>st</sup> 2017, the **Humanitarian Center for Integration and Tolerance** as a partner of the UNHCR<sup>1</sup>, documented **212 cases of forcible collective expulsions from Hungary and Croatia relating to more than 4 000 foreign nationals** that were reportedly unlawfully returned to Serbia. The exact number of those that were unlawfully expelled is difficult to establish since many asylum-seekers reported that they have tried multiple times to irregularly cross the border and, therefore, were returned more than once. However, considering the scope of the cases, the time frame, and diverse locations where the testimonies have been collected, this sample is sufficient to draw conclusions on trends, patterns, and general characteristics of collective expulsion that have been widely covered by national and international organizations as well as media.

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1 Representation of the United Nations High Commissioner for Refugees, Belgrade

# Introduction

Statements and testimonies were collected by HCIT field protection teams that interviewed victims and witnesses of the collective expulsions close to the Kelebija and Horgoš transit zones<sup>2</sup> and along the border belt in Subotica and Kanjiža Municipality, as well as the border area with Croatia throughout Šid Municipality.

All testimonies were gathered and documented as per the actual statements of the persons that were returned. HCIT treated them first and foremost as survivors of different types of ill-treatment and, therefore, HCIT officers refrained from asking probing questions or testing veracity during the interview, in order not to further upset the interviewees, especially if they had survived violence.

*All photos used in this report were taken directly by HCIT staff and were taken with the consent of the portrait persons.*

After the closure of the so-called Balkan route in early March 2016, refugees and asylum-seekers that were not interested in staying in Serbia and seeking international protection here were, yet again, forced to travel using insecure irregular channels, mostly run by organized smuggling groups of both international and national smugglers.

Even though Hungary enabled asylum-seekers to apply for international protection at designated areas (through established daily quotas) at the so-called "Transit Zones" that were set up on both main border crossings on the Hungarian border

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<sup>2</sup> HCIT has been daily present in both transit zones on the Hungarian border since March 2016

(Horgoš I and Kelebija), many refugees/migrants were reluctant to wait and enter EU and the asylum procedure in this way. Their main reasons were:

- ❖ false information spread and imposed mostly by organized criminal groups with the intention to increase human smuggling
- ❖ lack of faith in the "admission system" (especially due to general lack of knowledge and fear of applying for asylum in Hungary and being fingerprinted in the "undesired destination country")
- ❖ long lists and waiting period and especially undesirable position of single males in compared to families and PSN<sup>3</sup>.

Those that were caught crossing the border outside of the designated area ("Transit Zones"), basically entering irregularly, were returned to Serbia immediately, regardless of nationality and attempts to ask for asylum. However, the expulsion process was not performed in line with the applicable Readmission Agreement<sup>4</sup> as it was previously done<sup>5</sup>, especially before September 15<sup>th</sup> 2015. Refugees/asylum-seekers were unlawfully removed from

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<sup>3</sup> Persons with special needs

<sup>4</sup> Readmission Agreement between Serbia and EU regarding persons residing without authorization (Official Gazette of the RS", number 103 from 08.11.2007.)

<sup>5</sup> Articles 6 (obligatory request for readmission) Article 7 (content of such requests) and Article 11 (preconditions for readmission procedure)

Hungary with border guards<sup>6</sup> ordering them to return to Serbian soil, violating some of the key standards of refugee protection.

As mentioned above, HCIT teams meticulously documented expulsion incidents. From the beginning of April until December 31<sup>st</sup> 2016, **138 reports on forcible returns** were gathered and more than **3100<sup>7</sup> persons possibly in need of international protection testified on being forcibly returned from both Hungary and Croatia without being granted access the asylum procedures.** Many forcible returns were violent involving the use of excessive force, including not only returns from the actual border area (so called “push backs”) but from in land as well, often from places more than 20 to 30 km in depth, or even a few cases relating to expulsions from Croatia, where persons that reported being returned even from the capital, Zagreb. The nationality, age and gender profile, of those that were returned changed over the course of nine months.

From January 2017 until April 1<sup>st</sup>, **74 reports on forcible returns** were gathered and more than **1030<sup>8</sup> persons likely in need of international protection testified on being forcibly returned from both Hungary and Croatia without being granted access to the asylum procedure.** In 2017, age, gender as well as nationality of those expelled changed slightly, less than 1% were women. However, the trend of returns being well beyond the border area and even the transitional area (8km), continued.

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<sup>6</sup> For the purpose of this Overview, we will use the term border guards for all uniformed officials of Hungary that guarded the border and therefore participated in expulsions.

<sup>7</sup> Due to fluctuation of the population and multiple attempts to cross the border numbers may be slightly different

<sup>8</sup> Due to fluctuation of the population and multiple attempts to cross the border numbers may be slightly different, also some interviewees did not recall exact group sizes, only a rough estimate



HCIT team interviewing asylum-seekers that were expelled from Croatia in Šid, Photo Credit: HCIT

## Hungary

Since the beginning of April 2016, with an increased presence of asylum-seekers on Serbian territory near the Hungarian “Transit Zones” (next to Horgos I and Kelebija border crossing) HCIT teams started documenting a growing number of forcible returns from Hungary. However, having in mind a high number of arrivals to North Serbia (from both south and east of the country, mostly channeling through Belgrade) and actual numbers close to both “Transit Zones”,<sup>9</sup> it appeared likely that a majority of refugees and migrants were successful in their attempts to irregularly enter Hungary.

The situation drastically changed and deteriorated after early July 2016. Hungary introduced new restrictions, which came into effect on July 5<sup>th</sup>, including increased presence of police and army on the Serbian border and authorization for the Hungarian border guards to intercept people within the

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<sup>9</sup> During May and June 2016, more than 6 147 refugees/migrants arrived on the North - HCIT statistical data established by daily presence on the main Bus station in Subotica

8-km area and return them to the other side of the fence.

As per HCIT expulsion reports, now various nationalities attempted to reach Hungarian territory irregularly, including different age groups, both males and females. During early spring and summer of 2016, nationals from Afghanistan comprised some 60% of those expelled, followed by nationals of Iran, Pakistan, Iraq and Syria. 25% were women or children (including UASC<sup>10</sup>).

After summer, these statistics changed drastically as 95% of those that were expelled were men from Pakistan and Afghanistan, with a few from Iran or Bangladesh. However, what did not change is the presence of PSN such as UASCs – mostly boys from Afghanistan and Pakistan.

In 2017 the trend of UASCs being forcible expelled continued and even grew to **amount to over 15% of all expelled asylum-seekers**. The UASCs continued to be mostly Afghan and Pakistani boys. The rest of those expelled were mostly male with 81% and less than 2% were women, whereas 2% were small children traveling with their families.

In 2017 nationalities, had also changed from 2016: as 44% of those expelled now were from Pakistan, 36% from Afghanistan, followed by Syrians, Iraqis, Bangladeshi, Moroccans, Iranians, Algerians and others, all together comprising 20%.



Make-shift tents on Serbian soil outside the Horgoš/Röske “Transit Zone”, Photo Credit: HCIT

### Main characteristics<sup>11</sup>

In the first half of 2016, almost all expulsion reports documented the application of excessive force by border guards, including physical violence even towards PSN, insults, pepper spraying, attacks by dogs, confiscation of private belongings, abuse such as orders to stand still or to walk for several hours, at the same time not paying attention to any needs the refugees might have had or their intention to seek asylum. In several cases, asylum-seekers even reported allegedly being chased by Hungarian patrols inside Serbian territory, demonstrating to our teams the distance the Hungarian border guards crossed from the fence inside Serbian territory. For a period of time from the second half of August, many reported being filmed and photographed by Hungarian patrols (all refugees were ordered to stand still in one line) before being returned to Serbia. Also, many refugees testified being returned from Hungary after they were apprehended some 20-30 km in land (not just 8km). The following are the most prominent practices of border guards as reported by returnees:

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10 Unaccompanied and separated children

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11 According to testimonies of those claiming to be unlawfully return

- Beating of asylum-seekers with nightsticks by more than one official at a time
- Kicking and punching of asylum-seekers, while they were laying on the ground
- Smashing of cell-phones
- Pepper-spraying in the eyes of asylum-seekers either right after capture or before expulsion
- Release of attack dogs on asylum-seekers
- Forcing asylum-seekers to march in a straight line before expulsion, with those falling out of line being hit with nightsticks.
- Taking blankets and clothes from asylum-seekers and throwing them away (in some cases asylum-seekers were even forced to strip into their underwear and stand in the cold, or in others, to stand barefoot in the snow for hours)
- Pouring water on asylum-seekers and making them stand in the cold for longer periods of time

In 2017, thus far, the majority of collective expulsions were violent with cruel and degrading treatment of asylum-seekers by border guards. Cold climate further deteriorated the situation during winter. The entire January temperatures were below zero degrees centigrade and sometimes even below -20. This put refugees/migrants attempting to cross the border irregularly at high risk of suffering frostbite, hypothermia and even loss of life. There were several cases<sup>12</sup> where Hungarian border guards realized the severity of the situation and transferred asylum-seekers to the nearest hospital. However, in most cases they were returned with no particular regard of their needs. Some of the new practices that appeared during this time and were frequently reported by those expelled from Hungary were:



Afghan boys resting on Serbia soil outside the Horgoš/Röske "Transit Zone", after an expulsion from Hungary, Photo Credit: HCIT

It is important to note that none of the women and small children were beaten or subjected to cruel and unusual treatment during reports of that period. However, UASC were, often, subjected to the same treatment as adult males. In addition, non-violent expulsions were documented as well, and returnees were „advised to go to the Transitional gates in order to officially apply for regular admission into Hungary”.

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<sup>12</sup> Case of a UAM with frostbites that was hospitalized in Szeged before being returned to Serbia – January 2017

**Criminal groups and Smugglers**

During spring and summer, many refugees that tried multiple times to cross the border, were gathering/sleeping on the main bus station in Subotica or staying deep in the woods of the border area. Increased presence of smugglers was noted not just in the makeshift camps in the transit zones, but also in the Transit Center in Subotica. Several asylum-seekers that wanted to testify against smugglers eventually gave up, since they were intimidated and therefore reluctant to proceed with legal action.

During the winter, we spoke to groups of single males sleeping rough in the North and found out they all have deposits of



HCIT interviewing refugees after an expulsion from Hungary in Tavankut, Photo Credit: HCIT

more than a thousand dollars with a “trustee” who is keeping the money and will supposedly hand it over to the main organizer of their crossings once they confirm to the “trustee” that they have reached Austria. This type of system had them trapped in a vicious circle of attempted crossing, expulsions often with beatings, and then attempted crossings again, where the “schedule” of the crossings were dictated by the smugglers.



*The Old Brick Factory -OBF (Former “Bačka Opeka “Brick Factory Grounds) otherwise abandoned is a refugee/migrant gathering and dwelling site since 2011. Organized by smugglers and criminal groups, it was used as a starting point from where they would enter the “game”, i.e. attempted irregular border crossings. The photo on the left shows refugees/migrants at the OBF late at night preparing for one of these attempts.*

## **Most severe cases**

**Case of A.N from Afghanistan, 35 years old<sup>13</sup>, disabled,** traveling with his underage (16 year- old) nephew

***Date: May 2016.***

***Location of the incident: area near Horgoš I border crossing.***

A.N. and his underage nephew were part of a larger group that tried to enter Hungary irregularly with the aid of an experienced smuggler. They set off into the woods near Horgoš in order to cross the fence. The smuggler advised them to wait since the “woods were full of police” and the entire group spent the night outdoors. In the morning, around 10 am, the group attempted to reach the border line and enter Hungary. It is important to emphasize that A.N. and his nephew were the most vulnerable individuals among all other refugees/migrants in this group (which were all Afghan nationals). Namely, A.N had been disabled for several years as he had lost his left eye and a part of his foot in a bomb explosion in Afghanistan. He was also diagnosed with Arthritis and he was without any doubt very weak, weighing less than 60 kg (height 1,60cm). When they entered Hungarian territory, after only a few minutes of walking, Hungarian border army/police spotted the group. A.N. described 4 men, out of which 3 were in military uniforms and one in civilian clothing. Everyone started running back, trying to reach Serbian soil but, due to his physical condition, A.N was the slowest one in the group and the border guards easily caught him. He testified that he got hit hard 4 or 5 times with a nightstick, in his back,

arms and legs. The most damaging part of the assault that caused a fracture of his cheekbone was a high kick to his head. He got knocked down and could not move. After border guards left the location, his nephew came back (he was hiding in the nearby bushes watching everything) and carried him towards Subotica, where they could seek urgent medical assistance.

### ***HCIT assistance in the case***

HCIT was involved in the A.N case since the beginning- after we were informed that a man with serious injuries was accommodated in the TC in Subotica. After being examined in the Subotica General Hospital, he was referred to the Clinical Center of Vojvodina in Novi Sad, where he was to be examined thoroughly and provided treatment by a specialist. It was established that his cheekbone was broken but surgeons at the Clinical Center decided not to operate, because his vision could be endangered on the one eye that was healthy. HCIT accompanied A.N. in the Hospital providing interpretation, counseling, transportation, prescribed medicines and NFIs. He did not want to press any charges and his only wish was to be fast tracked and enter Hungary as soon as possible.

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<sup>13</sup> Names and other personal data were protected

**Collective unlawful expulsion of a group of 26 young men from Afghanistan** (one of them N.N. 16 years old was most heavily injured by police attack dogs). Majority were in their 20-ties, but there were also minors, the youngest being 12 years old.

**Date:** August ,2016.

**Location:** -Area near Sombor, village Aleksa Šantic

This Group of 25 men from Afghanistan crossed into Hungary, „without any problems”, according to their testimony, through an already damaged part of the fence and walked for several hours, searching for an abandoned house, to which they were directed by the smuggler. The plan was to stay in the house for a few days, and then an „arranged transportation „would come to pick them up and drive them to Germany. After two days, a police patrol, allegedly broke into the house and arrested everyone present at that moment. The entire group was placed in police vans and taken towards the Serbian border. However, according to the testimony of N.N., nobody could have anticipated what will happen a few minutes later. Allegedly, after the door on the fence was open and refugees/migrants were already “exiting Hungary”, the police unleashed attack dogs that subsequently started barking and running towards the Afghan men.

*“After that, police unlocked the door on the fence, and first, they unleashed the dogs and directed them to the Serbian territory, dogs entered Serbia and then they shouted to us: “Go go go back!” We were surprised why they unleashed the dogs now, we were calm, nobody was putting up a fight or anything else. Once we again crossed into the Serbian territory, since police was still shouting “GO GO GO”, we started running which upset the dogs, they started running and barking at us. I did not manage to escape and one dog attacked me and bit me on my hand very hard. My friends were also hurt. Others managed to run away from the dogs. After we were bitten and attacked, I heard that police called for their dogs to return “*



Dog bites on one of the injured refugees, taken while we were conducting the interview, Photo Credit: HCIT



### ***HCIT assistance in the case***

As in many cases before, HCIT provided urgent humanitarian assistance for wounded refugees/migrants most importantly enabling them to access local medical facilities, but also documented their stories and provided counseling. The almost exact same story about the incident was confirmed by several others refugees/migrants that were interviewed on different occasions (different time and location). The last information provided by the doctors – surgeons in Subotica General Hospital was that there is a chance that N.N.'s hand may not fully recovery due to the severity of the dog bites. In both cases, the police were also informed, and they took statements from the wounded refugees/migrants.



**A young man after an expulsion from Hungary, he was bitten by dogs on his hands as he attempted to protect his face and body, Photo Credit: HCIT**

### **Collective unlawful expulsion of a group of 70 young men from Afghanistan and Pakistan (two of them A.A. and C.C testified about the incident)**

Date: 22nd of February 2017

Location: near Horgoš/Röske transit zone

A group of 70 young men from Afghanistan and Pakistan, among them between 15 to 20 UASCs, headed to the Hungarian border during the night and waited by the fence for a good time to cross. The two interviewees testified that they waited until the police patrols left and then crossed the “wire” (fence) and started walking. One of them noted that it was as if the Hungarian police hid and waited for them to cross so that they could catch them. There were between 30 and 40 police and army

officers that caught them, after only 15 min of walking inside Hungary. Hungarian authorities then forced them all to sit on the ground and keep their heads down. One by one they were separated and 4 or 5 officers would beat each and every one, even the minors, with nightsticks, kicking and punching, for some time (they could not

specify for how long). The entire “process” lasted between 5 and 6 hours.

*“They beat me with fists and nightstick and when I fell down they kicked me very hard in the stomach, it is still hurting.”*

The officers also took some of the phones from the refugees, smashed them on the ground and stepped on them with their heels until they broke. The officers also had attack dogs, however they all had muzzles and the officers did not release them, however they did intimidate the refugees with the dogs, bringing the dogs close to the refugees and encouraging the dogs to growl at the refugees. After the beatings, they were forced to walk back to the border with Serbia. Due to the fact that they were all beaten, all of the refugees were walking slowly, some were limping while a number of them could not even walk due to the

injuries they sustained, so they had to be carried by 2 or 3 of the others. All the while the officers were walking alongside them and were yelling for them to walk faster. If someone was walking to slow they would hit him again on his legs with a nightstick.

One of the men that was more severely injured could not even walk during the next day and was carried by his friends to a mobile medical team to seek medical attention. He refused to speak about the incident, stating that he is in too much pain.

## Croatia

The number of cases where asylum-seekers reported being expelled from Croatia, started increasing in the second half of August 2016.

Per the data we collected on the Croatian border, August–December 2016, 90% of the population that attempted irregularly to cross the border and were forcible returned were young males in their 20-ties. The national structure of our data showed that 73% were from Afghanistan and 18% from Pakistan followed by 9% from Morocco, Algeria, Libya or Syria. Women were rarely involved - apart from two families from Iraq, who informed us that they tried to irregularly cross the border but as soon as police saw them, they turned around and returned to Sid.

In 2017 the number of expulsions rose compared to 2016, as did the number of UASCs that were being expelled. More than 16% of all those expelled from Croatia were UASCs, mostly Afghan boys, with a few from Pakistan Algeria or Morocco. Only 2% were women and young children traveling with their families.

Per the data we gathered the national structure of those expelled did not change drastically: 67% originated from Afghanistan, 19% from Pakistan, and 14% from Algeria, Bangladesh, Morocco or Iraq. These were again, all young males in their 20ties.



Refugees and migrants sleeping rough, resting after an expulsion from Croatia, Photo Credit: HCIT

### **Main characteristics**

Most of the interviewed refugees reported being irregularly returned either near Šid/Tovarnik border crossing or near Principovac Transit center, of which one part is located on Croatian soil.

Approximately 50% of those expelled reported being beaten, allegedly by Croatian police (stories were mostly similar, except several disturbing testimonies). In addition, many reported that their mobile phones were taken by Croatian police officers. It is important to highlight that even expulsions all the way from Zagreb were recorded, not just from the border area. Communication was always the problem and refugees/migrants were rarely allowed to speak or ask for something, preventing them from seeking asylum in Croatia. Those that did manage to speak up and ask for asylum were told that this is not possible. In

most cases, we recorded, border guards<sup>14</sup> did not use pepper spray and did not even have dogs with them. The beatings were harsh in some cases and even the UASCs were beaten. Women and children were not subjected to any maltreatment.

The following are the most prominent practices of border guards as reported by those expelled:

- Beating of refugees with nightsticks, punching and kicking
- Confiscation of mobile phones and cash
- Not facilitating access to the asylum procedure and other services (with comments “this is not possible”)
- Expulsions of refugees even after several days spent in Croatia, sometimes even in refugee centers

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<sup>14</sup> For the purpose of this Overview, we will use the term border guards for all uniformed officials of Croatia that guarded the border and therefore participated in expulsions.

### Most severe cases

#### ***Case of Samia, single mother traveling with two small children, age 6 and 10, boy and a girl.***

Samia fled from Iraq after her husband passed away. She was traveling more than 7 months before she arrived to Serbia. She and her children travelled with smugglers across Turkey and Bulgaria. After passing through Serbia very quickly, they managed to irregularly cross the border into Croatia. On the Croatian side, one taxi driver (as it was already paid and arranged) waited for them and drove them into one abandoned house near the highway. Since it was January, it was very cold and Samia and the children were very scared, they needed warm clothes, food, water. The next morning, as Samia recalls, they managed to reach "some refugee camp" near Zagreb.

Samia expressed very clearly that she wanted to apply for asylum in Croatia, but after a short conversation, she was sent to the police station where it was explained to her that "she doesn't have the right to seek asylum in Croatia". Samia and the children were placed in the police van which drove them near "Tovarnik border crossing". It was 10 pm when Samia and her children were ordered to "go back to Serbia". They walked for almost three hours until they managed to reach Transit camp in Sid where they finally found safe shelter.



Young men walking towards the Croatian border in Šid, Photo Credit: HCIT

#### ***Case of Mohammad, 16 years old, from Afghanistan, traveling without parents or legal guardian***

Mohammad and his friends tried to irregularly cross the border into Croatia in February 2017 during the night. They were traveling alone, without the help of smugglers. They expected it to be difficult and were scared too, but still, they decided to try. They used GPS to locate the nearest way to cross the border. They followed the railway from Sid in the direction to Croatia. They had been walking for 30 km, when four policemen intercepted them, ordered them to stop and handcuffed them. They were ordered to enter the police car immediately. Mohammad tried to explain that he is underage but, according to his testimony, policemen didn't listen to him at all.

*„I told them I am a minor, a child, but they did not listen to me and they beat me anyway”*

Their pockets and bags were searched and even Mohamed was hit with nightsticks, mostly on his legs and back. After 20 minutes of driving, they were ordered to get out of the car and "go back to Serbia".

## Conclusion

The dangerous journey across Europe has been sadly fatal for too many refugees and asylum-seekers, fleeing war, persecution and human rights violations. Thousands lost their lives in the Mediterranean Sea. We heard about at least 10 persons that froze to death this winter along the Balkan route.

In Serbia one young life was lost this winter on the North: While trying to cross the frozen Tisa river to reach Hungarian soil, a young man fell through the ice and drowned. In the same period HCIT documented expulsions of a Syrian and Iraqi family with small children that also risked their lives trying to enter Hungary in the same manner. Luckily, they remained unharmed.

Another young life was lost when a group of Afghan men attempted to enter a cargo train heading to Hungary and one of them was electrocuted. He later died from the injuries in Novi Sad. Yet another young life was lost in a similar manner, when a group of young men were climbing a container containing gas on a train heading to Croatia and in a terrible accident ignited the gas, which caused a massive explosion. One of them succumbed from the injuries he sustained, despite months of intensive care in hospital in Serbia.

These terrible accidents illustrate how uncertain the fate of refugees and migrants is, even in Europe. They remain caught between the brutality of European border guards and exceedingly more rigorous asylum systems, on one side, and criminal groups that pressure and coerce them to continue their journey, on the other.

To save lives and decrease human suffering, it is high time for all European countries to enable safe and dignified pathways for all asylum-seekers. Persons of all nationalities must be able to exercise their right to request asylum and to receive adequate international protection in line with key national European and international laws and standards.

*HCIT conducted Field activities and produced this overview as a partner of UNHCR. The contents of this overview strictly represent the views and messages of HCIT and is not in any way the official position of UNHCR.*

HCIT

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