Border Violence as Border Deterrence

Condensed Analysis of Violent Push-Backs from the Ground

Karolína Augustová, Jack Sapoch

Abstract: Thousands of people on the move, travelling through the Balkan route to Europe, are caught in a cycle of structural violence marked by repeated denials of access to asylum procedures, physical attacks from EU border authorities, and collective expulsions. Since May 2017, the grass root organization No Name Kitchen has been collecting testimonies of border abuse in informal transit camps in Serbia and Bosnia and Herzegovina. While being present along the Balkan route, we have observed an increase in the deployment of police forces and violent practices, making legal and safe transit to Europe impossible. We have received consistent reports from men, women and children, of abuses that remain either uncovered or denied, leading to a lack of real prosecution of the perpetrators and continued border violence. This research report, derived from 338 interviews with people on the move, communicates the diverse practices of violence communicated through an increasingly securitized EU border apparatus. We focus on the lived experiences of border abuses, as narrated by the people on the move, by exploring who the victims and perpetrators of this violence are. We argue that violent push-backs demonstrate a flagrant violation of international, European and national laws by EU border authorities, leading to slow destruction of lives of people searching for safety.

Keywords: Migration, push-back, border violence, European Union, Balkan route

Thousands of people on the move are attempting to travel through the Balkan routes with hopes of reaching asylum or safety in the EU. Either seeking asylum or economic safety, people lack legal border channels: visa, family reunification programs, and asylum procedures. Consequently, they are left with limited options upon their arrival to the EU's external borders, leading many to play the ›game‹, a term, which is used to describe an unauthorized border crossing. Instead of reaching safety, the vast majority are ›pushed back‹ over the border to the country they just left; they are denied access to asylum procedures, often attacked by border patrols, expelled, and then deported back to marginal and temporary living conditions in Serbia or Bosnia-Herzegovina (BiH). Since May 2017, the grassroots organization No Name Kitchen,

together with a range of other partners,[1] has been collecting testimonies from the victims of illegal push-backs by EU authorities in Šid, Serbia, and Velika Kladuša, BiH.

While providing assistance in makeshift transit camps on the Balkan routes, we have observed an increase in the deployment of police forces and violent practices making legal and safe transit to Europe impossible. We have received consistent reports of abuses from people on the move that remain either under-reported or denied. In this paper, we present a condensed analysis of the violent practices, places, and victims and perpetrators of the increasingly securitized EU border apparatus.

METHODOLOGY

Our data consists of 338 semi-structured interviews: 215 interviews were conducted in Serbia from May 2017 to May 2018) and 123 in BiH from June 2018 to December 2018. While interviews were conducted with groups of between one and five individuals, the transit groups which these respondents represented ranged anywhere from one to sixty individuals. Those involved in the study were selected on the basis of circumstance and snowball sampling techniques driven by the aim to collect cases of border abuses for legal and public advocacy. In practice, people approached us after they had been pushed back and used our services in the camps. The objectives of reporting violence were explained consistently within the transit communities, resulting in a snowball effect wherein camp residents passed along the option to report violent incidents to others who later approached us voluntarily.

When necessary, we utilized translators to receive reliable and accurate information from the people of various national and cultural backgrounds. This research was conducted with respect to informed oral consent, confidentiality, and a sensitive documentation of each individual case. We used photo documentation of injuries, destroyed possessions, administrative and medical documents, and screen prints of geolocations as additional evidence to the narratives. To protect the anonymity of the participants, none of the images contain identifying features and their names have been changed.

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1 | These partners include: S.O.S. Velika Kladuša, Balkan Info Van, Are You Syrious?, Centre for Peace Studies, the Border Violence Monitoring Network and Rigardu.

Men showing damaged phones after being pushed back from Croatia to BiH, July 2018. Photograph by Jack Sapoch.

PUSH-BACK

The term push-back is a key component of the situation that unfolded at the EU borders (Hungary and Croatia) with Serbia in 2016 after the closure of mostly unidirectional transit along the Balkan route (see Beznec et al. 2016). It now continues along the Croatian border with BiH. We base our own use of the term off of the description offered by the Push-Back Map Collective and published in this issue:

> »Push-backs are expulsions, direct deportations, readmissions, or other forms of immediate involuntary return across one or several territorial borders. Depending on the regulatory framework in place, these forms of forced displacement can be legalized under national law—as in Hungary—or semi-formalized, for example by relying on bilateral agreements or informal practices« (PBM Collective 2020).

The involuntary nature of push-backs is particularly demonstrated in systematic and structural uses of violence against people on the move within due process. Such violence, including the denial of administrative procedures to protection, explaining personal circumstances, or objecting to state authorities' illegal procedures taking place inside of EU territory (Croatia and Slovenia), plays a fundamental part within migration regimes of EU countries.

THOSE WHO EXPERIENCE VIOLENCE

Left with no options for legal transit, individuals moving along the Balkan route are regarded as irregular border crossers and treated as criminals (see Fabini 2017) while being exposed to punishments through violent push-backs. Those who were abused at the borders and spoke to us consisted of a range of nationalities: our interlocutors came from, among other places, Afghanistan, Pakistan, Iran, Syria, Morocco, and Algeria. We have observed that the most typical victims of this violence are young able-bodied men (17 to 30 years old) traveling without their families. Still, this is not the only demographic that reported physical attacks; elderly men, as well as minors with visible physical disabilities recorded similar testimonies. Those physically attacked during push-backs often attempted to express their wish to claim asylum in Croatia or Slovenia or tried to negotiate their rights with police officers. Simply by asking, they were deemed to be provoking the police officers.

Those subjected to push-backs and violence along the borders have also been women and children who, like adult men, have limited legal transit options and play the border ›game‹. For families with small children, the ›games‹ are particularly harsh as they often struggle to walk for days in mountain terrains and accordingly rely on people smugglers in order to be transported from Croatia further to Europe by car. Families told us that they often ended up waiting for days in remote locations with limited food and water for a car to arrive only to be discovered by state authorities and pushed back. In several cases, children and women reported that they either had to observe violence against their family members or were indirectly physically attacked themselves during the push-backs from Croatia. For example, Azir (39, Iran) said during the interview: »I was holding in my arms my three-year-old daughter and they kept beating me while I was holding her, so I fell on the ground and my baby injured her back.«

THE PERPETRATORS

Those engaged in carrying out push-backs and violence against people on the move were mainly Croatian police officers collaborating with Slovenian and Serbian police. These perpetrators operated in groups predominantly, but not exclusively, consisting of male officers.

People described being mainly abused by police in black or dark blue uniforms. A few reported being attacked by men dressed plainly in civilian clothes. Often, those who were expelled from Croatia to BiH reported being pushed back and attacked by

units whom they refer to as »commandos«; officers dressed in black wearing ski-masks. Testimony reports and previous video evidence of push-backs (see Border Violence Monitoring 2019) identified the Croatian Ministry of the Interior's Intervention Police as consistent participants of push-backs along the Croatian-Bosnian border. In rare cases, participants described that individual officers tried to protect them against violence by attempting to de-escalate the violence of other officers. One Afghani family also said that an officer apologized to them while transporting them to the Bosnian border before their push-back: »Sorry. I don't want to do this, but I have to follow the orders.«

Push-back procedures often draw on an interconnected network of actors. Some testimonies alluded to the involvement of the civilian population in this system of control. Individuals described witnessing Croatian and Slovenian officers paying locals bribes in exchange for acting as informants in the initial detection of people passing through border areas.

It is also important to consider the tacit support that EU institutions offer through its financing of technical equipment and training used in push-back procedures. The European Commission has brought the total emergency funding for migration and border management in Croatia to almost 23.2 million euros (see European Commission 2018), which comes on top of nearly 108 million euros allocated to Croatia under the national programs of the AMIF and ISF.[2] While millions of euros have been spent for border restrictions, almost no efforts and finances have been dedicated to the establishment of safe and legal routes. EU political support has also emboldened the Croatian Ministry of Interior to continue to deny, diminish, or discredit allegations of violence. For instance, German Chancellor Angela Merkel praised the Croatian border authorities for an »excellent and professional job of border protection« in line with (inter)national asylum standards (Vladisavljevic 2018). Croatia further uses violent border protections as crucial elements to eventually join the Schengen territory: »When Croatian borders become Schengen borders as well, they will be even better protected« said the Croatian president Kolinda Grabar Kitarović (see Schengen Visa Info 2019).

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2 | These acronyms stand for Asylum, Migration and Integration Fund and Internal Security Fund.

PUSH-BACK PRACTICES

Denial to Asylum

Around 60 percent (126) of people, whom we spoke to in Serbia and 80 percent (98) in BiH told us that they were denied the access to asylum procedures. When the respondents expressed their wish to apply for asylum in Croatia or Slovenia, police refused their requests without due process. Some groups described their requests being either ignored or shut down by words, such as »shut up«, »asylum is closed«, »no place for you here«. Many who have tried to articulate their asylum requests verbally have been targeted disproportionately and silenced by verbal or physical attacks. Those in the custody of border police officers were forced to comply by remaining silent, for example: »We asked for asylum in Croatia a few times. But the police just kept telling us to be silent« (Tahir, 17, Pakistan).

Theft and Damage of Personal Items

In Serbia, the robbery and damage of private belongings only took place in one third of the push-backs (55). In contrast, 80 percent (98) of the people pushed back to BiH reported that the Croatian border police stole their money, ID cards, bags, and power banks. Mobile phones, in particular, have been common items of theft or destruction by Croatian authorities. Smashed smartphones have been almost more common than working phones in transit camps in BiH. In the winter of 2018, the trend of Croatian police burning belongings, such as sleeping bags or winter coats, became more frequent as well: »The [Croatian] police took my money and broke my phone. From home, they sent us money, we bought new phones and power banks. But everything we bought, they stole and broke again« (Ibrahim, 22, Algeria).

Physical Violence

Interacting with individuals who have experienced push-backs, one can quickly notice the hallmarks of violence. Black eyes, sprained ankles, broken legs and arms, pepper spray burns, and footlong bruises from baton strikes all signify the extreme violence practiced by border police during their push-backs. Our participants were treated by Médecins Sans Frontières who confirmed treatments of individuals with injuries varying from soft tissue injuries to bone fractures consistent with exposure to physical force on the body.

The makeshift Trnovi camp in Velika Kladuša (BiH), December 2018. Photograph by Adis Imamović. Published with the permission from the photographer.

Over 100 (82%) participants told that police used violence against them during push-backs to BiH and 99 (45%) participants in Serbia described similar experiences. The most common violent practices have been carried out using batons, kicks, and punches. In few cases electrical devices were used: »When I was on the ground, the policeman gave me electric shocks into my neck. I told him that I had heart problems. But he kept beating me. He stopped beating me when he seemed to be tired of it« (Serhan, 32, Algeria).

Participants often said that once they had arrived at the border area, police opened the door to their van and pointed torches into their eyes to make them blind. Then, one-by-one, the officers took them outside and forced them to run through twin parallel lines of police officers swinging batons as they run through. This tactic is colloquially referred to as the »tunnel trick« by victims. Others described encountering »traps«, such as ropes strung between trees with the intention to make people trip over them. Once a person fell, officers physically attacked him/her with batons, kicks, and punches. Some attacks took several minutes until the person suffered several injuries. Other groups, particularly those interviewed in the winter, described be-

ing surrounded by a small contingent of police officers and then corralled under the threat of police batons to run into near-freezing waterways along the border. Some identified violent practices were in line with the United Nations' (1975) description of torture, understood as the intentional and systematic infliction of severe physical and mental pain and suffering perpetrated as forms of punishments outside of lawful sanctions.

Detention

People also described further mistreatment by being confined for hours as a means of punishment. People were being kept in cells during detention or driven to the borders in prisoner transport vans, which were effectively mobile isolation rooms with no windows, light, and ventilation. These vans were fitted with a fan system that could pump hot air into the darkened passenger area. Victims described nausea and vomiting brought on by motion sickness. Several reported police officers using pepper spray inside of the vans in which people were driven to the border: »They [Croatian police] put us into a very small van, into a boot, with the children. They were driving very fast, like on purpose. Some started vomiting inside and children were crying… It was harder than the beating« (Ahmad, 32, Palestine).

Intimidation

Around 15 percent (32) of the people interviewed in Serbia and 72 percent (89) in BiH described being subjected to discriminatory messages and threats during push-backs. The verbal insults often concerned their country of origin, race, or religion. Some were called »terrorists« by the officers due to their national and religious identity. Other verbal abuse consisted of making false accusations concerning people's affiliations with smuggling simply based on an open GPS application, an ability to speak English, and/or being repeatedly apprehended in a border zone. Several people also reported being threatened with the use of firearms, such as instances where authorities placed a gun against their heads or were shooting either into the air or around their body. For example, Izad (42, Iran) said: »[At the Bosnian border], [Croatian] police took a gun and put it to my head and shouted: ›Go! Go! Go!‹ and I was so scared, I thought he was going to kill me.«

Sexual Harassment

Respondents, particularly women, reported being inappropriately body-searched by border authorities. Women said they had been stripped naked and sexually harassed during detentions or push-backs, such as being touched on the breast or genitals by male officers during body frisks. These incidents happened in front of their children and partners who could do nothing due to the lack of power they had against the police forces. Dawud (29, Iran) was forced to observe such body frisk of his wife and daughter: »[Croatian] officers were touching my small daughter and my wife. They were touching my wife everywhere. I said: ›Please, brother, don't touch my wife and daughter, please, don't touch them‹. But they told me to shut up and kicked into my legs.«

VIOLENT BORDER PLACES

Push-backs occurred in a handful of secluded, semi-rural locations along the border in order to minimize the risk of witnesses. In Serbia, victims reported being pushed back mainly near the Tovarnik train station and in forests nearby Batrovci close to Šid. In BiH, victims described push-backs on off-roads and forests close to the border areas surrounding Velika Kladuša, Šturlić and Bihać. These push-back points were most often close to streams or downward sloping hills, which served as a utility for the participating authorities pushing people into the streams or down the hills. Violence was also committed against people on the move at the place of their arrest, in vans, and inside of police stations. Looking at the times in which the most violent cases occurred it is evident that push-back operations took place under the cover of night, with incidents frequently occurring between the hours of 10:00 pm and 4:00 am. In the dark, the officers conducting these violent border practices could not be seen, decreasing the chances that their identities might become compromised.

PUSH-BACKS AND THE LAW

While EU states have the right to protect their borders, the targeted violence and collective expulsions described above are a significant violation of international and European, as well as national laws. According to Article 14 of the Universal Declaration of Human Rights, states are obliged to assess the case of asylum seekers regardless of whether they are granted the status of a refugee and thereby international protec-

The map indicating the push-back points along the key transit cities. Map by Jack Sapoch.

tion (see UNHCR 1967). Further, push-backs and border violence by state authorities go against the absolute prohibition of torture and inhumane or degrading treatment or punishment under Article 3 of the European Convention on Human Rights and against the prohibition of collective expulsion, which applies to all displaced persons, both irregular migrants and asylum seekers (see Council of Europe 2018). No state may permit or tolerate such cruel treatments or torture (see United Nations 1975). Finally, according to the EU Directive on Asylum Procedures (2005/85/EC), all people on the move, including those recognized as ›irregular‹ migrants, are entitled to information about asylum, translation assistance, the ability to present their case to a competent authority, notification of the outcome, and the right to appeal a negative decision (see Vaughan-Williams 2015).

COST IN LIVES

We have observed that the policy of closed borders does not discourage people from dangerous and unauthorized border crossings. Faced with a lack of safe, legal pathways onwards, the only way of escaping poor living conditions in transits and exercising the right to claim asylum in Europe is to engage in even more dangerous border crossing practices. At least 170 people died along the Balkan route since 2013 while trying to reach Europe of which the youngest was only six weeks old. These people were shot, suffocated, frozen, drowned, run over by trains, or died in tugboats (see ARD 2019). Due to the marginal and clandestine corners of society that people on the move inhabit, it is likely that many more deaths remain undetected or ignored. We received several reports from push-backed groups returning from ›games‹ that had witnessed the death of one of their group-members while crossing rivers or mountain terrains. This shows that violent border defense mechanisms only make refugee journeys more hazardous and their lives, already scored with countless episodes of violence, that much more painful: »I need to reach Europe to reach my future and dream. And if this is not finished, I finish my life. Maybe death, maybe walk« (Samir, 29, Egypt).

CONCLUSIONS

Throughout the narratives of push-backs, we have identified systematic use of abuse against people on the move consistent with the following acts: denial of access to asylum, indirect violence and threats, and direct physical violence and torture. Beyond these acts, participants reported that border authorities denied the age given by a minor, falsified his/her age in official documents, forced people to sign documents written in a language they did not understand, asked for bribes to accurately translate personal information, and forced individuals to pay fees for an unauthorised entry. Such mechanisms of (il)legal administration interface with the border attacks, intimidation and destruction of private belongings described in this paper. While the harm inherent in these legal administrative practices is more subtle than the direct infliction of violence through baton strikes, these mechanisms need to be understood holistically as they assist equally in the complex production of border violence. Hence, border violence against people on the move is embedded in the states' structures rather than mere aggression of a concrete police individual or group.

The injustice of border violence along the Balkan routes and beyond remains predominantly unrecognized or uncriticized by institutional actors within Croatia and

the EU. Such apathy indirectly encourages the continuation of these practices. The inaction of member states can only be understood as condoning the violence of the EU's external borders. This makes the EU states as well as the non-EU countries who are involved in border violence, such as Serbia, at large complicit. Although the data presented here concerns the interviews conducted until December 2018, No Name Kitchen continues monitoring the borders in the north of Serbia and BiH, and we observe no changes on the ground: push-backs and violence continue while legal and safe pathways to apply for asylum in EU states remain absent.

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Contents

Articles

Artistic Contribution

Essays

Interview

Artistic Contribution

Interventions

Research Lab

Authors

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Civil initiative **Info Kolpa** started in the spring of 2018 as a response to illegal actions of Slovene police, which started systematically denying people the right to seek asylum in Slovenia and pushing people back to Croatia. In the autumn of 2018, we established an informal telephone number for assistance to people wishing to seek asylum in Slovenia. The help we provided proved unsuccessful but with operating the number, we gained a lot of information on practice of push-backs on Slovene-Croatian border, which we presented to Slovene and international public.

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The **Push-Back Map Collective** is a transnational group of people that come from different fields of radical politics like feminism, anti-capitalism, and anti-racist struggles. Its members are active in documenting and counteracting push-backs and violence at the internal and external(ised) borders of the EU. One main goal of the mapping project is to provide a platform for transnational, non-hierarchical, radical grassroots interventions and exchange.

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