

*"This is not an equal distribution of rights"
Refugee from Pakistan in Belgrade, 23/1/2016*

This report is a product of the observations, conversations and interviews conducted by independent activists from the Moving Europe Project with people who are trying to reach central or northern Europe and do not have Syrian, Iraqi or Afghani nationality. We have spent the time period from the 11th till the 25th of January in Belgrade and in the Serbo-Croatian border area around Adaševci and Šid.

1) The situation of non-SIA people on the "Balkanroute"

On 18th of November 2015, the borders along the state controlled Balkan route were closed for all people who do not have Syrian, Iraqi or Afghani travelling documents (in the following "SIA"). Such practices are in contradiction with the prescription of international law which stipulates that protection should be granted on an individual basis and not based on nationality.

The practice of segregating people based on nationality and denying all non-SIA people to enter and travel further is implemented by the Greek, Macedonian, Serbian, Croatian and Slovenian authorities. Although there has not been an official stance on this unlawful segregation by Germany or any other EU country, it can be assumed that it has been implemented under the pressure of the EU in order to reduce the number of people arriving in central Europe.

Result of this segregation is a politically created humanitarian crisis and the endangering of thousands of people. Thousands of people are stranded in Greece. As a consequence of their denial to travel on the official route, people started to find other ways to move towards the North. These ways often entail walking for days through forests with no possibility to receive any form of support. In the current cold winter weather, with rain, snow and minus temperatures this is a dangerous endeavour that puts people in a vulnerable position.

On the following pages we have documented several observations, testimonies and reports about the structurally produced humanitarian and political crisis:

2) The situation in Belgrade

The segregation along the Balkan corridor has produced a population without rights: The people stuck in Belgrade are totally dependent on donations, charity organizations and the passivity of the Serbian state to master everyday life.

The people who manage to cross into Serbia by foot are then stranded in Belgrade. A lot of them arrive in Belgrade with very little financial means. Between 200 and 500 people are currently living on the streets in Belgrade in the area around the main train station. There are some support structures in Belgrade, that provide some food, clothes and information to the people forced to stay in Belgrade. However, there is no place for people to sleep. The official state camp for asylum seekers, Krnjača, only accepts people as long as they have a valid document. The transit documents people receive upon entry in to the country or when they register with the police for foreign affairs, are only valid for 72 hours. After three days people have to sleep on the street. The waiting room in the train station, that has served around 40 people as a shelter at night has been closed on the 24th of January. People are no longer allowed to sleep there. The temperature at night during the past weeks was around -4 °C in Belgrade.

The Serbian authorities as well as international humanitarian organizations are reacting slowly to this untenable situation in Belgrade. More should be done to facilitate these people in need. However, the status of being without rights cannot be reduced to the humanitarian precarity that people are exposed to in Belgrade. It is the racist segregation practices conducted by all states along the Balkan and the EU that render large groups rightless and extremely vulnerable. This policy produces obvious violations of international law and of uncontrollable state violence.



Refugees sleeping at Belgrade Central Train Station, picture taken 28/1/2016 by us



Refugees sleeping at Belgrade Central Bus Station, picture taken 28/1/2016 by us

3) Push backs and police violence conducted by Croatian authorities

Through conversations and interviews conducted with many refugees from different nationalities and ages, we established that there are four gross systematic right abuses conducted by the Croatian authorities in Croatia, but also in the border zone in Šid, on Serbian territories.

a) Language tests by translators:

State authorities have enforced their border controls by the implementation of strict language tests at the border crossing. Consequently having a registration paper stating a SIA nationality is not enough to cross the border from Serbia in to Croatia. Contracted translators check accents and dialects while people are queuing for transit. The translators have gained non-negligible executive power during the last weeks. The legal status of these procedures is very obscure.

b) Police-violence:

Accounts and testimonies show that police violence in the Serbo-Croatian border area is not restricted to single cases. Police violence is enacted to frighten and menace those refugees who are travelling outside the corridor. Thus it is a structural component of the segregation and a necessary companion of the state controlled and restricted corridor.

c) Push-Backs:

Through the gathering of testimonies and informal conversations with people in Belgrade and in the border area we established that the illegal push backs of people from within Croatian territories and territories controlled by Croatian authorities in Serbia are conducted by Croatian authorities in a systematic and regular manner. The push back of people from within Croatian territories to Serbian territories, even if the refugees have expressed their wish to seek asylum in Croatia is a gross violation of the international right to seek asylum.

d) Unaccompanied minors:

We have met five people that were under the age of 18 years, travelling by themselves. They accounted similar stories of police violence and pushbacks from the Camp in Slavonski Brod as well as denied entry on the train in Šid.

Minors are protected by international law as a very vulnerable group. But accounts and reports show that this status of special protection is suspended on the Balkan route for those which do not belong to SIA nationalities. EU-member states are knowingly perpetuating these violations of international law.

We condemn the pushbacks and the use of violence against unaccompanied children in particular.

4) Testimonies

a) Testimony of A., 16 Year old unaccompanied minor from Morocco:

This testimony was taken on the 18th of January 2016 at the main train station in Belgrade:

"I tried to cross in to Croatia four times, always with a different Registration paper. At the Serbian-Croatian border, the three first times I was sent back. The fourth time I was able to enter to Croatia. When I was standing in the line to get registered [in Slavonski Brod], the translator picked me out of the line and asked me where I was from. I said: "I am from Syria, from Aleppo." He said: "No you are not from Syria". I said: "Sorry, I am from Morocco, but I am only 16 years old, please help me!" The translator looked down at me and said: "No, I will not help you". They brought me to a small place, like a house, where I had to wait. There was nothing, no mattress, no food. We never saw any translator again then, only police. The next day they told us that we are going to Slovenia now. We had to get into a police car. Then we had to walk 7 kilometers by foot. They told us this is Slovenia, but then it was Serbia. [...] One of my friends tried to run away, but the Croatian police caught him and beat him here [pointing at his left cheek bone] and here [pointing at his left shoulder]. And at the legs. They were violent and beating him. And when they made us get in to the car they were also using violence. Croatia is no good!"

b) Testimony of A., 16 Year old unaccompanied minor from Pakistan:

This testimony was collected in Belgrade on the 26th of January 2016:

"I failed to pass for the 3rd time last night. 20 people came back walking with me. It's a very difficult, 4 hour long walk down the train lines. Serbian police didn't let me and my friends in the camp [Šid]. We had to sleep in the road. 20 - 25 people slept outside the camp [Šid] last night. I am traveling alone from Pakistan, all alone."

c) Testimony of O., 18-year-old Moroccan:

This testimony was taken on the 16th of January 2016 at the main train station in Belgrade:

"Me and my cousin, we entered Croatia four times. Each time we were caught by the Croatian police and pushed back to Serbia. Three times we came to Croatia by train and one time we crossed by foot. Every time, they brought us back to the Croatian border, but not all the way to the border, we had to walk 6 kilometers on foot in the snow and the cold. We were always detained in Croatia for two days before they returned us. This happened four times. We went to Croatia, were detained for two days in the camp and then brought back. The Croatian police hit us. We tried and we paid money to the police and the translators, but nonetheless they returned us and we had to walk in the snow and the cold every time."

There was a lot of violence from the police against us. When we were held in Croatia in the camp and at the border when they made us walk back.

The Croatian police did not let us ask for asylum. We tried and said we want asylum, but they just shouted at us and returned us. The UNHCR and other organizations were there in the camp, but nobody did anything for us. Only the police was there with us and they hit us and we couldn't speak to anyone else.

When we were returned to Serbia, the Serbian police did not do anything. They treat us with humanity. The Croatian police is the problem. They hit us and push us back to Serbia. I don't know what to do. They hit us and use violence. There is no solution to this.

Here in Serbia, the problem is that we can't go to the camp [Krnjača], because our registration papers are expired. We live in the street. We don't have money, there is no food, there is no solution. We want to leave, we want to go on, there is no solution for us here. We want to live like humans. But the problem is the Croatian police."

d) Testimony of M. from Somalia

This testimony was collected in Belgrade on the 23th of January 2016:

"Our group of around 50 Somalis is now waiting for one month here in Belgrade. We have to pay 10 Euro per night to stay in a hotel, but that is very expensive for us. We are waiting until the border will be opened, we have no other choice. We cannot stay here and we cannot go back. Because of our skin colour, we cannot go to the border with fake papers. We are ready to say our message: Europe has to help us."

e) Testimony of I., a Pakistani individual travelling with four friends:

I. told us about the very difficult situation he lived through in Pakistan. His brother and his uncle had been killed recently. Therefore his family thought it is better if he leaves the country. He then talked about the long and difficult journey through Iran and Turkey and the multiple attempts to reach Europe by boat.

This testimony was recorded in Belgrade on the 24th of January 2016, between 5pm-8pm.

"This is my story, really: So, we crossed the sea in a boat. It was very dangerous. But I had a lifejacket, so I felt save. After we left, the [Turkish] police came and caught us and brought us to the police station. For one day we where held at the police station in Bodrum. Then, we tried again and we arrived to Kos. After that we went to Athens. There I went to an agent. I said: "I want to go to Germany." He said: "You give me money and I will send you to Germany." I asked: "How much?" He said: "1000 Euros." After that we went to the border by Thessaloniki. We walked 5 km to cross the border. We entered Macedonia. After we got in to one car. 10 people in one car! For three hours we were driving in Macedonia. We got to a village by the Serbian border and entered Serbia. After that, we stayed in Serbia for one month. We cannot cross into Croatia. The

Croatian police sent us back. Now, we stay in the street. So we paid 1000 Euros just to come from Greece to Serbia, 1000 Euros per person. Now, we don't know what to do. We have no more money. We want to ask the UN to help us. We don't know what to do. We are sleeping outside. It is very cold. It is very hard now. We don't know where to sleep. One month now. We are very hungry. We have not eaten anything all day till now. The situation in Belgrade is very hard for us."

f) Testimony of H., a 31 year old individual from Morocco:

This testimony was recorded in Belgrade on the 24th of January 2016, between 5pm-8pm:

"I flew from Morocco to Turkey, Istanbul, and took a bus to Izmir. There I went to a businessman. He organised the trip by boat to the island of Chios. In Chios, I got documents. Moroccan documents. One month before Moroccan documents were no problem. But now they are a big problem. I then took the ferry to Athens. In Athens I took the train to Thessaloniki. From there I walked through Macedonia. I walked for seven days. I arrived in the camp in Serbia. I had to see a doctor from the Red Cross and stay in the camp for four days, because my feet were seriously injured from all the walking in the snow and the cold and the rain. I then took the train with all the people from Syria, Iraq and Afghanistan to Šid. In Šid, the police gave me problems because I did not have any document. So they sent me back to Belgrade. In Belgrade I registered at the police station. They took my fingerprints and gave me an Iraqi registration paper. There was no translator at the police station, so the Serbian police wrote down that I am from Iraq. So I took the paper and went to the border crossing in Šid again. The Croatian police was present in Šid and they had a translator with them. She asked me: "where are you from?" I said: "I'm from Iraq." She said: "count from one to ten." She wanted to test my accent. She cut me off when I reached seven and said: "you are not Iraqi." I could not pass.

There was a problem at the camp in Šid. There were treating people who were not Iraqi, not Syrian and not Afghani differently in the camp. We waited till ten or eleven at night until we could go to sleep. In the morning, we got something to eat, but not the same thing as the Syrian, Iraqi and Afghani. We were given sardines that were already expired. Me and my friend S. and others got very sick. The Red Cross helped us. They were very kind and treated everyone the same. They did not make a difference between Moroccans, Algerians or Afghanis. After two days we felt better.

After seven days we tried to cross the border on foot. It was very difficult because it was very cold. We walked 120 km in to Croatia. Every day we walked 50 kilometre without GPS. We oriented us by the sun. We made one mistake in Croatia. Croatia has a problem. The Croatian population is collaborating with the police. We didn't have any water left, so we asked for water. We asked at a house. They gave us water, and food, and chairs to sit on in front of their house. We ate and they gave us cigarettes and then the police arrived. The people who gave us food and everything also called the police. I'm sorry, I love Croatia, but this was really hard for me. Everything is against us there. They call us terrorists. They call us muggers. But we are just people who are looking for a

future. Everything in this state is against us. The police took us and brought us back to the Serbian border, 10 km before Šid. We had to walk the last part by foot. We arrived back in Šid. The next day, we took food and water and left again. We walked for 140 km. At one train station, the police saw us on camera and came to catch us. They beat us. Not too bad, but still, they were beating us. They pointed their guns at us. They asked us where we come from. When we said, we are from Morocco they brought us back to Šid the exact same way as they did the first time.

After that, we tried to hide on a cargo train that was going from Šid all the way to Germany. But again, the Croatian police detected us through their scanners/cameras. They treat us like terrorist. This is not the treatment I expected from Europe. We respect you, I expect you to respect us too. There is no difference between us. We are the same. The problem lies in the moral of people.

Now I am stuck in Belgrade. The situation in Belgrade is hard. We sleep in the street. Yesterday, we took the bus to the camp [Krnjača] in Belgrade. We were seven people. We asked and plead to sleep there, but they said no. So we left. Instead of in the camp, we slept inside an empty train that was standing in the station. It was very cold in there. We wrapped ourselves in our blankets and tried to sleep. We were four people.

I am 31 years old. I have a diploma in Morocco. But I left because there is no future for me there. Either I can create a future for myself or I will die wondering why it is not possible for me to have a future. Why? I cannot go back to Morocco. The Moroccan politicians give nothing to their people. The politicians travel and live in Europe and live a good life. And their families lead a good life too. Meanwhile, millions of people in Morocco do not know what they will eat the next day. That's the reality in Morocco."

g) Testimony of H., a 24 year old individual from Morocco:

This testimony was collected in Belgrade on the 26th of January 2016:

"As soon as I arrived at the camp [Šid] last night, there were police guarding the train with refugees. They've put us in a line, one by one, and then they asked for our papers. Those who had none were sent back by the police immediately. I went back to the camp, I slept for almost 3 hours, and then the police came and we had to go to talk to the translator. Here we were placed in a line, one by one, in the direction of the translator. [presenting H. an image of a person] Yes, that's her, that's the translator. The translator 'knew' I'm not Iraqi because of my accent. All Moroccans were pushed back by the translator. 30 people were sent back to Belgrade by train. Croatian police strikes and hurts all those who want to cross the Croatian border. You need to make public what's going on here."

h) Testimony of M., a 26 year old individual from Morocco:

This testimony was recorded in Belgrade on the 24th of January 2016, between 5pm-8pm:

"I arrived to Belgrade on January 11th, it is very difficult to continue to travel from Serbia to Croatia. I took the train with a group. When we arrived to Slavonski Brod the Croatian police told me: "You are not Iraqi nor Syrian, you can't pass." They took me to a room, they kept me there from 12pm – 20pm. There were around 40 of us kept there. Then, they took us to the Serbian border, making us walk 7-8 kilometres to cross the border. When we returned to Serbia, our documents valid for 72 hours, expired. Ever since I arrived to Serbia and since Croatian police kicked me out of Slavonski Brod, I am trying to cross the border every day. And nothing. Croatian police operates in Šid too. They are very violent. I've seen a person getting kicked in the face, above the eyes, by Croatian police officer. They massacred him. We don't understand why this is happening, why they are not letting us pass through. I didn't try to ask for asylum in Croatia, because I don't want to stay in Croatia. I want to go to a different place. Some nights I sleep on the streets in Belgrade, some nights I take the train to Šid to sleep in the camp there, without money, without anything, with the hope they let me pass, as we are many. We have to hide to enter in the camp in Šid as our documents expired. We sleep there, and we try to pass again, and again, and again. Two days ago I tried to enter the Krnjača camp. They didn't let me in because they said my documents expired. The guard at the entrance didn't let us in, he was saying "Go, go, go away!". I asked him why other people are welcomed to sleep in the camp, and we are treat like animals. We are left to sleep in the streets, in the cold and snow, while others can at least get warm in the camp. I didn't try to pass the border on foot. It is too cold and I don't know if I could make it in these conditions. There are many people that tried to cross on foot, but Croatian police caught them. I have seen police violence; I saw many people assaulted by Croatian police.

I have a message for the European Union: Do something for us, do it for all of us! Why some pass, and others sleep on the streets? Why some cross and others don't? We have arrived all the way from Greece, we walked through Macedonia on foot for 4 days, just to be stuck in here, for 13 days now, unable to find and reach a place where we can live better, where our families can live better. In places like Morocco, Algeria and many others, a different type of war affects people. It is a cold war. Because of it people have no money, they live on the streets, they sleep in the wooden barracks, they are jobless, left to die from drugs and poverty. We can't continue to live like this. We spent a lot of money to arrive to Europe, to arrive here. We need to find a better life for our families and us. We deserve a better life also, don't we?"

The following photos were sent to us by M. He reported that these photos are showing his friends who were beaten up by police inside the train in Šid in the night of 24th to the 25th of January 2016.





i) Photos showing detention in Slavonski Brod

This photo was given to us by an individual, which took it in a container in Slavonski Brod in which he and others were being detained by Croatian police for two days.

**j) Video displaying forced return to Serbia on foot**

This video was given to us by a Pakistani individual, who filmed the walk back to Serbia in the snow on the rail-tracks, after being pushed back by Croatian police.

Find it here: <http://moving-europe.org/wp-content/uploads/2016/01/Video.mov>

k) Report from independent activists from the beginning of January:

This statement has been written by an autonomous group of activists able to gather direct witness testimonies of human rights violations through an Arabic translator, legal experts and no border activists.

"It has come to our attention that there is systematic violence and unlawful processes carried out by Croatian police officers at the Slavonski Brod Transit Camp for Migrants and Refugees. We have collected witness statements by refugees labeled as 'non-SIA' (i.e. their country of origin is neither Syria, Iraq nor Afghanistan) describing these acts of violence, inhumane treatment and human right violations (non-refoulement). A consistent racial profiling has caused brutal responses by Croatian police staff.

This method of segregation begins when migrants are forced to line up in a one-by-one queue as the official translators as well as police forces arbitrarily pick out random individuals and consequently interrogate them about their country of origin. Without the proper paperwork and proof of identity many become subject to racial profiling and random selection. In most cases, these papers are easily stolen or lost through chaotic and dangerous routes.

At the Šid train station in Serbia (by the Serbian-Croatian border), the group of translators include United Nations High Commissioner for Refugees (UNHCR) officials that attempt to determine a person's country of origin in a matter of seconds. We met a group of 5 Pashtu-speaking individuals that were prevented from boarding the train to Croatia since there was no Pashtu translator to confirm that they were indeed from Afghanistan. This group, and many others determined 'non-SIA', are left waiting in limbo at a guesthouse near the Šid train station.

At Slavonski Brod, one victim of Croatian police brutality revealed to us that a policeman, instead of a translator, picked him out of the crowd as a 'non-SIA'. This man and several others were then taken into an ICRC (Red Cross) container and locked in there by the police overnight. The police proceeded to drive them halfway from Slavonski Brod towards the Serbian border. They were then subject to beatings by the Croatian police before being given harsh orders to not enter Croatian territory again. As the attached video reveals, those detained are left to walk in the snow (and minus Celcius degrees) back to Serbia.

Such witness accounts of similar treatment at the hands of the Croatian police are rising on a daily basis at the Šid camp. More recently, Croatian police inform those detained in the containers that they should rest well since they will be taken to Germany the following day (photos taken from inside the containers are attached). It is only once they exit the back of the police van that they discover they have been pushed back to Serbia. Witnesses describe children as young as 10 years old forced to walk back the 3-4 km along the train tracks back to Serbia.

We met over 20 people that were subject to this form of detention and pushback at Slavonski Brod, many of which had to endure this process between 2 to 4 times during the first 10 days of January. No one was given any information on the possibility of seeking asylum in Croatia, which is their legal right even as a 'non-SIA' migrant or refugee. Instead, they are illegally pushed back from a EU country to a non-EU country. These witness accounts constitute not only excessive force being applied by the Croatian police, which is unlawful under Croatian law, but also violations of the victims' rights to seek asylum in Croatia as ensured by International Human Rights Law [UDHR 14(1), Refugee Convention 1951, European Convention on HR (art. 2, 3, and 5), CAT (art. 3)].

We urge all responsible bodies of the Croatian government as well as the Croatian police force to investigate these allegations and to immediately put an end to the treatment described above.

Freedom of movement for all!"

Conclusion

During the last weeks we talked to around 100 people who are stuck in Belgrade. Through the conversations and discussions with these refugees, we realized that the stories we listened to were not only single and isolated personal experiences, but that they form a pattern: A pattern of structural violence, which is enacted upon the refugees to prevent them from travelling on and to regain control over their lives and futures. This is not done by Croatian authorities alone. This strategy is part of an EU-wide strategy to restrict flight, migration and the freedom of movement.

The violation of refugees' fundamental rights and the production of a state of exception are the consequences of the unlawful segregation and the brutal restriction of the access to the Balkan corridor towards Western Europe. Violence, fences and isolation are once more the answers of the European Union to the power of the migration movements.

But the European Union has not learned from the past months. It has become clear during the summer 2015 that the power of migration movements can not be stopped. Fences and violence will only inflict more danger and suffering upon refugees.

Only a politics of equal rights and freedom of movement for all can end systematic state violence and the production of a rightless population.

"I have a message for the European Union: Do something for us, do it for all of us! Why some pass, and others sleep on the streets? Why some cross and others don't? We have arrived all the way from Greece, we walked through Macedonia on foot for 4 days, just to be stuck in here, unable to find and reach a place where we can live better, where our families can live better. In places like Morocco, Algeria and many others, a different type of war affects people. It is a cold war. Because of it people have no money, they live on the streets, they sleep in the wooden barracks, they are jobless, left to die from drugs and poverty. We can't continue to live like this. We spent a lot of money to arrive to Europe, to arrive here. We need to find a better life for our families and us. We deserve a better life also, don't we?"

(M. from Morocco on 24/1/2016)

This report was written by
Selma Banich, Lukas Gerbig and Adrienne Homberger
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info@moving-europe.org
www.moving-europe.org