

# Report on illegal practice of collective expulsion on Slovene-Croatian border

by InfoKolpa

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## Introduction

This report is the result of a civil society initiative InfoKolpa, which started in the spring of 2018. The civil initiative was a response to an alarming number of reported illegal actions through which Slovenian police started systematically denying people the right to seek asylum in Slovenia. The number of people who were denied asylum procedure and were collectively pushbacked to Croatia under the guise of a readmission agreement increased drastically after May last year. Reports of rejected migrants implied that the Slovenian police is treating migrants in way that is indicating a serious abuse of power. Many of those who managed to cross the border and expressed intention to seek asylum in Slovenia were denied their right and were handed over to the Croatian police, without going through the adequate legal procedures. The police in border police stations has been and still is falsifying interviews with asylum seekers, trying to show as if people do not wish to seek asylum in Slovenia, which gives the police a legal option to process people through the procedure enacted by the bilateral agreement for readmission that was signed by Slovenia and Croatia in 2006. In this way, 4653 people were expelled (by the readmission mechanisms) from Slovenia to Croatia during the last year. Many migrants who were present at slovenian police stations also report violence, threats, being asked for bribes and being forced to sign documents without getting access to any translation.

Many of those who were returned to the Croatian police from Slovenia were also victims of abuse and violence later on the Croatian-Bosnian border in form of beating and theft of money and personal property. Slovenian police are carrying out systematic readmission of migrants on the border while being fully aware that there is high risk of torture and abuse being done by Croatian police in the process of collective expulsions to Bosnia and Herzegovina. This violence is undeniable, has been documented, reported and is under investigation for some time now. By denying the right to asylum and conducting collective expulsion of thousands of people Slovenian authorities are directly involved in a systematic abuse of human rights in the Balkan region.

With the knowledge of existence of this illegal police practices, a phone number was established for migrants who were located on the territory of Slovenia and had the intention to apply for asylum. The phone number was then distributed through flyers in Velika Kladuša in June. The flyers also contained basic information on asylum rights, Dublin regulation, the issue of pushbacks and what to expect when contacting the above mentioned phone number. The purpose was to have a *mediator* between the migrants and police units, which would have hopefully reduced the number of illegal expulsions of people who could not access their right to asylum procedures. When people would cross to Slovenia, they could contact the number and explain the situation, and if they wished to claim asylum in Slovenia, they would send information about their names and country of origin on the said phone number. When the wish to deal with police was expressed, the local police

station would be informed either by email or phone. This practice of mediation was successful when the *mediator* was a lawyer of an NGO. After the pressure from the ministry with threats of criminal charges, the NGO discontinued the phone number, but a group of volunteers continued this practice with a different phone number from September to November. Even though some groups of people were able to successfully express their asylum request, the majority was still pushbacked to Croatia. After two months it became apparent that police are ignoring the mediation and are acting illegally even with full knowledge that the asylum process is monitored by a third party.

This report is a collection of data regarding abuse of power and systematic violence of Slovenian police against migrants. It includes a data analysis made available from public sources as well as existing reports prepared by various field organizations, and of information gathered by the phone line Info Kolpa. The telephone line was originally set up by the Pravno-Informacijski Center - PIC, an NGO specialized on legal assistance to migrants in mid-July 2018. In this time it became clear on the basis of numerous testimonies that the Slovenian police started systematically violating the right to asylum procedure in form of collective expulsion to Croatia under the pretext of readmission agreement. In early September, PIC withdrew from their interventions to police stations, while the InfoKolpa continued with a different phone number. This report covers the period between 11th September and 7th November 2018. The telephone number was intended to inform migrants about their rights, mediate in asylum procedures and monitor the work of police.

The phone line was used when migrants who contacted the phone number were on the territory of the Republic of Slovenia with the intention to seek asylum and would express a desire for the volunteers to inform the police about their location. In such cases the nearest was informed. The phone line volunteers would send the geographical location, information on people seeking asylum and a clear statement that people are in dire need of help and wish to apply for international protection in Slovenia to the regional police station. This was done via phone or an email sent to the police station in jurisdiction. Also the Office of Ombudsman in Slovenia and different NGOs involved with protection of human rights were informed. ***The report contains 20 such recorded cases (106 persons); in 6 cases, persons were admitted to the asylum procedure in Slovenia (27 persons); in 7 cases they were pushbacked to Croatia and then illegally expelled to Bosnia and Herzegovina (39 persons); only one person was able to initiate the procedure for international protection after extradition to Croatia and was not expelled to Bosnia and Herzegovina. In 7 cases (39 people) there is no information of what had happened with the people, as they haven't made any contact after they were apprehended by Slovenian police. There are three reasons for this:***

- ***The people did not want further communication;***
- ***Police officers seized their phones for the purpose of conducting an investigation;***
- ***The phones were destroyed or stolen either by Slovenian or Croatian police.***

Towards the end of 2018, the phone communication had died down. It became apparent that the police insists on practicing systematic rejection and expulsion of asylum seekers, despite being made aware of people's intention to apply for asylum in the Republic of Slovenia. This situation was not improved even though state institutions and NGOs dealing with human rights protection had been informed about the police's actions. Hence, the telephone number was no longer serving its original purpose of helping people in need. The purpose of setting up the number was to intervene in the illegal and unethical police behavior, as they deliberately and systematically hold plenty of people in inhuman conditions and expose them to brutal violence. The aforementioned police violence also contributes to the fact that people are hiding from the police in forests and are crossing dangerous river current, which lead to cases of death due to exhaustion, hypothermia and drowning.

Recently, it has become clear that even responsible and competent state institutions refuse to clearly identify and condemn systematic violations of human rights by the police and the Ministry of Interior Affairs. Considering the large number of readmission which started happening overnight in June 2018 it is safe to suspect that the illegal practices of police in border police station were ordered and coordinated from top police officials who still remain in power. The purpose of this report is therefore to draw attention to concrete violations, collective expulsions, the systematic rejection of the right to asylum procedure, misuse of power at police stations and violence against migrants that takes place during police procedures on both the Slovenian and Croatian sides of the border.

**Available data on the systematic rejection of the right to asylum by the Slovenian police**

Slovenia and Croatia represent the border of the Schengen area, inside which border controls are supposed to be minimal. In consequence, the control on the external Schengen border is reinforced and militarized in forms of higher police presence, legal measures to reduce illegal border crossings (such as readmission agreements), technology to control movement, expulsions and systemic police violence against migrants. Slovenia started with systematic illegal denial of the right to asylum procedure and collective expulsions in the end of May 2018. **On May 25th 2018, police stations received an order signed by ex Director General of Slovenian Police Simon Velički which instructed that when in mixed patrols of Slovenian and Croatian police, if a person is caught illegally crossing the border, he/she should be returned to Croatia (see attachment 1). It is worth mentioning that Croatian police denied any such cooperation and knowledge of these instructions.<sup>1</sup> It seems that the order was a pretext for illegal expulsions, since many parts of the police instructions on asylum procedures remain unavailable for the public. This instruction by itself has not yet been recognised as unlawful by any court, but after this order was introduced, the number people who were given the right to an asylum procedure reduced drastically.** For example, at the Police Station Črnomelj, which is the closest in walking distance from Velika Kladuša, in May 2018, 379 people were apprehended for illegal border crossing and 371 of them (98%) expressed the intention to seek asylum. In June, after these police instructions were introduced, 412 people were apprehended for illegal border crossing, but only 13 of them *managed to express their intention* to seek asylum in Slovenia. **This means that from May to June the percentage of people who crossed to Slovenia and sought asylum with police in Črnomelj dropped from 98% to only 3%.<sup>2</sup> The percentage of people who were accepted to an asylum procedure increased only slightly in the following months (see picture 1).** Those who were denied their right to seek asylum were then eligible to be processed by the readmission agreement between Slovenia and Croatia that was introduced in 2006. **Out of 9149 people who were in procedure for illegally crossing the border to Slovenia, police has expelled at least 4653 persons to Croatia under this agreement, with full knowledge that there is high chance that those people would be then further expelled to Bosnia and Herzegovina with a high risk of torture and abuse by the Croatian police. The same practice of systematic denial of the right to asylum is also present in other police stations along the southern border region such as Police Station Metlika, Police Station Ilirska Bistrica, Police Station Kočevje and Border Police Station Dragonja.**

Considering the orders on how to deal with migrants who seek asylum in Slovenia and considering the drastic decrease in number of people expressing intention to seek asylum which happened in exact time this order was issued, it is safe to assume that the instruction for systematic illegal denial of the right to asylum and the introduction of collective expulsions came from the top police officials in Slovenia under the former minister of interior affairs Vesna Györkös Žnidar. Directly responsible for the systematic violation of human rights on border police station is former chief of police Simon Velički and former deputy and current chief of police Tatjana Bobnar, both of whom have signed documents which contain instructions and guidelines on dealing with migrants who have been apprehended for illegal border crossing.

Despite bringing to light many evidence and reports of illegal action and unlawful conduct of Slovenian police, the Human Rights Ombudsman Vlasta Nussdorfer abstained from any convictions. She even organized a press conference together with the minister of interior affairs Györkös Žnidar at which the latter was allowed to publicly accuse non-governmental organizations of “organizing migration”. This launched a media lynch against the NGO Pravno-informacijski center (PIC), even though what this NGO did was only inform the police of the intention of people who wanted to apply for international protection and were located on the territory of the Republic of Slovenia. Obvious irregularities in the conduct of the Slovenian police in the treatment of persons who entered the territory of Slovenia and intended to apply for international protection, are already evident from the statistics themselves: Slovenian police published that in 2018 they dealt with 9149 illegal border crossings and 4653 persons were returned to Croatia under the bilateral readmission agreement. The number of persons returned to Croatia is more than half of all persons who were dealt with due to their illegal crossing of the border. It is worth noting that it is not known how many people were returned to Croatia in an informal procedure with direct transport to the border. Many people have also been pushed back more than once.

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<sup>1</sup> <https://www.dnevnik.si/1042845762> (23.4.2019)

<sup>2</sup> <http://www.varuh-rs.si/medijsko-sredisce/novinarske-konference/iz-novinarskih-konferenc/novice/detajl/varuh-o-zahtevi-za-oceno-ustavnosti-uredbe-o-hrupu-in-ravnanju-policistov-na-juzni-meji/?cHash=01f3753d10cfc268a8ef4d79dce85363> (23.4.2019)

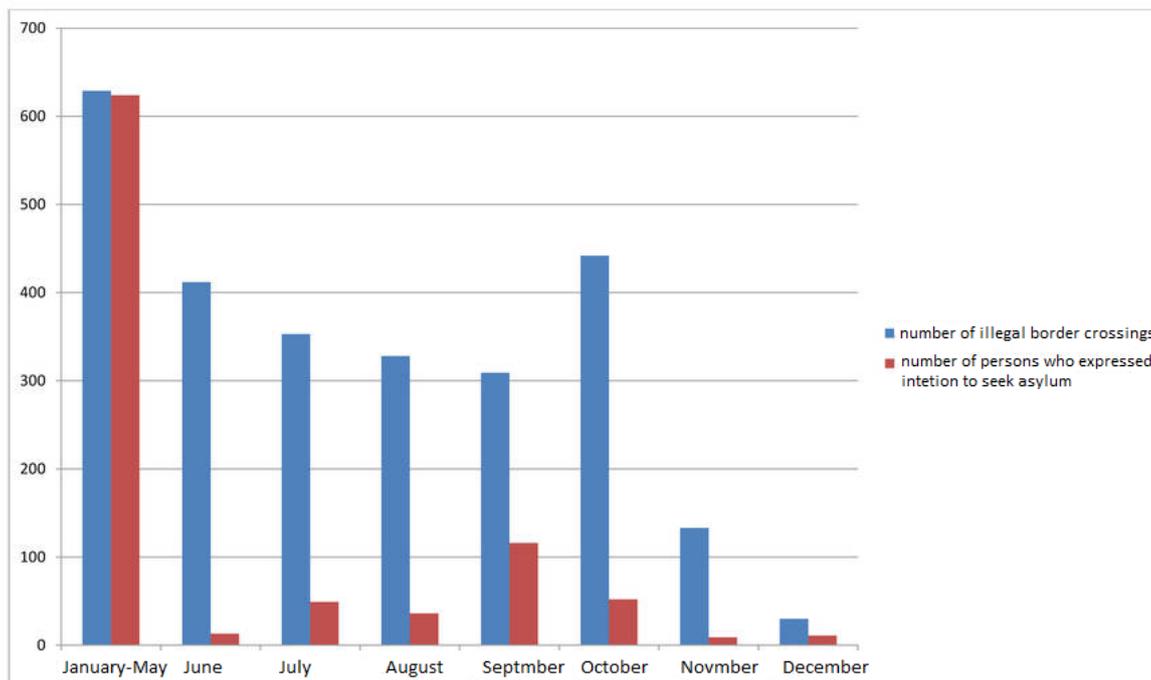
The start of the systematic practice of denying the access to the right to seek asylum and the commencement of mass returns can be traced to late May last year. This is when the former Director General of Police Simon Velički issued the instructions dated May 25th, 2018. The instructions requires Slovenian police officers in the mixed patrols of Slovenian and Croatian police officers, to hand over people who were caught in an illegal crossing of the border to the Croatian police. The Croatian police officials denied that they had been informed about this instruction in any way, but it is obvious that the practice of systematic denial of right to asylum procedure and collective expulsion was established in Slovenian police stations in June. According to the Human Rights Ombudsman's Office in Slovenia, 1435 persons were apprehended in 13 police station under the Novo Mesto police administration between January and June 2018 due to illegal border crossing. 987 of them requested asylum and 434 were returned to the Croatian police. The proportion of asylum-seekers, with regard to the full number of illegal crossings is 68 percent. In May 2018, 379 people were processed at Police Station Črnomelj for illegal border crossing, of which 371 applied for asylum, which is almost 98%. In June, Police Station Črnomelj experienced drastic changes in the management of procedures: out of 412 persons, only 13 persons applied for asylum, representing only 3 percent of all persons compared to the 98 percent in May. With this information, it is safe to assume that police are involved in mass manipulation, malversation and abuse of power in asylum procedures conducted at border police station.

Despite the request of the Information Commissioner to disclose the complete instructions, the police are avoiding disclosure of the censored parts with a lawsuit at the Administrative Court. Their argumentation states that this would jeopardize the implementation of police procedures. The instructions are also likely to contain guidelines for dealing with migrants that are inconsistent with the legislation and do not follow basic ethical standards for dealing with persons who are in a vulnerable position. It is suspected that the instructions require police officers to make a selection of persons who are eligible for asylum procedure based on their nationality. In our opinion, the lawsuit attempts to avoid the police management officials of responsibility for issuing unlawful and unethical instructions on dealing with people at the border and seriously compromising lives of thousands of people.

In the interim report, the Office of the Ombudsman noted irregularities in the functioning of the police and a reasonable suspicion that these disputed practices indeed do exist. ***On 19 June 2018, without prior announcement, the Ombudsman made a visit to the Črnomelj and Metlika police stations. There they found a lack of serious consideration of the personal circumstances of each individual, in which the police could undoubtedly confirm that a person did or did not submit an application for asylum, or if the request for asylum was heard. During this visit, the staff of the Human Rights Ombudsman's Office also confirmed the presence of a person at Police Station Črnomelj on the 7th of June 2018 who was later pushed back to Croatia.*** This person described the conduct of the police as follows: "verbally aggressive (they were saying ugly words to them and their tone was very violent). One of the migrants asked if he could go to the toilet and he got a blow to his face. The other migrant (because he did not understand the English command that he must lie down on the ground), got a kick first, then he lay down into the wrong position, so the policeman gave him a brush with an electric stick (he described it as "It was black color was it in three steps"). After a personal investigation, the police took them to a small container. While signing the documents, the police assured them that they are signing documents for asylum and that they would be taken to the refugee camp the next day, but they were taken by car to the station of the Croatian border police on the following day." Such violent practice does not apply to all cases, but it testifies the way in which migrants are treated at police stations. On February 15th 2019, the Ombudsman also issued a final report on the conduct of police officers at the border, which included statistics on persons who were dealt with for the illegal border crossing, as well as data on the number of persons requesting international protection (Picture 1). ***However, regardless of the clarity of the data indicating obvious changes in the conduct of proceedings, the Ombudsman was not ready to deny or confirm allegations of unlawful police conduct. The ombudsman also has the authority to obtain the full content of censored police instructions that coincide with a drastic fall in the number of asylum seekers, but has not done this.*** In spite of the obvious evidence of systematic violation of human rights at police stations, the office of Ombudsman in Slovenia is to this day unwilling to start an investigation, condemn the systematic abuse of human rights or press for criminal charges for those responsible for these criminal acts. ***On 26th and 27th of September 2018, UNCHR delegation visited police stations in Ilirska Bistrica, Črnomelj and Metlika. The delegation commended the work of the police and did not detect any procedural violations.***

In 2018, the Slovenian police officially returned 4653 persons to Croatia. In the vast majority of these cases, the right to asylum was not respected. According to the testimonies of people who were expelled to Croatia and then to Bosnia and Herzegovina, the procedures at Slovenian police stations are in many cases accompanied by violence, threats, signing of documents in Slovene without translations, and in some cases with beatings. After arrest, people are brought to the police station, where the police officer takes their fingerprints and photos of faces, this is followed by a quick and superficial interview with the help of a translator. No Name Kitchen (NNK) reports also provide evidence of apparent aggression, racism and bias of some translators. Often, translators also interrogate asylum seekers, for which they are not authorized. This is followed by the acquisition of 250 - 500 euros for the offence of illegal border crossing. Sometimes dry clothes, water and some food are provided; sometimes people are forced to sleep in wet clothes on the ground, without food or water. **After several hours or days, they are handed to Croatian police and processed under the readmission agreement. It is worth noting that the procedures of this agreement, which have been in force since 2006, are not in line with the basic legal principles, since they do not allow minimum legal protection standards in the form of counselling or complaint.** In the vast majority of cases, the people go again through identification process at the Croatian police station, which followed by an expulsion across the green border in Bosnia and Herzegovina. In many cases the expulsion is accompanied by beatings, as well as theft of phones and money.

The UNHCR's Desperate Journeys report, published in September 2018, recorded 1500 cases of refusal of the right to access to asylum and 700 cases of violence in the form of beatings and theft out of 2500 questioned people who were forcibly returned from Croatia to Bosnia and Herzegovina. As of June, the Slovenian police is consciously in large number handing over migrants to the Croatian police, despite knowing that they will be exposed to brutal violence by Croatian state authorities. In this way, Slovenian police actively and in full knowledge violates the principle of non-refoulement in the event of a threat of torture. It is therefore necessary to terminate the validity of this inter-state agreement, under the guise of which systematic and gross violations of human rights take place.



Statistical data for Police Station Črnomelj

Picture 1: Number of illegal border crossings and number of persons who were able to express intention to seek asylum in Police Station Črnomelj.

## Border externalization, violence of Croatian police towards migrants and cooperation with Slovenian police

Since the migration route has shifted from Hungary through Croatia and Slovenia, the Croatian police, as the guardian of the borders of the European Union, is carrying out physical violence against migrants crossing the border. The Croatian police beats most of the caught migrants, takes their phones and money and then expells them to Bosnia and Herzegovina. The media, Croatian and other non-governmental organizations regularly report on the physical violence of the Croatian police against migrants. Both international media (Guardian, New York Times) and international humanitarian organizations (UNHCR, Save the Children and Human Rights Watch) have reported brutal violence. In December 2018, the Border Violence Monitoring NGO published footage showing 54 cases of collective forced expulsions ("pushbacks"), conducted between 29 September and 10 October 2018, in which at least 350 people were expelled through the green border into the territory of Bosnia and Herzegovina.<sup>3</sup>The clip shows forced returns from Croatia to the Bosnia and Herzegovina near Bihać. Similar locations where collective expulsions are still ongoing daily are located near the border at the town of Velika Kladuša. The systematic violence of the Croatian police against migrants in the form of theft and destruction of mobile phones has been documented and has been taking place for two years. In 2017 such violence took place in the vicinity of the Serbian-Croatian border near the town of Šid. Since last year, the same practices of police violence are happening towards migrants crossing the Bosnian-Croatian border. Madina Hussiny, a six-year-old Afghan girl, lost her life in one of the collective expulsions to Serbia. The family crossed the border from Serbia to Croatia in order to apply for asylum, but the Croatian police forcefully dispersed them. On the night of November 21, 2017, Madina was hit by a train and died. This case was investigated by the Croatian Ombudsman for Human Rights who requested images of thermal cameras, which the police did not provide because of "technical problems".

After this, the Public Prosecutor's Office was not ready to launch an investigation against the police, as there was insufficient evidence. This case is currently at the European Court of Human Rights. Similar examples of concealing evidence of violence by the Croatian police were also present last year, but published footage of collective expulsions, countless testimonies and beaten people who are forcibly displaced to Bosnia and Herzegovina by expulsion across the green border testify to this systematic violence of the state. According to the testimonies, collective expulsion is carried out in such a way that a group is put in a van and taken close to the green border with Bosnia and Herzegovina in the relative vicinity (usually 20 km) of Velika Kladuša or Bihać. In some cases, police officers have dropped tear gas inside the van, and in the winter they would turn on a cold climate and drive wildly, leading to injuries and vomiting. Then, in the woods near the border, people have to leave the van one or two at a time. Then a circle of black masked men or of masked cops is made, or in some cases a cordon of policemen is formed, who then start beating people with baton, kicks, electric paralyzers or electric poles. Firing rubber bullets toward the region of the head and chasing with dogs is also a method used to force people to flee across the border back to Bosnia. Prior to this, persons are deprived of their personal property, such as money and telephones, and whoever applies for asylum may receive additional blows. During the winter months, there were also other forms of torture such as the practice of taking people's clothes and footwear, which in snow conditions poses a great risk of frostbites and freezing of individual's body parts and, consequently, brings the risk of amputation. Not all cases of collective expulsion take place in this form, but they are nevertheless common. Since June this year, No Name Kitchen, SOS Team Kladuša and Balkan Info Van have recorded individual testimonies of expulsions from Slovenia and Croatia to Bosnia and Herzegovina.<sup>4</sup>

Despite of proven systematic violence the Croatian police was awarded 10 million EUR last year from the Department for Schengen Coordination and EU funds and this money will be used primarily to accommodate police officers near the border, maintain two helicopters, buy off-road vehicles and border control equipment.<sup>5</sup> The European Commission also devoted just over 7 million to the Croatian police at the end of the year for the purpose of strengthening the European external border.<sup>6</sup> Both the Slovenian and Croatian police are carrying out the task of externalizing European borders through systematic violation of human rights and the implementation of violence against the most vulnerable groups. It is important to note that the Slovenian police violates the international principle of non-refoulement in the event of a serious threat of torture by returning people who are not let into asylum procedure, but are instead processed under the above mentioned bilateral international agreement. Both activist field reports and international organizations reports confirm the existence of this danger. ***In full knowledge of the allegations of violence against the Croatian***

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<sup>3</sup> Available at: <https://www.borderviolence.eu/proof-of-push-backs/>

<sup>4</sup> Available at: <https://www.nonamekitchen.org/en/violence-reports/>

<sup>5</sup> <http://balkans.aljazeera.net/vijesti/granicnoj-policiji-hrvatske-iz-fondova-eu-deset-miliona-eura>

<sup>6</sup> <https://www.total-croatia-news.com/politics/33159-border-management>

***police and collective expulsions across the border, the Slovenian police handed over 4653 people to Croatia in 2018, many of which were exposed to violence and theft.***

Slovenian and Croatian police cooperate under the conditions set by the bilateral agreement on readmission. When a person is caught in the territory of Slovenia for illegally crossing the border he is taken to police station. In most of the cases if a person expresses his intention to seek asylum in Slovenia his claim is ignored and usually replied with threats from police. His belongings (phone, money...) are taken away. The person is usually fined for offence of illegal for illegal border crossing in the sum of 250 EUR. There is also theft and beatings done by police but less regular. In the process of readmission the belongings of a migrant are usually handed over to Croatian police and not to the migrant despite numerous testimonies of money theft and destructions of phones. Large number of envelopes and wristbands that were used in process of readmission were found in the border area near Bihać (Picture 2 and 3). Ripped envelopes and wristbands additionally prove illegal practice of collective expulsion that has become common police procedure in dealing with migrants in Croatia and Slovenia.

The police in Slovenia and Croatia are performing the role of externalization of the European border. In order for undisturbed movement of capital and goods across EU and continuous economic growth, the outside border of the EU is strengthened with increased number of national and international (Frontex) police units. Excessive violence, criminalization of migrants and solidarity and expulsions are means to prevent people's movement in search of survival and better living conditions. The Balkan migration route has been going through this territory for many years now. It is one of the points of illegal entry into Europe for people who are prevented from legally crossing borders simply because of their nationality or poverty. The journey starts in Greece, where most people arrive from Turkey on boats directed toward the islands of the Aegean. Five of these islands have concentration camps financed by European funds: leaving the islands is prevented and demonstrations due to unliveable conditions are muted with batons, deportations and court proceedings. The other two major routes to the European Union are from Morocco to Spain, and from Libya to Italy. The authorities in Libya and Morocco already have an agreement with the countries of the European Union for the financing of border police in the form of delivery of boats, jeeps, fences and control equipment for the tasks of restricting migration by all means. The externalization of European borders is taking place in the Balkans as well as in North Africa, Turkey and Greece. It takes form of large financial grants, bilateral agreements on accelerated deportations, biometric censuses and the creation of fingerprint databases, training of police, construction of fences, the financing of deportation centres, introduction of repressive legislation and violent and unlawful police practices directed towards migrants.



Picture 2. Envelopes used in readmission procedure from Slovenia to Croatia

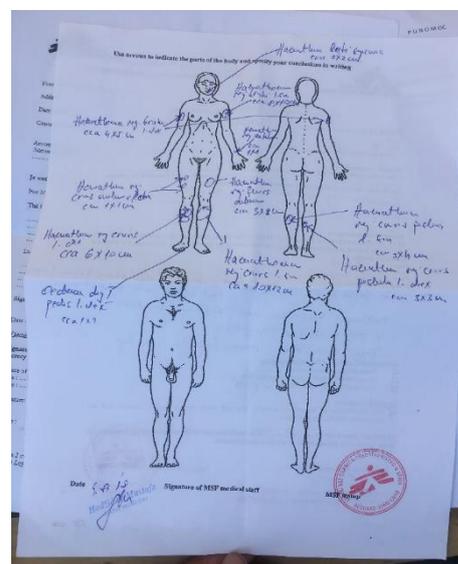


Picture 3. Wristbands used in readmission procedure from Slovenia to Croatia.

On 29 July 2018, Hakim along with a group of five other people from Tunisia, Algeria and Morocco was taken to Police Station Crnomelj. At the station, the police interviewed only one person in the name of all six about their intention to apply for asylum. Their asylum claim was illegally denied on the border, they spent the night in a container and were handed over to the Croatian police the next day. The police led the group to the green border of Bosnia and Herzegovina in the vicinity of Velika Kladusa, where they were severely beaten by masked men. Electric batons were also used for expulsion. (ILLEGAL PUSH-BACKS AND BORDER VIOLENCE REPORTS - August 2018, No Name Kitchen, Balkan Info Van, SOS Team Kladusa, p. 2. Available at: <https://www.nonamekitchen.org/en/violence-reports/>)



Eram ran away with his 14-year old son from domestic violence in Iran. They were in a group of 15 people when Croatian police caught them on 3rd of August 2018 near the town of Perjasica. The police officers took mobile phones from the people and took them to border with Bosnia and Herzegovina. There the present police officers forcefully expelled the group across the green border. The police stole from Eram 500 euros and her son's laptop. Money was stolen also from other people from the group. When the members of the groups started leaving the van, police started hitting and kicking them. In order to escape the violence they ran across to border to Bosnia. (ILLEGAL PUSH-BACKS AND BORDER VIOLENCE REPORTS - August 2018, No name kitchen, Balkan info van, SOS Team Kladuša, p. 9. Available at: <https://www.nonamekitchen.org/en/violence-reports/>).



Ali was pushed back from Croatia to Bosnia and Herzegovina and arrived walking to Velika Kladuša on 7<sup>th</sup> of February 2019. During the expulsion, Croatian police took his shoes and he was forced to walk in snow barefoot for several kilometres. He came to Velika Kladuša with severe frostbites and because of lack of medical assistance he developed gangrene. He then decided to go to Bihać where he received medical help only after two days. He refused medical help because he did not want amputation which was needed for treating gangrene.<sup>7</sup>



### **The telephone number for asylum assistance**

During visits to Velika Kladuša, some volunteers distributed leaflets to migrants with information on asylum procedure in Slovenia: what is the procedure, which are the competent authorities, what are their rights and obligations in the individual stages of the procedure. Due to the increasingly frequent testimonies of migrants about pushbacks by the Slovenian police and in the light of the above mentioned unexplained discrepancies in official data on the percentage of asylum applications at individual police stations, volunteers also gave the migrants a telephone number they could turn to if they wished to seek asylum in Slovenia. The telephone number operated according to the "alarmphone" principle, which has already proved somewhat effective in some other parts of Europe (Croatia, Spain, Greece, Italy) in fighting the unlawful practice of pushbacks. The purpose of these telephone number was to independently monitor border crossings and monitor police procedures.

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<sup>7</sup> <https://www.meltingpot.org/Storie-di-ordinaria-violenza-dal-confine-tra-Bosnia-e.html#.XHU00qBCe71>).

In mid-July 2018, the NGO Pravno-informacijski center (PIC) set up a telephone line aimed at providing information to migrants regarding their rights as well as informing the competent police authorities about persons who were located on Slovenian territory and had the intention to apply for international protection in Slovenia. The establishment of a 24-hour telephone line was a response to the increasing number of worrying testimonies of persons who were prevented from gaining access to the right to apply for international protection and were subjected to police violence. Such unethical and unlawful conduct became mass and systematic practice at police stations in June and every subsequent month, and the purpose of such a telephone line was to monitor police procedures in order for them to comply with the legislation and basic standards of respect for human life. In testimonies people also claimed that minors, families and other vulnerable persons were also denied their claims to asylum procedure at the police stations. In this way Slovenian police is exposing many people to the dangers of torture and thefts during expulsions to Bosnia and Herzegovina. By denying people the right to proper procedures and conducting pushbacks many migrants are forced to live in inhumane conditions in the IOM and UHCR run camps in Velika Kladuša, Bihać and Ušivak.

The operation of the phone involved the provision of basic information to persons regarding their right to international protection and getting information on the controversial functioning of the police at the border, as well as getting information about the situation in Velika Kladusa. People mostly called or wrote to the number after crossing the Slovenian-Croatian border. In the cases when they themselves wanted to, they also reported their name, age, country of origin, location and the number of persons in their group. Then, with their confirmation that they wish to apply for international protection and to call the police, volunteer would inform the authorities of the location of the persons and their intention to seek asylum. Members of Pravno-informacijski center - PIC (NGO offering legal assistance to migrants) were thus informing police stations via telephone or e-mail about the intention of people to seek asylum in Slovenia. Based on the talks with PIC, in July and August 16 interventions were carried out in cases of groups that had declared their intention to apply for asylum. In 13 cases, the police complied with the legislation and the people were allowed to start asylum procedures, while in 3 cases the police claimed that the groups were never located in that area. Later it turned out that they were pushed back across the border.

On 7<sup>th</sup> of September 2018, a joint press conference was held by the Ministry of the Interior and the Human Rights Ombudsman in Slovenia. During this press conference now former interior minister Vesna Györkös Žnidar charged an unnamed non-governmental organization with allegedly disputed activity in informing police stations about persons wishing to seek help and tagged the notification that police officers have to comply with legislation as problematic. It did not take long for the media to discover that the unnamed non-governmental organization is PIC. This discovery was followed by a media lynch of the said NGO by Delo newspaper. Members of PIC withdrew from the practice of operating a telephone line because of the fear of endangerment of the organization, while the Info Kolpa volunteers continued with the practice with a different telephone number.

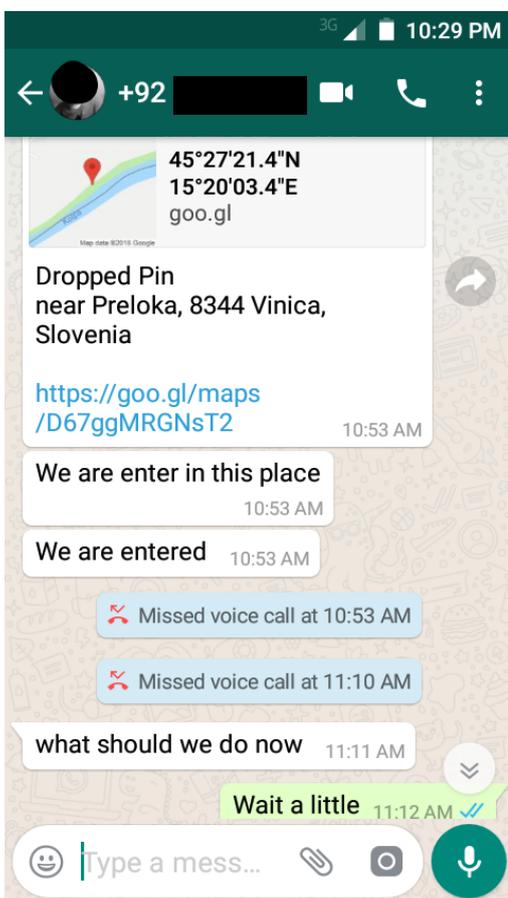
The purpose of setting up Info Kolpa phone practices is to prevent illegal police conduct and prevent additional casualties due to the repressive EU border regime which prevents any possibility of safe and legal border crossings for many people. The point was to prevent the illegal practice of expulsion by acting as a third party and a mediator in asylum procedure. The Info Kolpa phone's secondary purpose was to record possible illegal police conduct. Between the 11<sup>th</sup> and 7<sup>th</sup> of November 2018, Info Kolpa has intervened 20 times at police stations with e-mails or phone calls. Apart from the police, the presence people wishing to apply for asylum in Slovenia was also communicated by email to the Ombudsman, Amnesty International Slovenia and, in some cases, the General Police Station. In 6 cases, the police accepted groups to asylum procedure, in 6 cases, persons were collectively deported and have later replied to us from Bosnia, and only 1 person was able to apply for asylum in Croatia after he was deported from Slovenia. In 7 cases, the persons did not reply after they were apprehended by Slovenian police and it is not known what happened to them. Possible reasons why people did not respond are: they themselves did not want to continue the communication, the police took their mobile phones because of the purpose of the investigation or the phones were stolen or destroyed by police in Slovenia or Croatia.

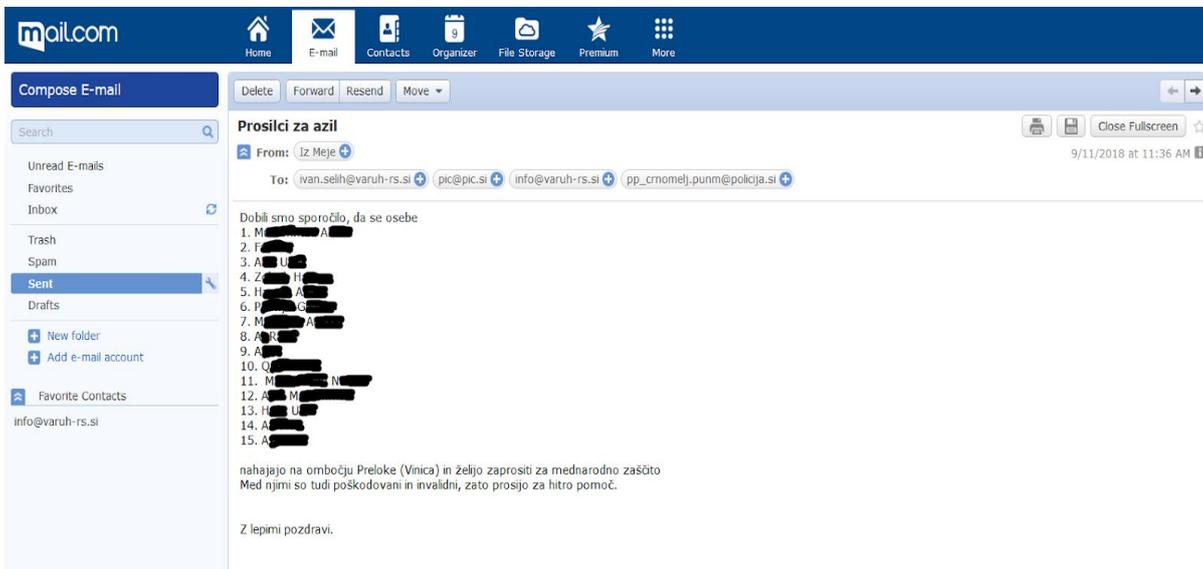
**Time and place:** 11<sup>th</sup> of September 2018, Preloka near Vinica.

**Reception procedures at:** Police Station Črnomelj.

**What happened to people:** Policemen from Police Station Črnomelj caught a group of 15 people from Afghanistan, Iran and Pakistan. 3 minors were allowed to apply for asylum, other 12 were denied the right to claim asylum and were returned to Croatia and then Bosnia and Herzegovina.

**Description of the events:** On 11 September 2018 a group of 15 people from Afghanistan, Iran and Pakistan contacted the InfoKolpa telephone. Around 11.00 they crossed the border in Preloka near Vinica, which is under the jurisdiction of Police Station Črnomelj. The group, in which there were also families and minors wished to apply for asylum in Slovenia. When it was explained that only police has the authority to start asylum procedures and that direct help can constitute a criminal act they gave notice to inform police. Around 11.30 a.m., Police Station Črnomelj, Human Rights Ombudsman and PIC were informed via e-mail about the location of the group and their intention to apply for asylum. Between the hours of 16.00 and 17.00., the group also called the police emergency number and were advised to move to the nearest road, so that the patrol could spot them. Three days later one person from the group contacted us from the asylum camp in Ljubljana. Of the 15 people in the group, 3 minors were allowed to apply for asylum, 12 were returned to Croatia.





## Report 2

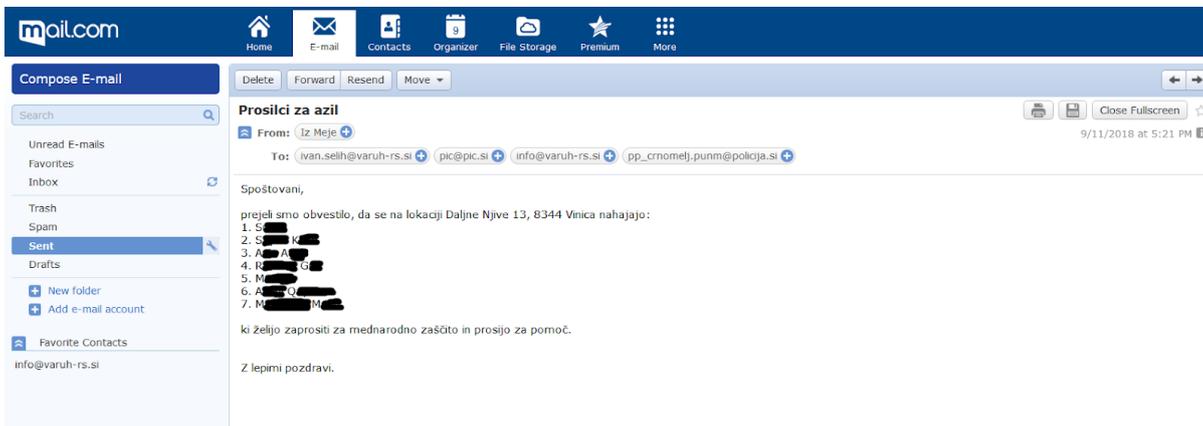
**Time and place:** 11th September 2018, near Dalnje Njive and Vinica.

**Reception procedures at:** Police Station Črnomelj.

**What happened to people:** 7 adults, group did not reply after contact with Slovenian police.

**Description of the events:** On 11 September 2018 at around 6 p.m., a group of 7 Afghans contacted the phone and sent their location – near the village of Dalnje Njive. The group expressed intention to seek asylum in Slovenia. Around 6.30 p.m. the Police Station Črnomelj, the Human Rights Ombudsman and PIC were informed. What happened to these seven people is not known, their phone number was no longer active.





### Report 3

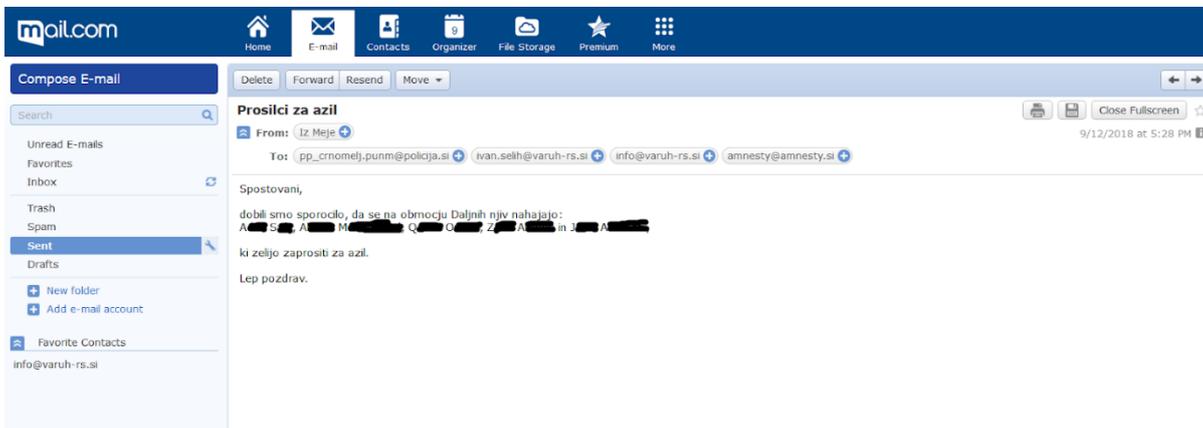
**Time and place:** 12th September 2018, in Dalnje Njive near Vinica

**Reception procedures at:** Police Station Črnomej

**What happened to people:** 4 adults from Afghanistan, what happened to them is not known

**Description of the events:** The Info Kolpa was contacted around 2 p.m. by a group of four people, crossing the border near Dalnje Njive. At 5.30 p.m. the Police Station Črnomej, the Human Rights Ombudsman and Amnesty International were informed. The next day at 2 pm the group was still somewhere in the forest, afterwards contact with them was lost and the number was inactive.





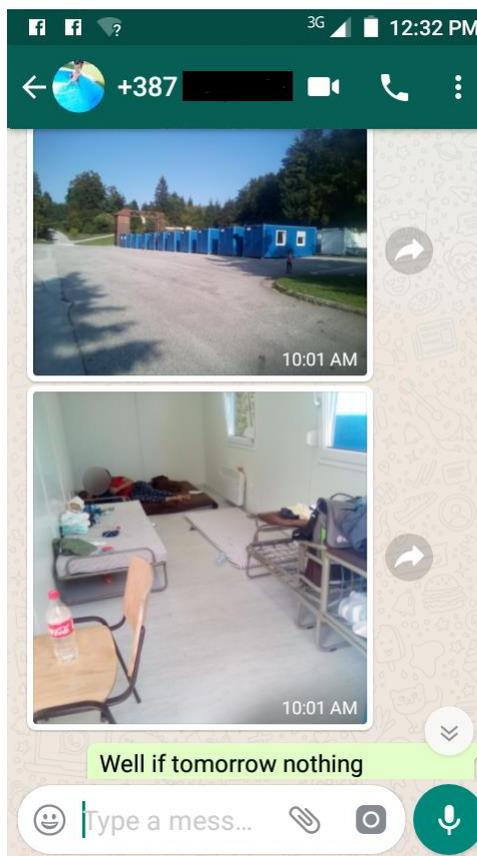
## Report 4

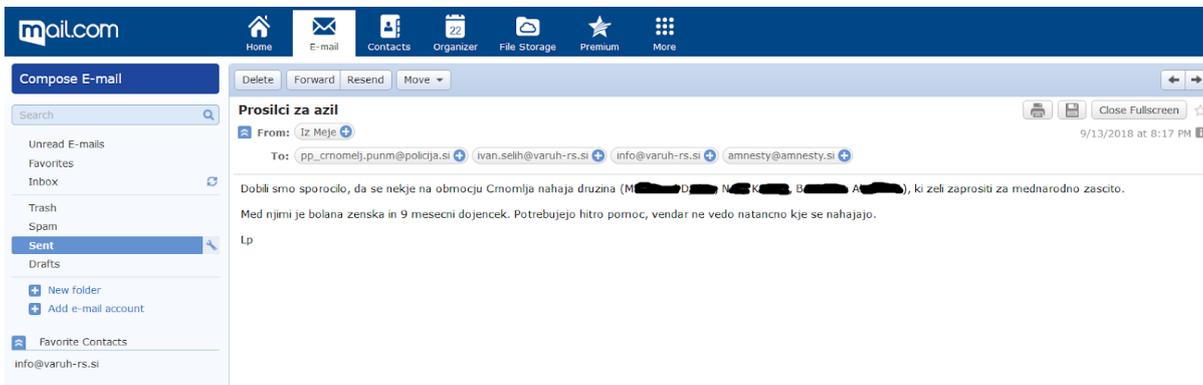
**Time and place:** 13th September 2018, location was not sent.

**Reception procedures at:** not known

**What happened to people:** A husband and wife with a 9-month-old baby were able to apply for asylum

**Description of the events:** An Algerian family, who was in the territory of Slovenia, contacted around 15.00 the Info Kolpa phone. The husband called and said that his wife is suffering from breast cancer and they are travelling with a 9-month-old baby. Due to fear of deportation to Croatia and then to Bosnia and Herzegovina, they didn't send their location and also refused to call police by themselves. They made a request for volunteers to contact the police and so Police Station Črnomej was informed. The family spent the night outside and agreed the next day after some persuasion to call the police themselves. On September 15, the family contacted us from a asylum camp (most likely in Logatec).





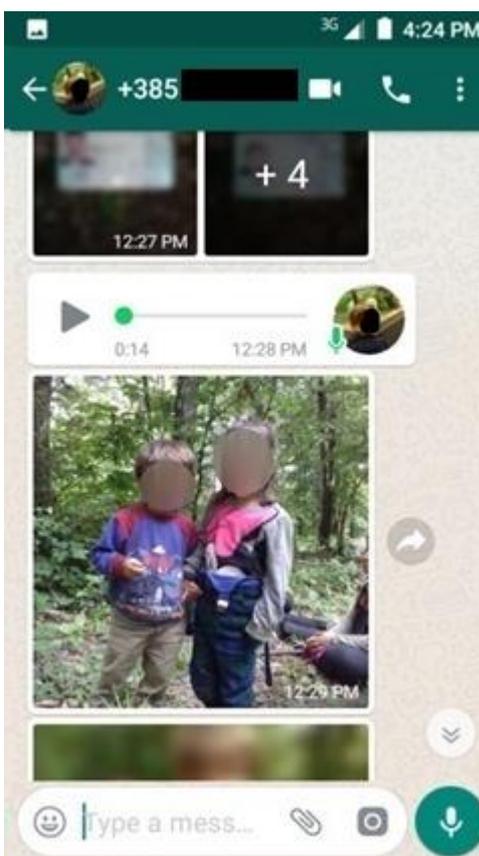
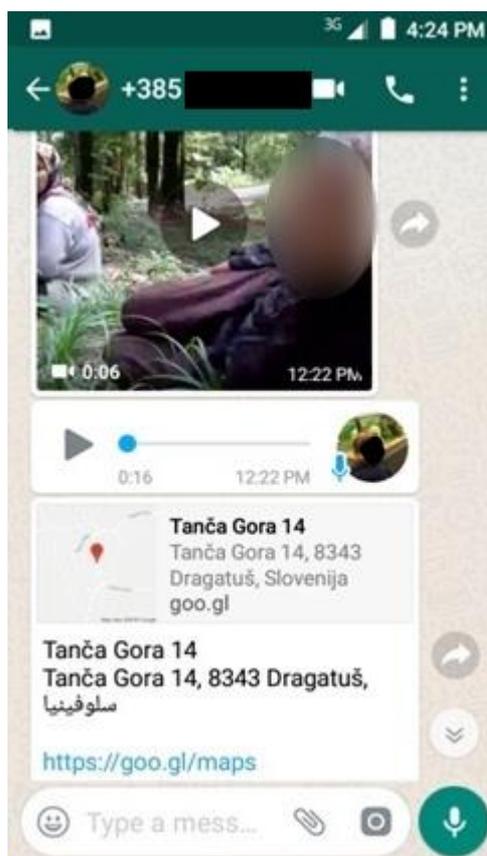
## Report 5

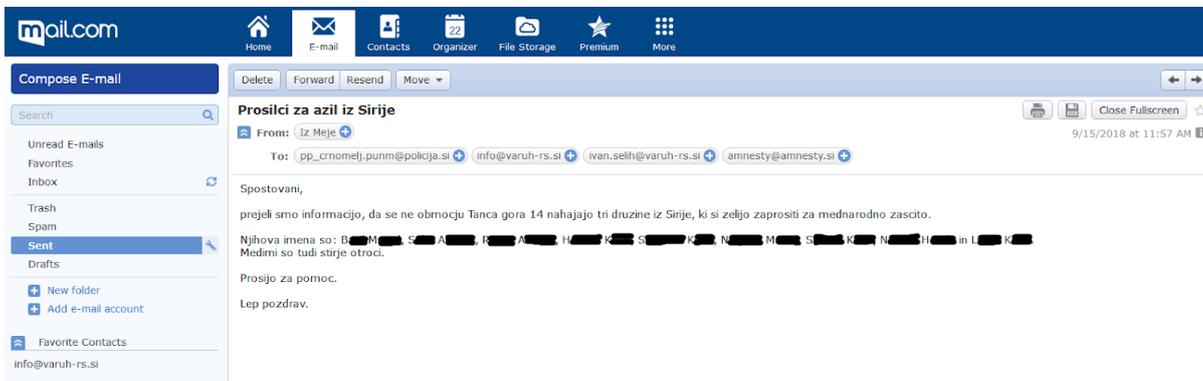
**Time and place:** 15th September 2018, Tanča Gora near Črnomelj

**Reception procedures at:** Police Station Črnomelj

**What happened to people:** 9 people (3 families, among them 4 children), what happened to them is unknown.

**Description of the events:** The Info Kolpa phone was contacted on 15<sup>th</sup> of September at 12:20. Three families from Syria called from the forest on the Slovenian side of the border. A man (on the move with his son) said that they wanted to seek asylum, but they had no credit on the phone to call the police station. That is why Info Kolpa informed the Police Station Črnomelj, Human Rights Ombudsman's Office and Amnesty International Slovenia. Two hours later the group could no longer be reached by phone and it is not known what happened to them.





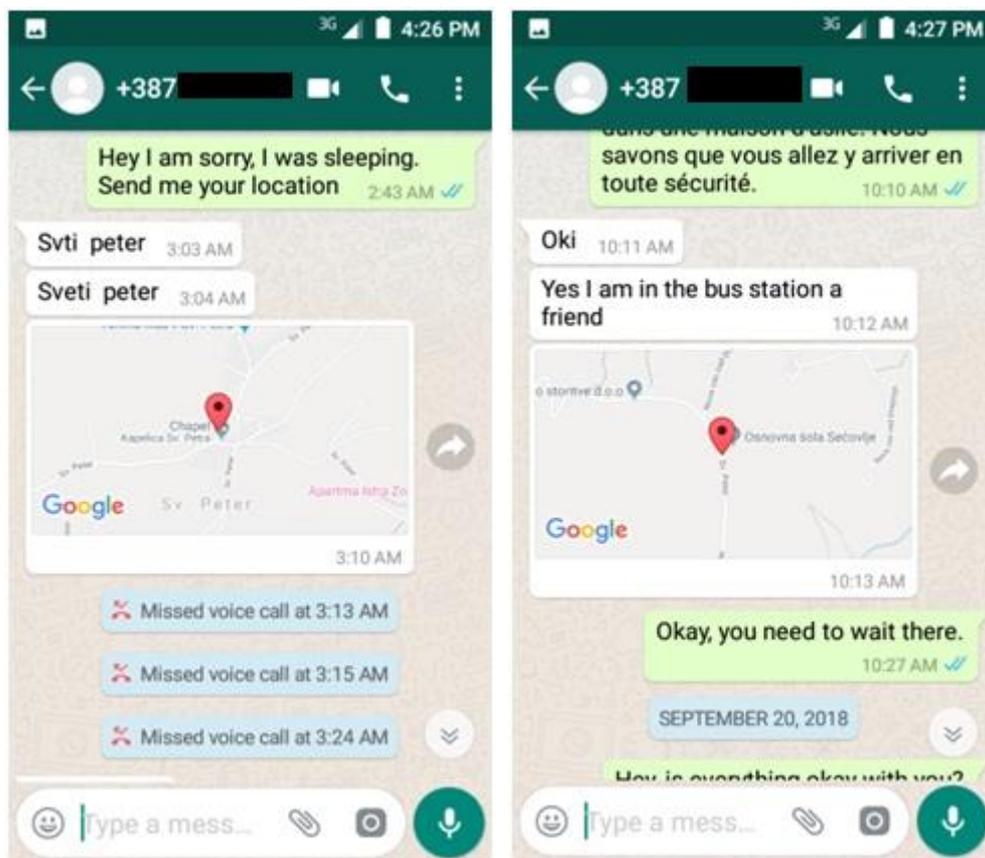
## Report 6

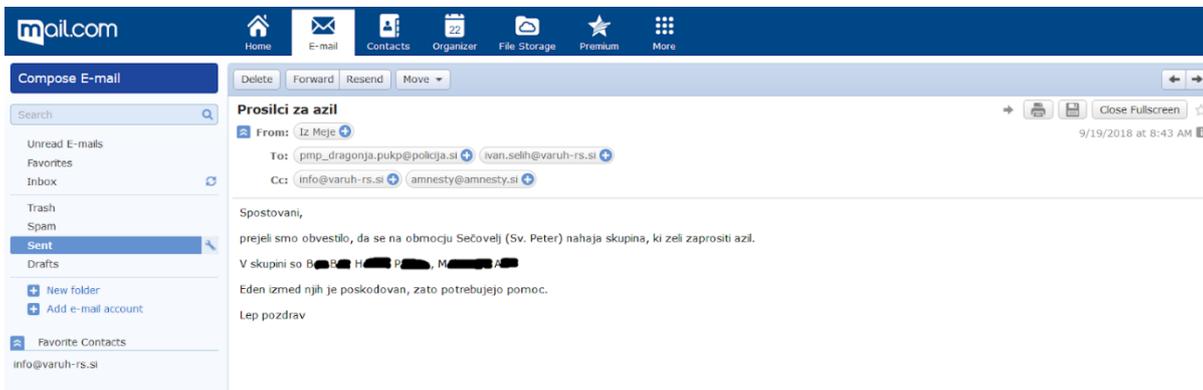
**Time and place:** 19th of September 2018, Sveti Peter (near Sečovlje).

**Reception procedures at:** Border Police Station Dragonja.

**What happened to people:** 3 people were accepted to asylum procedure.

**Description of the events:** At 2.40 at night, a group of 3 people contacted the phone number with the information that they are located in Slovenia near the village Sveti Peter; they also reported that one person from the group is injured. Around 9.00 the next morning the Border Police Station Dragonja was informed, the group was told to wait at the bus station. On 21st of September they contacted us and reported they were accommodated in an asylum camp.





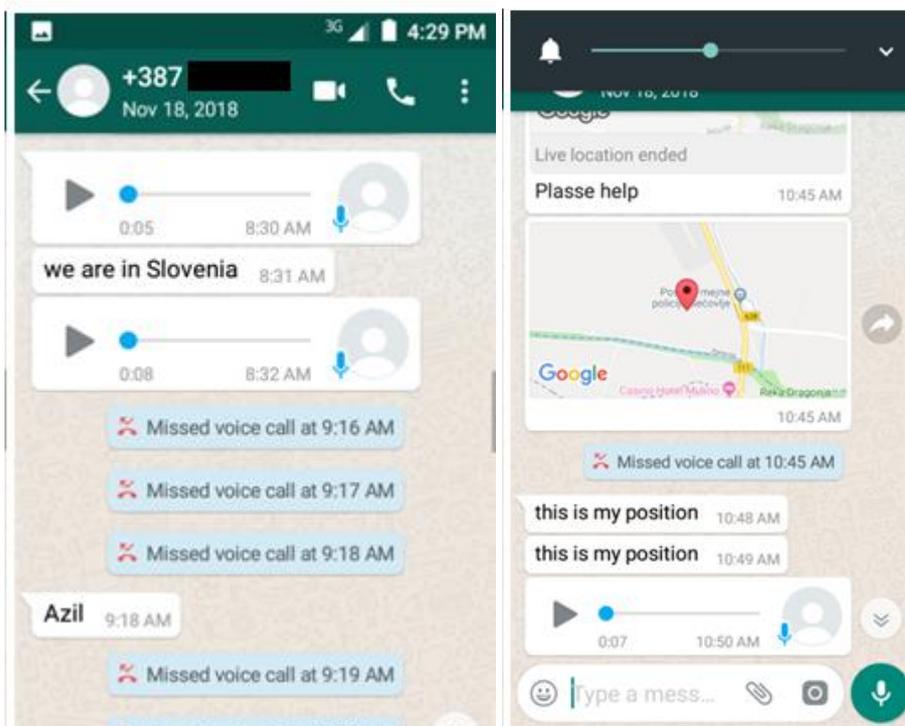
## Report 7

**Time and place:** 19th of September 2018, Sečovlje.

**Reception procedures at:** Border Police Station Dragonja.

**What happened to people:** 3 people, what happened to them is unknown.

**Description of the events:** Info Kolpa was contacted at around 2.30 at night by a group of three men from Algeria, who were already located on Slovenian territory; they said they were for the last three days on the road and that they are without any food or water. They were told to go to the first village and ask for help. In the morning around 9.30 Info Kolpa notified the Border Police Station Dragonja, Human Rights Ombudsman and Amnesty International Slovenia about their intention to apply for asylum. The police also received their phone number and their exact location - they were waiting at the bus station at the primary school Sečovlje. What happened to them is unknown because there were not replying to messages.



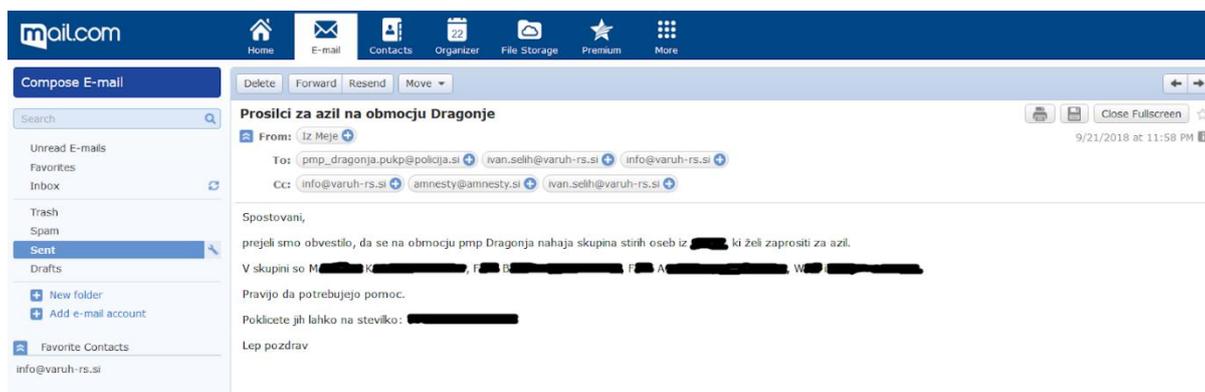
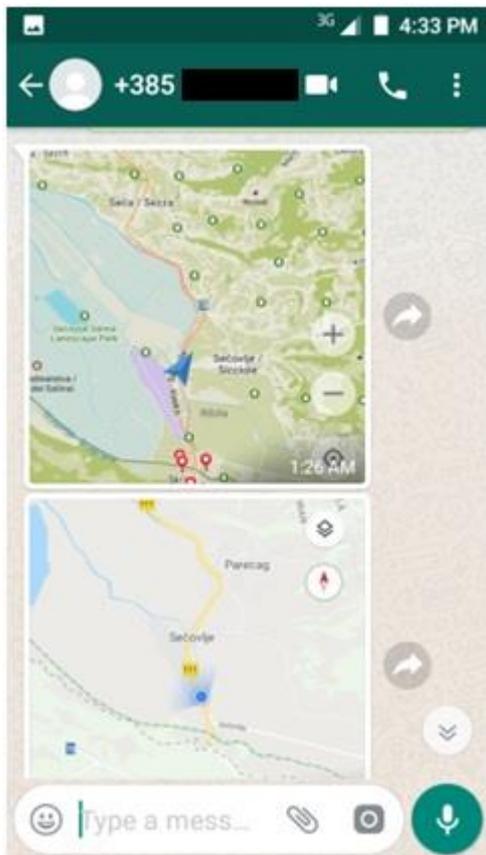
## Report 8

**Time and place:** 21st of September 2018, Sečovlje.

**Reception procedures at:** Border Police Station Dragonja.

**What happened to people:** 4 people were accepted into asylum procedure.

**Description of the events:** On September 21st just before midnight, a group of four people from Algeria contacted Info Kolpa after crossing the border to Slovenia somewhere near Sečovlje. They sent their names and birth dates. The caller told us through a voice message that he was ill as they have been walking for several days. They also sent their exact location, so Border Police Station Dragonja, Police Station Piran, Ombudsman's Office and Amnesty International were informed. In two days the callers reported that they were accommodated in the closed section of the asylum camp in Ljubljana.



## Report 9

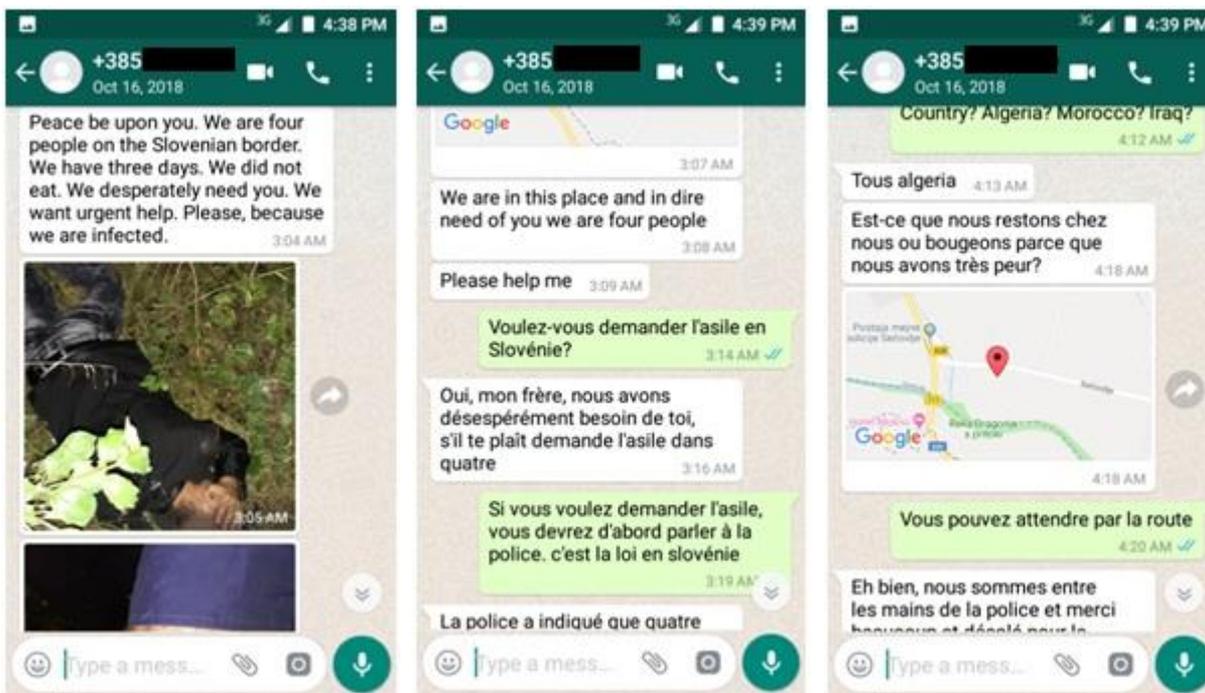
**Time and place:** 22nd of September 2018, near Sečovlje.

**Reception procedures at:** Border Police Station Dragonja.

**What happened to people:** For 4 people asylum procedure has been started.

**Description of the events:** At about 4.00 in the morning, on 22nd of September 2018, the phone number was contacted by a group of 4 people from Algeria who were located near the road between Border Police Station Sečovlje and the village of Dragonja. They reported that they had not eaten for several days and they are in need of medical care. There were also two minors in the group. At 4.00 a.m. Info Kolpa informed Police Station Piran, Border Police Station Dragonja, Human Rights Ombudsman and Amnesty International about

their location and the intention to seek asylum. On the 4th of October the group informed us they were accommodated in an asylum camp in Ljubljana.



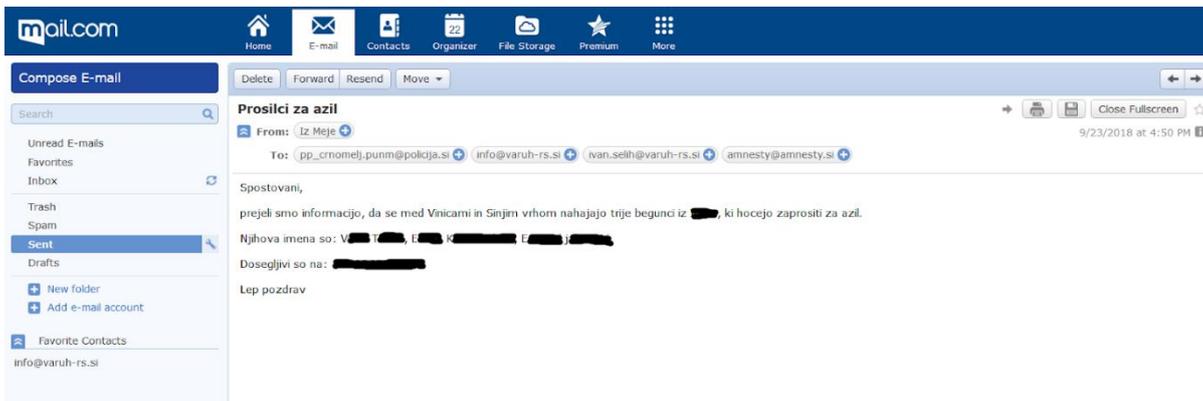
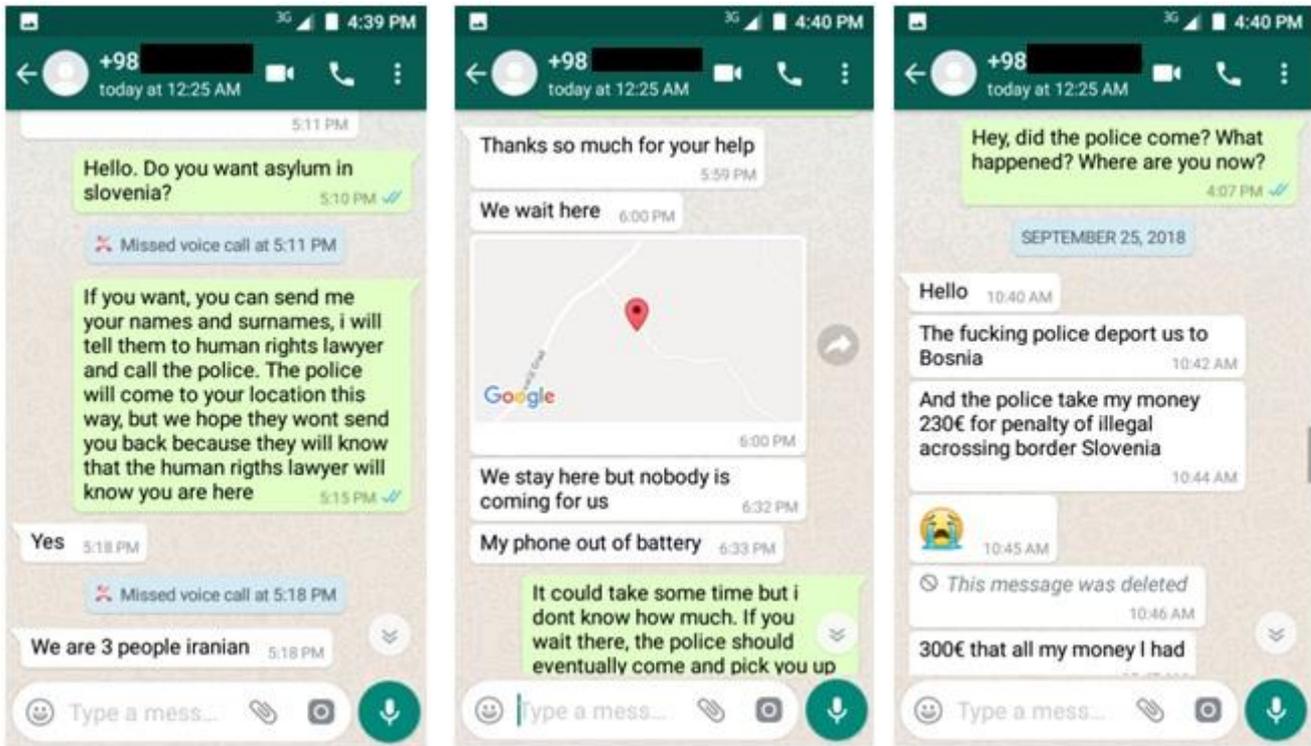
## Report 10

**Time and place:** 23th of September 2018, somewhere between Vinica and Sinji Vrh.

**Reception procedures at:** Police Station Črnomelj.

**What happened to people:** 3 persons from Iran were pushed back from Slovenia to Croatia and then expelled to BiH.

**Description of the events:** Around 17.00 a group of three people from Iran contacted the Info Kolpa phone number. They were located in the area that is under the jurisdiction of Police Station Črnomelj. After confirming their location, Police Station Črnomelj, Ombudsman and Amnesty International were informed about their intention to apply for asylum. The group's contact number was also sent. Two days later person from the group called the phone number again - now from Velika Kladuša in BiH. After the reception procedures, the Slovenian police handed them over to the Croatian police who expelled across border near Velika Kladuša. At Police Station Črnomelj 230 euros was taken from them – a fine for illegal border crossing, and then a collective expulsion took place.



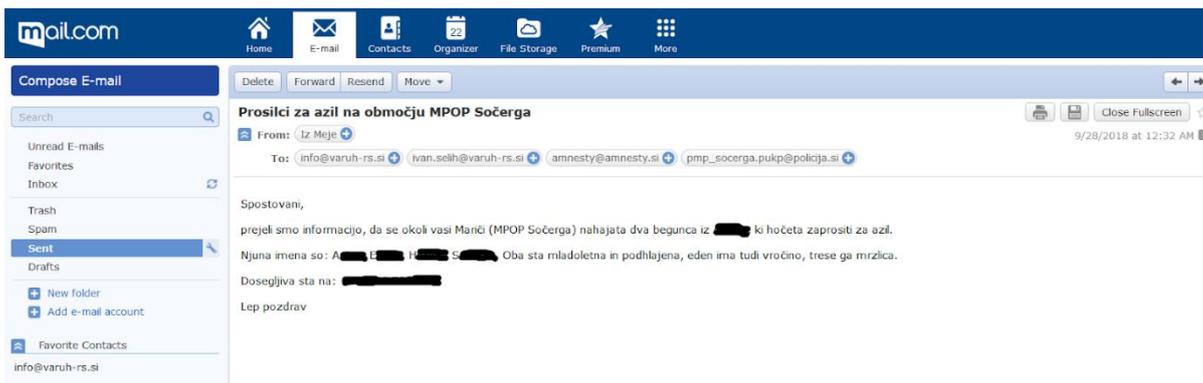
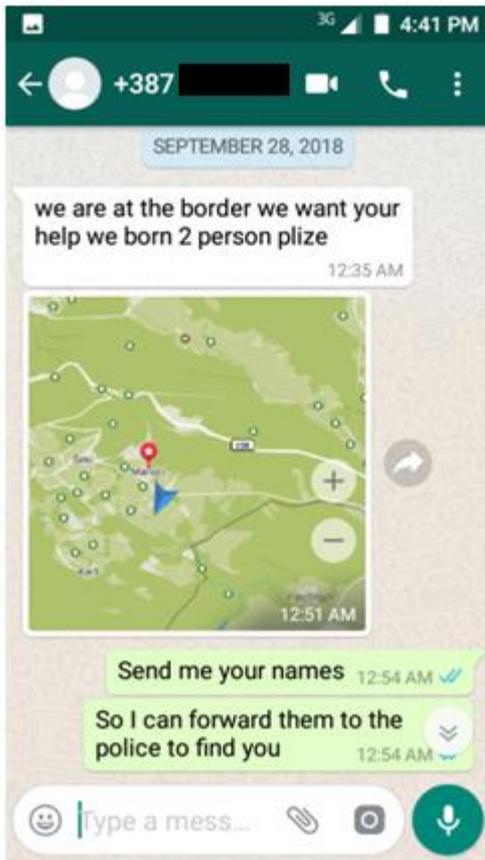
## Report 11

**Time and place:** 28th of September 2018, surroundings of the village Marsiči, near the official border crossing Sočerga.

**Reception procedures at:** Border Police Station Sočerga

**What happened to people:** 2 minors from Algeria, what happened to them is not known

**Description of the events:** On September 28th, at about 1.30 at night two minors from Algeria sent their location to the phone number. One of them was ill and couldn't continue with the journey. Border Police Station Sočerga was informed immediately, their contact number was also forwarded to police. The minors haven't replied after that and it's not known what happened to them.



## Report 12

**Time and place:** 30<sup>th</sup> of September 2018, between Vinica and Dalnje Njive.

**Reception procedures at:** Police Station Črnomelj.

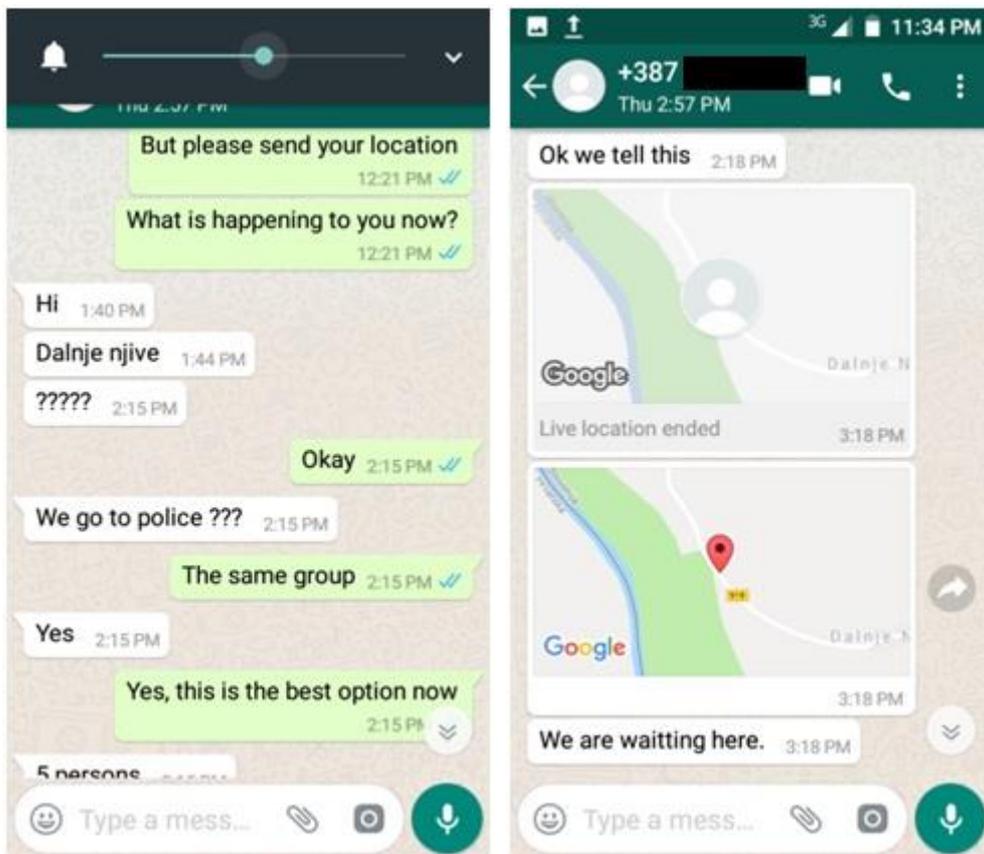
**What happened to people:** 5 people (1 minor) were deported to Croatia and then expelled to Bosnia and Herzegovina.

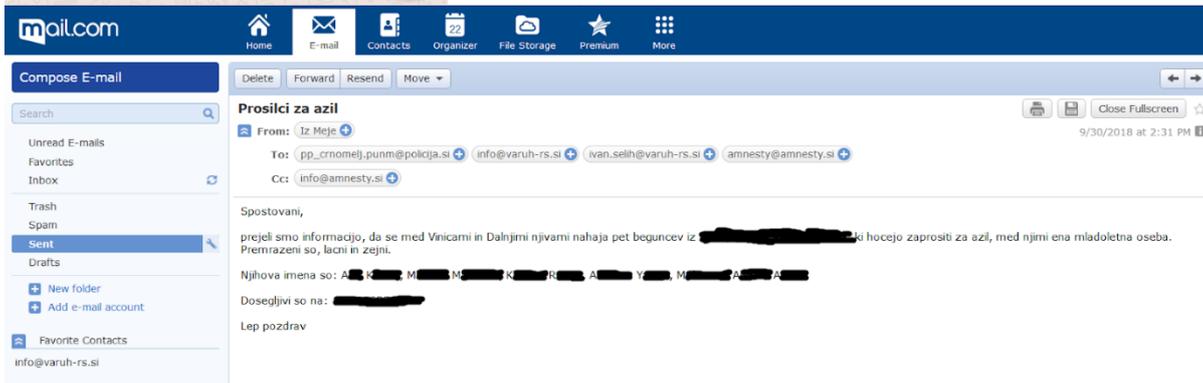
**Description of the events:** At around 9.00 in the morning a group of five people contacted the Info Kolpa phone and reported that they are currently in the territory of Slovenia and wish to apply for asylum. After they sent their names and location, the Police Station Črnomelj was informed about the location and their intention to seek asylum; the e-mail was also sent to the Ombudsman and Amnesty International. There was also a minor in the group. On 2<sup>nd</sup> of October, the caller contacted the phone number again - from Bosnia and Herzegovina, explaining that the Slovenian police had handed them over to the Croatian police; they were then beaten, their personal possessions were taken and they were expelled to Bosnia.

Testimony of a person from the group about the events that have taken place at the Police Station (interview recorded on October 5, 2018)

A group of five people, one of whom was a minor, was detained by the Slovenian police. One of them told us that after being arrested by the police, he has stated he wants asylum in Slovenia, but his request was ignored. "I tell him I want asylum in Slovenia, he tell me no", the interviewee describes his conversation with the Slovenian policemen. The same happened to a minor in the group (17-year-old).

After being arrested, they were taken to the Police Station where they were photographed and their fingerprints were taken. After waiting for about six hours, the interviewee was driven by car to the border and handed over to the Croatian police, who immediately drove him to Bosnia and Herzegovina. "Yes yes, [they] take me 150 euro. And my phone [...] Yes everybody. Look, me just money but my friend all the telephone", the interviewee answered when asked, whether the Croatian police has taken their money. On the green border few kilometres away from Velika Kladuša, they were driven out of the vehicles and told to start walking towards Bosnia.





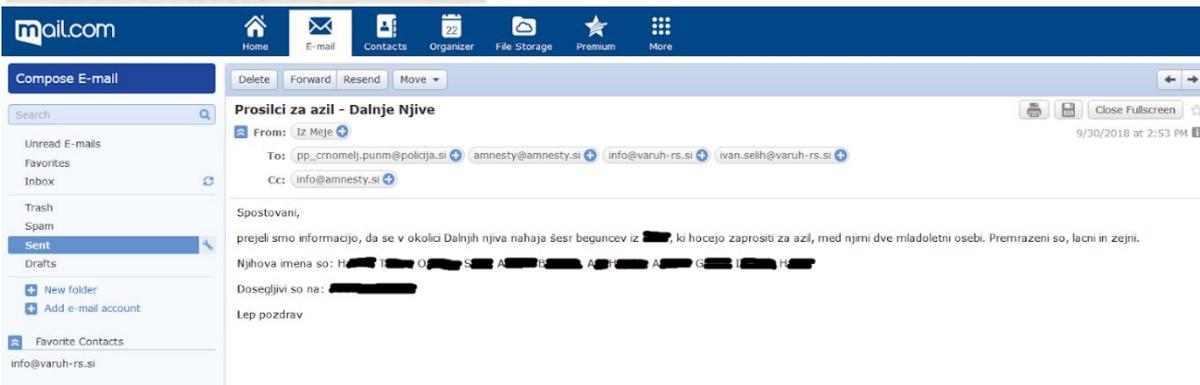
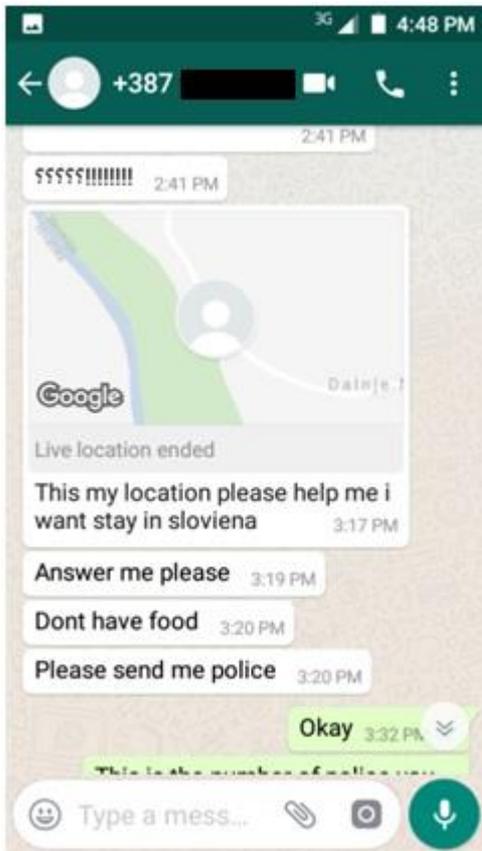
## Report 13

**Time and place:** 30th of September 2018, the vicinity of Dalnje Njive.

**Reception procedures at:** Police Station Črnomelj.

**What happened to people:** 6 people from Iraq, what happened to them is unknown.

**Description of the events:** On 30<sup>th</sup> of September, at about 9.30 the phone number was contacted by a group of six people from Iraq, including two minors. They reported that they are located somewhere near Dalnje Njive and they wish for us to contact the police station, they also said they have been without food for a while and they are exhausted. We informed the Police Station Črnomelj and the group's contact number was sent, also the Ombudsman and Amnesty International were informed. At around 15.30 the caller reported that the police arrived. Afterwards the Info Kolpa phone was contacted by them and their number was inactive. What happened to them or whether they were allowed to apply for asylum is not known.



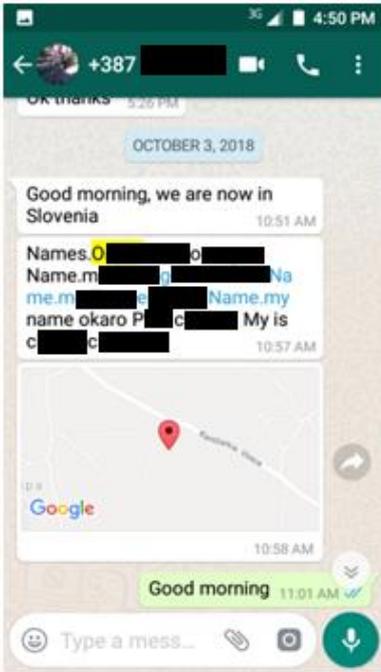
## Report 14

**Time and place:** 3th of October 2018, Mali Nerajec.

**Reception procedures at:** Police Station Črnomelj.

**Who:** 5 people deported to Croatia and then to Bosnia and Herzegovina.

**Description of the events:** At 11.00 the phone number was contacted by a group of five people, located in the area under the jurisdiction of Police Station Črnomelj. After they've agreed we forward their location to Police Station Krško and Border Police Station Dragonja - considering bad past experience with Police Station Črnomelj. The Ombudsman and Amnesty International were also informed. The group was later caught by the police, and then returned to Bosnia and Herzegovina through Croatia.



mail.com Home E-mail Contacts Organizer File Storage Premium More

Compose E-mail Delete Forward Resend Move

Pomoc prosnja za mednarodno zascito 10/3/2018 at 2:12 PM

From: Iz Meje

To: pmp\_dragonja\_pukp@poloja.si

Cc: info@amnesty.si, info@varuh-rs.si, ivan.selih@varuh-rs.si

Na obmocju Mali Nerajec, Slovenija, spodnje nastete osebe bi radi zaprosili za mednarodno zascito. Prosim, da jim pomagate.

O [redacted]  
M [redacted]  
M [redacted]  
O [redacted]  
C [redacted]

Lp, Kolpa Info

Številka plačil

Prekrškovni organ: **POLICIJSKA POSTAJA ČRNOMELJ**  
(policijska enota)  
Naslov enote: **Polje 90, 8340 ČRNOMELJ**

Osebná záznam  
 Ugotovitev na po  
 Potrdilo o plačani

**PLAČILNI NALOG**

Izdan dne: **3.10.2018** na podlagi 57. člena Zakona o prekrških (ZP-1, Ur. list RS, št. ...)

Preimek: [redacted] Ime: [redacted]

EMŠO: **20.06.1980** Državljanstvo: **UGANDA**

Zaposlitev: \_\_\_\_\_ (za odgovorno osebo)

Prebivališče/sedež pravne osebe:  
Kraj: \_\_\_\_\_ Ulica: \_\_\_\_\_  
Upravna enota: \_\_\_\_\_ Država: **UGANDA**

Začasno prebivališče:  
Kraj: \_\_\_\_\_ Ulica: \_\_\_\_\_  
Upravna enota: \_\_\_\_\_ Država: \_\_\_\_\_

Čas in kraj prekrška: **2.10.2018** ob **23:00** Lokacija: **H/**  
(datum) (ura)

Št. vozila: \_\_\_\_\_ Vrsta, znamka, tip: \_\_\_\_\_  
Kraj, ulica, hišna št., vrsta ali št. ceste, odsek, stacionaža, mejni sektor, sekcija, mejni prehod

Organ in datum izdaje: \_\_\_\_\_ Kat. vozila: \_\_\_\_\_ Vrsta voznika/l

Številka	člen	odstavek	točka	alinaea	z
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Priloge pridržanja: **40€** EUR v izrečeno globo po 112. členu ZP-1 **DA/NE**

**ENNA GLOBA / KAZENSKA TOČKE** SKUP

globo **JE/NI** plačana takoj na kraju (prvi odst. 57. c člena ZP-1 - polovični znesek globe)

**o bili predstavljeni storjeni prekršek in dokazi.**

**o plačilu stroškov postopka:** Kršitelj mora v primeru, da so v postopku o prekršku po 43. členu ZP-1, plačati stroške postopka. Če za ugotovitev stroškov postopka ob prekrškovi organ o stroških postopka pozneje izda poseben sklep.

**DUK:** Kršitelj, njegov zakoniti zastopnik ali njegov zagovornik lahko v roku 8 dni po vročitvi osebno vloži zahtevo za sodno varstvo v 3 izvodih pri prekrškovi organu.

## Report 15

**Time and place:** 3th of October 2018, Pirče pri Kostelu.

**Reception procedures at:** Police Station Črnomelj.

**What happened to people:** 1 person was deported to Croatia and was able to apply for asylum there.

**Description of the events:** On 3th of October, at around 21.00, a person from Algeria contacted the phone number. The caller was located in the vicinity of Pirče pri Kostelu and at his request, the authorities were informed of the intention to apply for asylum. Police Station Kočevje, General Police Directorate and Amnesty International were notified via e-mail. The person was deported to Croatia, but allowed to apply for asylum there.



## Report 16

**Time and place:** 4<sup>th</sup> of October 2018, surroundings of Preloka village near Vinica.

**Reception procedures at:** Police Station Črnomelj.

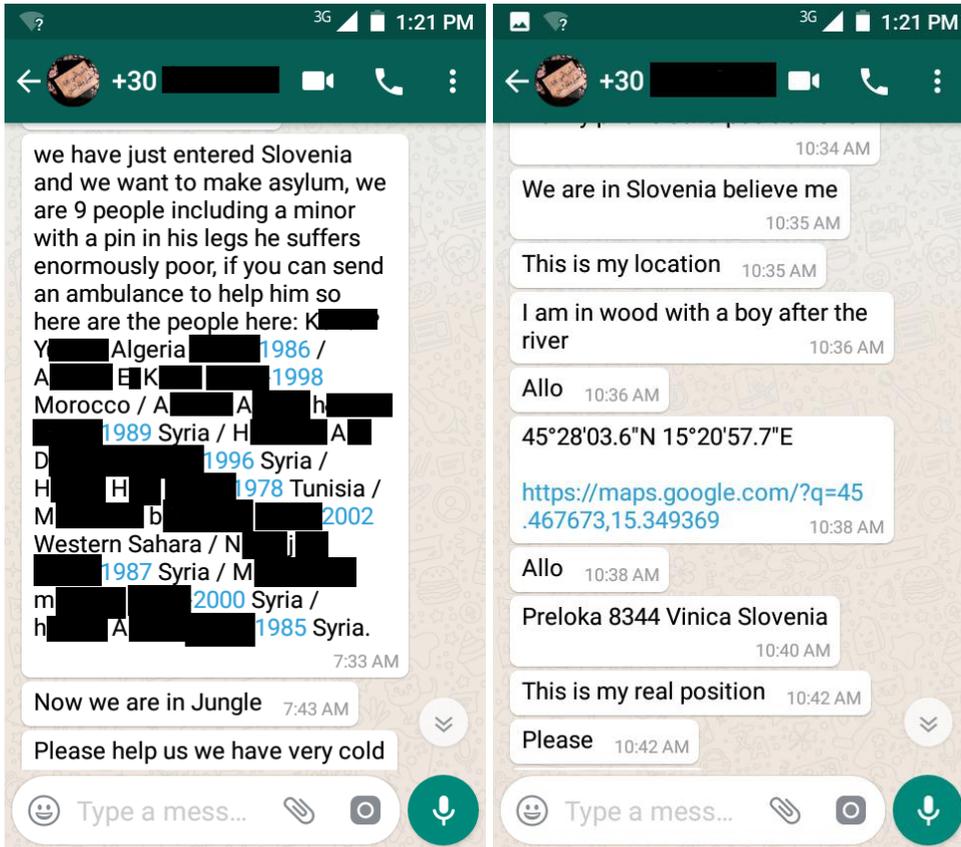
**What happened to people:** 9 people from Algeria, Morocco, Western Sahara and Syria. 8 people were sent back to Bosnia and Herzegovina, 1 minor was allowed by Slovenian police to apply for asylum.

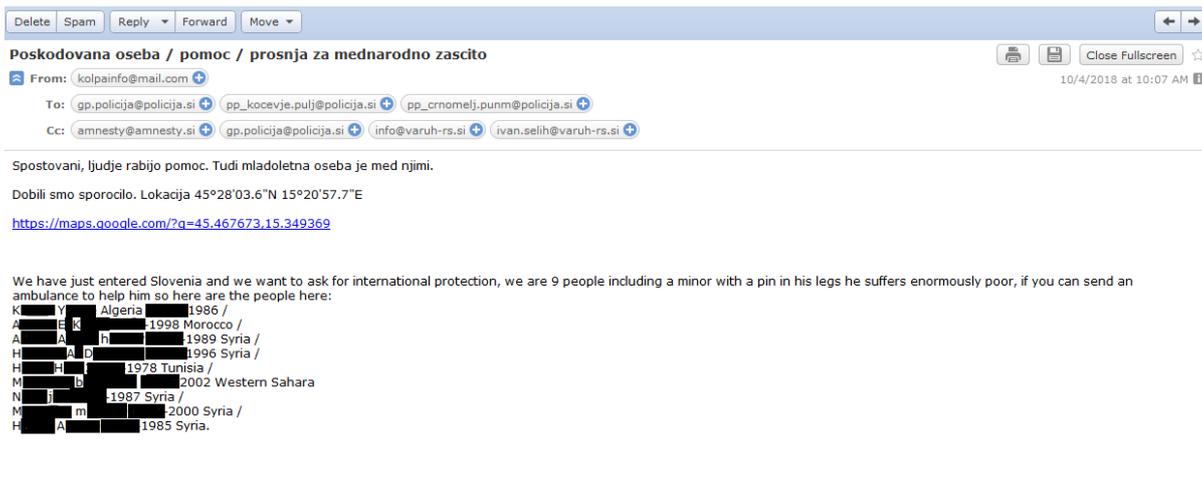
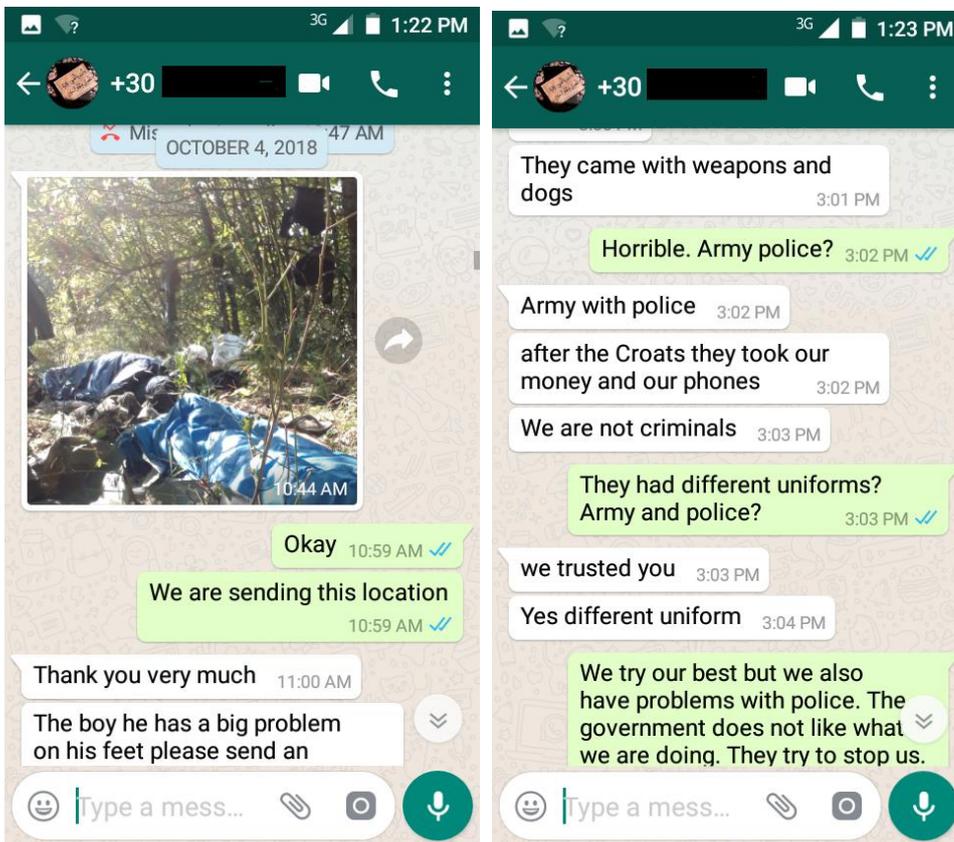
**Description of the events:** Around 7.00 on the 4th of October 2018, a group of 9 people contacted the phone number and sent their personal information (names, birth dates, nationality) and their exact location. They also reported that the minor in the group has a wounded leg. A little after 10.00 at their request the police was informed of their location and the intention to apply for asylum. Police Station Črnomelj, Police Station Kočevje, General Police Directorate, Ombudsman's office and Amnesty International office in Slovenia were informed.

Testimony of a person from the group about the events that have taken place at Police Station Črnomelj (interview recorded on October 27, 2018):

The interviewee said that, together with eight other people, the Slovenian police captured him in the forest at the location they've sent to Info Kolpa. After being caught, they said they want asylum, but "the police replied 'we don't have asylum for you'". Afterwards they were taken to the police station, where they spent two nights in detention. According to the interviewee, a few people at the station also wore military

uniforms. The translator at the police station conducted an interview, during which he stated that they do not grant asylum in Slovenia. To the interviewee's claim that he wants to come to Slovenia the translator replied "you don't know Slovenia". What followed was signing of documentation in Slovenian language without translations, translator also refused to translate the documents. The group had been photographed and had their fingerprints taken, after which they were driven to the Croatian border and handed over to the Croatian police. The interviewee described the events on the Slovene-Croatian border: "Yes on the border we gave money. And the money of my friend, he gave 100 € and another friend 5 € and the phone, just one phone." Afterwards they were taken to a police station somewhere in Croatia, then with a van to the green border with Bosnia, where they were forced to go across the border to the Bosnian side. The interviewee tried to cross the border seven times; twice the Slovenian police forcibly deported him and handed him over to the Croatian police.





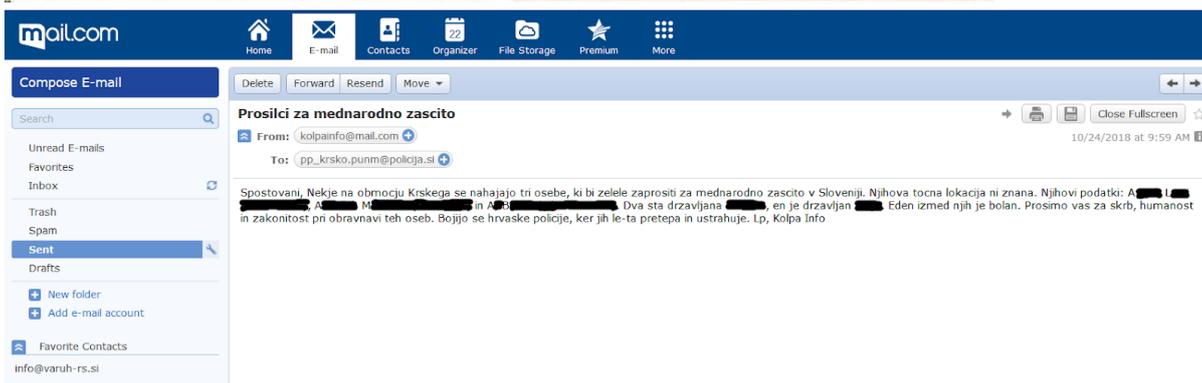
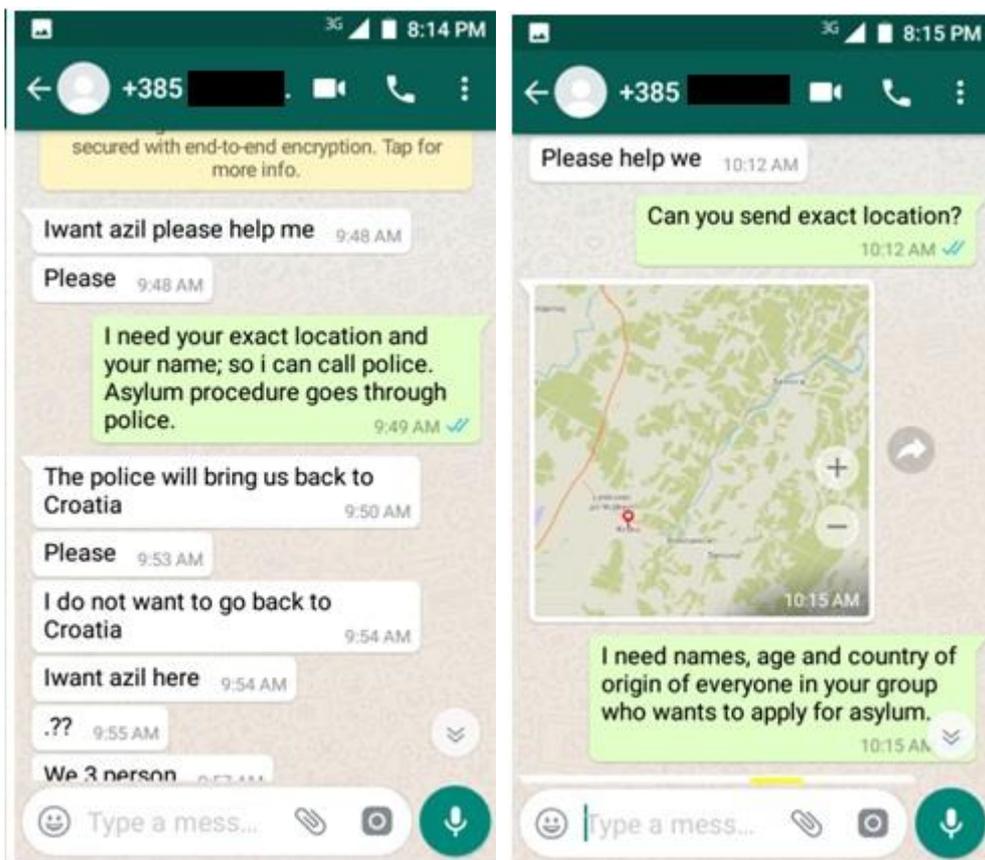
## Report 17

**Time and place:** 24<sup>th</sup> of October 2018, vicinity of Krško, Ljubljana.

**Reception procedures at:** Asylum Camp Vič (Ljubljana).

**What happened to people:** 3 people (minors) have been granted access to an asylum procedure.

**Description of the events:** On 24<sup>th</sup> of October at around 10.00 a group of three minors, located in the surroundings of Krško, contacted the phone number. The group expressed its intention to apply for asylum and told us they are currently somewhere in the vicinity of Krško, but did not send their exact location. Police Station Krško was informed of their intention to seek asylum. The group contacted the Info Kolpa phone again the next day, saying they were in Ljubljana. They were sent the address of the Asylum Camp Vič in Ljubljana and they informed us they were on their way, later they reported they were staying in the camp.



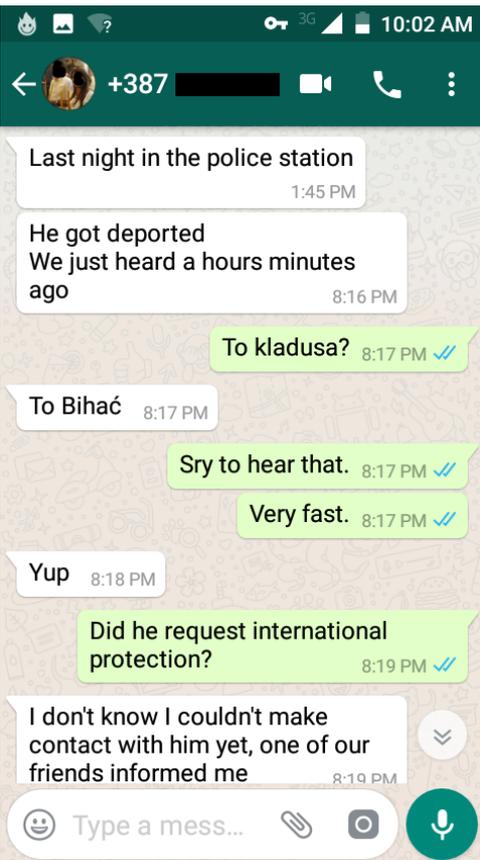
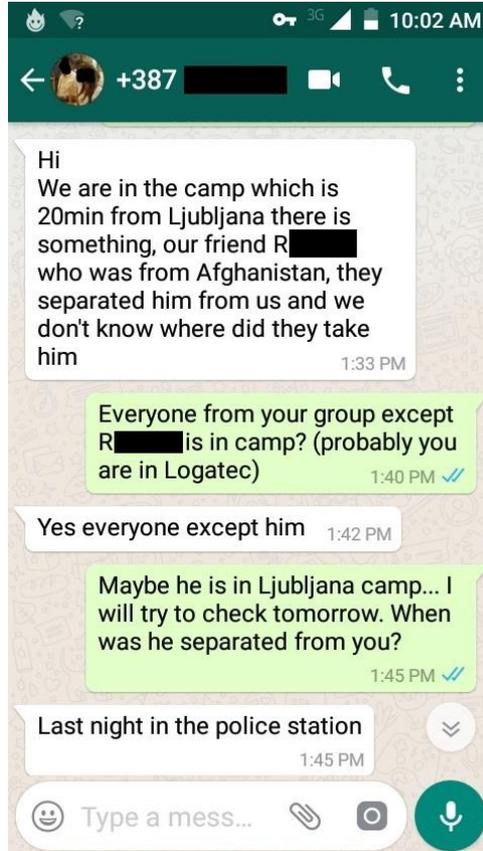
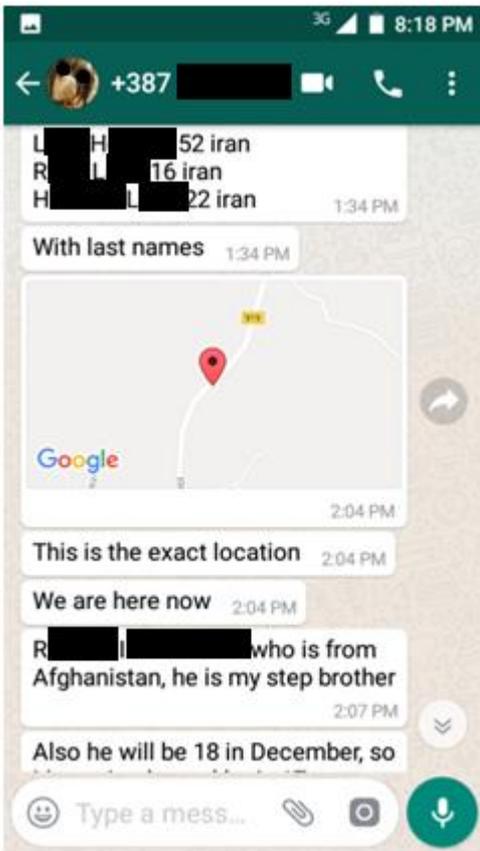
## Report 18

**Time and place:** 27<sup>th</sup> of October 2018, the road between Balkovci and Preloka.

**Reception procedures at:** Police Station Črnomelj.

**What happened to people:** 11 people; 10 people from Iran were granted access to an asylum procedure, 1 person from Afghanistan was returned to Bosnia and Herzegovina.

**Description of the events:** At around 13.30, a group of 11 people from Iran and Afghanistan contacted the Info Kolpa number, they sent their names and location; Info Kolpa then informed Police Station Črnomelj about their location. There were four minors in the group; the police started the asylum procedure for 10 people from Iran. At the police station one person (a 17-year-old from Afghanistan) was separated from the group, he was prevented from applying for asylum, deported to Croatia and then to Bosnia.







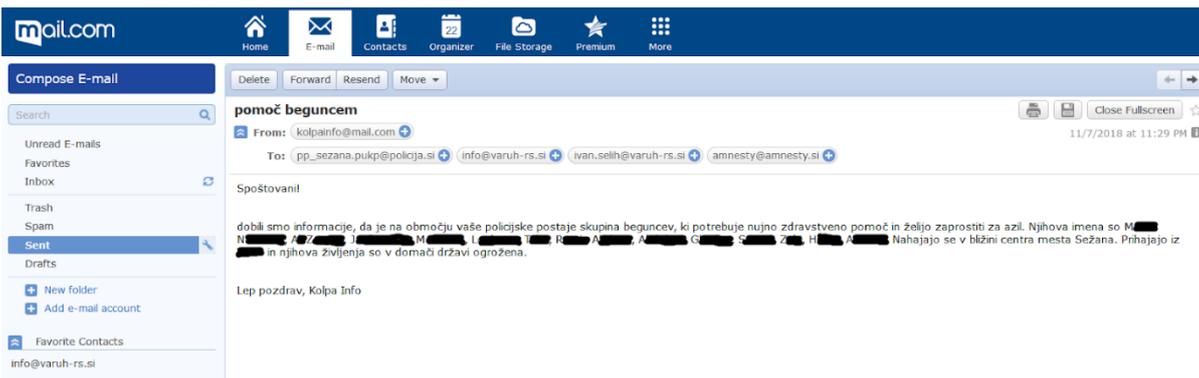
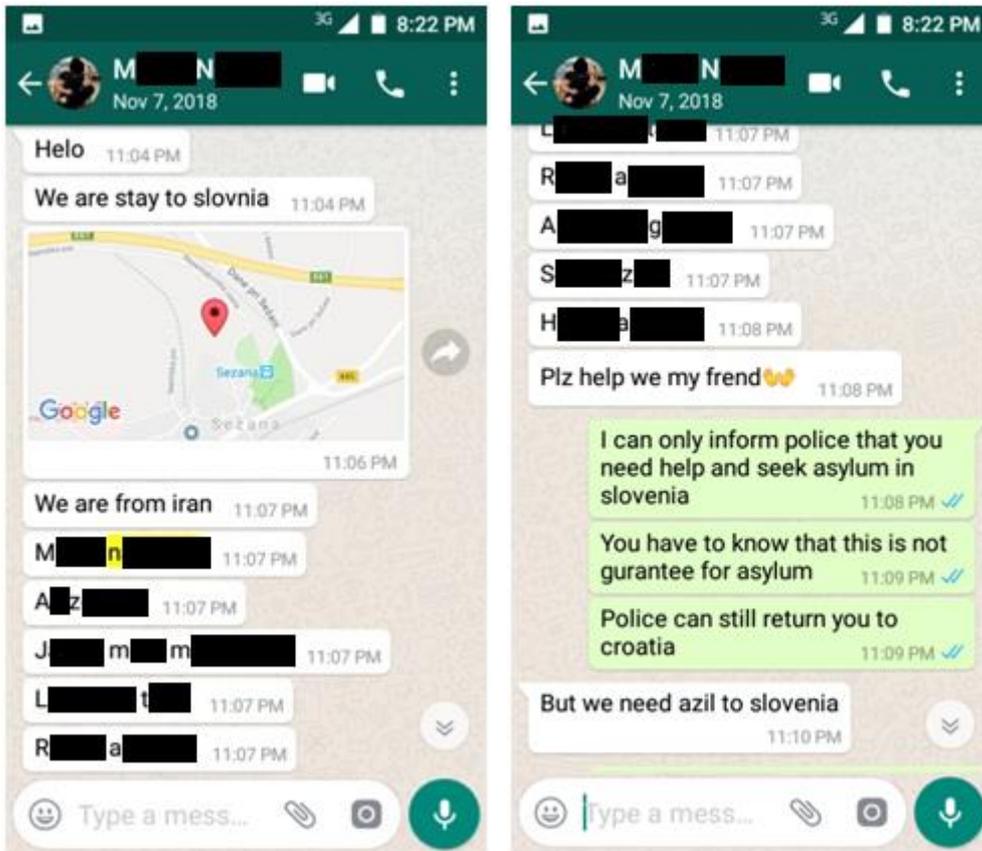
## Report 20

**Time and place:** 7<sup>th</sup> of November 2018, Sežana.

**Reception procedures at:** Police Station Sežana.

**What happened to people:** 8 people from Iran, what happened to them is unknown

**Description of the events:** On 7<sup>th</sup> of November at about 23.00, a group of 8 Iranian citizens reported they are currently located in Sežana and wish to seek asylum in Slovenia. Info Kolpa informed Police Station Sežana; the policeman said over the phone that one group of migrants has already been found. The group of 8 people from Iran did not reply again, it is not known what happened to them.



## Testimonies from border police stations in Slovenia

This is a selection of numerous testimonies of people, who were chain pushbacked from Slovenia to Croatia and then to Bosnia and Herzegovina. Full testimonies are written in reports that were made from June 2018 to March 2019 by volunteer groups No Name Kitchen, Balkan Info Van and SOS Team Kladaša. Here is a selection of testimonies from June to December 2018, all of the reports are available at: <https://www.nonamekitchen.org/en/violence-reports/>.

1.)

On 13th of June 2018 group of 4 people from Afghanistan (16, 17, 30 and 39 years old) crossed the border near the village of Zilje. Soon after border crossing the group was caught by Slovenian police patrol. One of the policeman noticed, that Hamid is using GPS and he accused him of smuggling. Then he attacked him verbally and with hits to the head. The group was taken to police station in Črnomelj, where procedure of identification was made. Hamid expressed intention to seek asylum in Slovenia, but police ignored his request. The Group was forced to sign documents in Slovene language without translations. One of the documents which Hamid signed was about legal representation in official procedure because he was underage. This document was issued by Social Work Centre in Črnomelj and his cousin in group was written as legal guardian. They were kept at Police Station Črnomelj for 7 hours before they were expelled to Croatia and then BiH. (Border violence report Velika Kladaša – June 2018, p. 10)

Številka: 1203-42/2018  
Datum: 13.06.2018

Center za socialno delo Črnomelj izdaja po uradni dolžnosti, na podlagi 10. b člena in 214. člena Zakona o zakonski zvezi in družinskih razmerjih (Uradni list RS, št. 69/04 – UPB1, 101/07, 90/2011, 84/12, 82/15 in 15/17, v nadaljevanju ZZZDR) ter na podlagi 207. člena Zakona o splošnem upravnem postopku (Uradni list RS, št. 24/06-UPB, 105/06-ZUS-1, 126/07, 65/08, 8/10 in 82/13, v nadaljevanju ZUP) v povezavi z 82. členom Zakona o tujcih (Uradni list RS, št. 1/18 – uradno prečiščeno besedilo in 9/18 – popr.), v nadaljevanju ZTuj-2) ter 86. členom Zakona o mednarodnem zasebnem pravu in postopku (Uradni list RS, št. 56/99, 45/08, v nadaljevanju ZMZPP) v zadevi postavitve skrbnika za posebni primer mladoletnemu tujcu, naslednjo

#### ODLOČBO

1. Za mlđ. H. S. roj. 10.04.2002, državlján Afganistan, bo naloge in dolžnosti skrbnika za poseben primer opravljal bratranec N. S. roj. 16.02.2000, Afganistan, ki ga spremlja od izvorne države celo pot.
2. Naloge in dolžnosti, ki jih bo opravljal skrbnik so:
  - zastopanje mlđ. varovanca iz prve točke izreka te odločbe v postopku odločanja policije o vrnitvi mladoletnega tujca,
  - seznanjanje mlđ. varovanca iz prve točke izreka te odločbe s pravicami, ki jih lahko na ozemlju Republike Slovenije uveljavlja kot mladoletni tujec,
  - zagotavljanje najboljšega interesa mlđ. varovanca iz prve točke izreka te odločbe pri nastanitvi v primerne ustanove za nastanitev mladoletnih oseb,
  - zastopanje mlđ. varovanca iz prve točke izreka te odločbe v postopkih odločanja pred organi v Republiki Sloveniji.
3. Pritožba zoper odločbo ne zadrži izvršitve.
4. V tem postopku ni bilo posebnih stroškov.

#### Obrazložitev:

CSD Črnomelj je bil dne 13.06.2018 s strani Policijske postaje Črnomelj obveščen, da se na Policijski postaji Črnomelj nahaja mlđ. tujec H. S. v spremstvu polnoletnega bratranca, zaradi nezakonitega prestopa državne meje. Imenovani je bil prijet na območju občine Črnomelj ob nezakonitem vstopu v Republiko Slovenijo.

Strokovna delavka CSD Črnomelj je bila seznanjena, da bo mlđ. tujcu H. S. brez spremstva staršev mlđ. spremlja od izvorne države celo pot polnoletni bratranec N. S. roj. 16.02.2000, ki opravlja vlogo skrbnika in je to nalogo pripravljen opravljati tudi v naprej.

V skladu z določbami o mednarodnem zasebnem pravu in postopku (Ur. RS, št. 56/99, in 45/08-Zarbit) mora organ RR z najnimi začasnimi ukrepi zavarovati osebnost, pravice in interese tujega državljan, ki je v RS in o tem obvestiti organ njegove države (86. člen), s seznanjenim soglašata.

ZTuj-2 v 82. členu določa, da se mladoletnega tujca brez spremstva staršev ali zakonitega zastopnika ne sme odstraniti v matično državo ali tretjo državo, ki ga je pripravljena sprejeti, dokler mu tam ni zagotovljen sprejem. Pred odstranitvijo se je potrebno prepričati, da bo mlđ. tujec vrnjen članu družine, izbranemu skrbniku ali ustreznim sprejemnim centrom v državi vrnitve. Pred odstranitvijo mlđ. tujca brez spremstva mora policija o tem nemudoma obvestiti center za socialno delo, ki mora mladoletnemu tujcu nemudoma postaviti skrbnika za poseben primer.

Iz vpogleda v zapisnik o opravljenem razgovoru z dne 13.06.2018 izhaja, da je ml. H. S. seznanjen, da mu bo Center za socialno delo Črnomelj postavil skrbnika za poseben primer in da se za skrbnika imenuje njegov bratranec N. S. Skrbnika bo ml. varovanca zastopal v postopkih odločanja policije o vrnitvi ml. tujca brez spremstva, ga seznanjal s pravicami, ki jih lahko na ozemlju Republike Slovenije uveljavlja kot mladoletnik brez spremstva, da bo zagotavljal njegov najboljši interes pri nastanitvi v primerne ustanove na nastanitev ml. oseb ter da ga bo zastopal v postopkih odločanja pred organi Republike Slovenije.

Na podlagi 1. odst. 86. člena ZMZPP organ Republike Slovenije z nujnimi začasnimi ukrepi zavaruje osebnost, pravice in interese tujega državljana, ki je v Republiki Sloveniji ali ima v njej premoženje in obvesti o tem organ njegove države.

V skladu z določili 214. člena ZZZDR ukrene center za socialno delo v neodločljivih primerih kar je potrebno za varstvo osebnosti, pravic in koristi tujega državljana, dokler organ njegove države ne ukrene, kar je potrebno.

Upoštevajoč največje koristi otroka je naslovni center na podlagi 2. odstavka 236. člena ZUP odločil, da morebitna pritožba ne zadrži izvršitve iz razloga, ker je organ ocenil, da otrok nemudoma potrebuje skrbnika, ki mu bo pomagal kletiti njegove pravice in koristi v postopkih, ki jih določa Zakon o tujcih. V primeru, da postopek imenovanja skrbnika ne bi bil končan v čim krajšem možnem času, bi se mladoletniku kršilo njegove temeljne pravice, ki pa jih je država v takšnih primerih dolžna orokoma omogočiti in jih zaščititi.

V ugotovljenem postopku je Center za socialno delo Črnomelj ugotovil, da je postavitve skrbnika za poseben primer v tem primeru smotna in nujno potrebna in da s skrbništvom niso kršene pravice in koristi stranke v postopku.

S tem je odločba utemeljena.

V skladu s petim odstavkom 213. člena ZUP mora organ v izreku odločiti o tem ali so nastali stroški postopka. Glede na to, da posebni stroški postopka niso nastali, je CSD Črnomelj odločil, kot je razvidno iz 6. točke izreka te odločbe.

Odločba je na podlagi 22. člena Zakona o upravnih taksah (Uradni list RS, št. 106/2010-UPB 5, 14/15-ZUJFO, 84/15-ZZelP-J in 32/16, v nadaljevanju ZUT) takse prosta.

#### PRAVNI POUK:

Zoper to odločbo je dovoljena pritožba na Ministrstvo za delo, družino, socialne zadeve in enake možnosti, Kotnikova 28, Ljubljana, v roku 15 dni od vročitve. Pritožba se vloži pisno ali ustno na zapisnik pri Centru za socialno delo Črnomelj, Ulica 21. oktobra 9, 8340 Črnomelj. Za pritožbo se plača taksa po tarifi št. 2 ZUT, v znesku 18,10 EUR.

Postopek vodila:  
Maša Huskič  
univ. dipl. soc. delavka

Direktorica:  
Marjetka Papež

#### Vročiti

1. Mla. H. S. - vročiti osebno na PP Črnomelj
2. N. S. - vročiti osebno na PP Črnomelj
3. V spis - zbirka dokumentarnega gradiva.

Po poslastitvi direktorice  
št. 020-2/2014, z dne 2.6.2014  
Marija Žunič, dipl. ekon.

2.)

On 8th of July 2018 Benedict from Nigeria crossed the border to Slovenia in a group with 9 other people. After the group crossed the Kolpa river they each made their own way. Benedict went to the nearby city of Vinica to find a bus stop, but a local woman called the police when she saw him. On Police Station Črnomelj he expressed intention to seek asylum many times because his life would be in danger if he returned to Nigeria. He also wanted legal help but the policeman in procedure started screaming at him to stop talking and was generally aggressive. Policewoman in procedure told him to stop talking about asylum otherwise she will smash something on his head. Then he was forced to sign document in Slovene with no translation and no knowledge what he is signing. He was then detained in a cell with 9 other people. Next

day he was deported to Croatia and then Bosnia and Herzegovina. (Border violence report Velika Kladuša – July 2018, p. 16)

3.)

On 27th of July 2018 a group of six men from Algeria, Tunisia and Morocco arrived to vicinity of Črnomelj after many days of walking from Velika Kladuša. A local woman saw the group and called the police, which took them to the nearby police station. Hakim expressed intention to seek asylum in Slovenia many times, but the Palestinian translator said they have no option to apply for asylum because of their nationality. Out of six people police made interview with only one person for the whole group.

*“We all asked for asylum, but he did to want to accept our application. The translator made a report and he told us: “Why you are choosing this country? You do not want to stay in Slovenia, you prefer to go to France, so why are you applying here?”. The translator also told us that if we enter any country, we don’t have the right to apply for asylum. He also told us that we did not have any chance to get protection because we were Algerians and Moroccans. He was very unkind to us” (Hakim).*

Next day they were forced to sign documents in Slovene language then around 19.00 Slovenian police took them to a place that looked like rubbish dump where there were collectively handed over to Croatian police. From there they were driven with a van to a green border with Bosnia and Herzegovina near Velika Kladuša. People left the van in groups of two and when they stepped out they were attacked by police in masks and beaten, policeman also used electric sticks.

*“When we arrived at the border, they told us to leave the car in groups of 2. When I went out of the car with other of my mates, there was one policeman with blue suit that start beating us with a baton. I tried to run away. It was dark and we were in a forest. I thought that if I run I would enter Bosnia and then, they could do nothing to me anymore. But after like 3 meters, they were some men with black suits that I could not see properly because it was dark, and they had night vision glasses, so they could see me. I was running with flip flops and I felt down when I tried to escape. He caught me and was beating me. He put this stick with electric shocks in my neck, after I felt down in the floor, and I swear I thought he wanted to kill me” (Hakim).*



(Illegal Push-back and border violence report August 2018, p. 2)

4.)

On 5th of August 2018 after 10 days of walking a group of 13 people from Afghanistan and Iran (2 families and 2 single men) entered Slovenia near the town of Ilirska Bistrica. In the forests they were seen by police

patrol. In first contact the husband of Asma asked for international protection but the policeman responded they will be deported tomorrow. On the site they were forced to take off their clothes, including children and women, after which police made inspection of their bodies. The policeman in patrol took hijab from Asma and throw it on the ground. The police officer said curse words "Pičko mater" and "Here is Slovenia, here is no Islam". After inspection they were taken to police station in Ilirska Bistrica, on the police station there were personnel of UNHCR and IOM, but they were not present in asylum procedures. When people from the group were questioned a translator from Iran was present and they gave information about their names, country of origin, location where they crossed the border to Slovenia and what is their intention in Slovenia. Police then took pictures of their faces and took their fingerprints. They were also forced to sign documents which they did not understand and which the translator did not wish to translate. The group was kept at police station for one day after which they were driven by a van to a place where they were collectively handed over to Croatia police. Croatian police then took them to green border with Bosnia and Herzegovina near Velika Kladuša, where they broke their phones and physically attacked adults, they were then forced to walk to Bosnia.

(Illegal Push-back and border violence report August 2018, p. 16)

5.)

On 15th of August 2018 Ahmad entered Slovenia with a group of 9 people and wanted to continue his journey towards Italy. Police patrol stopped the group near the village of Stara Lipa and police van was called to the site. They arrived to police station in Črnomelj after 20 minute drive. At the police station they filled questionnaires with their personal information and Ahmad was the only person who did not ask for asylum. Police took fingerprints from everybody and when they saw Ahmad was already before in Slovenia they accused him of smuggling. Two policemen took Ahmad to a container and started threatening and beating him. During the beating two policewomen were also present in the container but were not directly involved in the beating. Ahmad was the only person in group that was beaten. Police took 8 people from the group to border and handed them over to the Croatian police after which they were collectively expelled to Bosnia and Herzegovina. In Slovenia only 16 year old boy was accepted to asylum procedure and taken to camp.

*"They took me to container. Two women police were sitting on the chair and two men started beating me. They were beating me for ten minutes with sticks and their hands. But you know, they were beating me not hard to not to leave any marks on my body. And those two women were just sitting there and watching. The men who were beating, were calling me "picko mater, picko mater". They kept beating me into my legs, head and back. They treated me like animal" (Ahmad).*

(Illegal Push-back and border violence report August 2018, p. 47)

6.)

On 21st of August 2018 after 6 days of walking an Iranian family of three members (17 and around 40 years old) crossed the border to Slovenia. After around 15 kilometres of walking they were spotted by a local man, who called the police. After that, 13 policemen came and the family in fear of being deported said they were from Syria. Policemen were acting aggressive and demanded that they lie down on the ground and police then proceeded to make inspection of their bodies. In the underwear (bra) of Zahra (the mother) they found 1000 euros, which they never returned. One of the policemen demanded from Darius (the son, 17 years old) to unlock his phone, which he refused to do. He was then attacked by the said policeman with kicks and broke his arm. The police also physically attacked his mother and father. Later they were taken to police station in Črnomelj, Darius who was complaining because of pain in his arm was taken to nearby health clinic. There he was checked by a doctor and given an arm brace but the doctor made no report from this visit by police. On police station there was an arabic translator and the family explained they are from Iran and because of fear from deportation they said earlier they are from Syria. They all asked for international protection but their request was ignored by police. They were forced to sign document without translation and were later handed over to Croatian police. They were then collectively expelled to Bosnia and Herzegovina and had to walk for 20 kilometres from the green border to Velika Kladuša.



(Illegal Push-back and border violence report August 2018, p. 75)

7.)

On 2th of September 2018 after two weeks a walking across Croatia a group of 10 men from India, Nigeria and Ivory Coast were apprehended by Slovenian police near the village of Obrov. Policemen drove them to highway border with Croatia. The police then wrote down their names, nationality, age and made photographs. When people asked for asylum the police officers said only "No". They were then taken in silence through border customs department and handed across border to Croatian police. Croatian police immediately stationed them in containers, where there were locked in overnight without food or water. The police also took their money. In the morning they were driven in a van to the green border near Velika Kladuša. They were driving for five hours and because of lack of oxygen some of the people in van started vomiting. At the border the Croatian police told the group to start walking towards Bosnia. When one of the persons asked for his mobile phone, the policeman broke it in front of him, when another person asked for his money, they ripped in half 100 euros that were confiscated before. The group had to walk to Velika Kladuša for several hours.

(Illegal Push-back and border violence report September 2018, p. 22)

8.)

On 16th of August 2018 36-year old man from Afghanistan crossed the border to Slovenia, successfully asked for asylum and was admitted to asylum camp Vič in Ljubljana. When he was already 9 days living in camp and had a card of an asylum seeker in Slovenia, he was apprehended on 27th of August by police near the main bus station while he was walking towards the centre of the city. He was then taken to closed detention centre (probably in Postojna) where he was locked up for 10 days. On 5th of September Slovenian police drove him to the border with Croatia where two policemen handed him over to Croatian police who were waiting on the other side with a van. After six hour of driving the van stopped at the Croatian-Bosnian border near village of Šturlić. When he left the van 4 policemen from Croatia started beating him with batons. After the beating the police told him to start walking towards Bosnia and Herzegovina.

(Illegal Push-back and border violence report September 2018, p. 34)

9.)

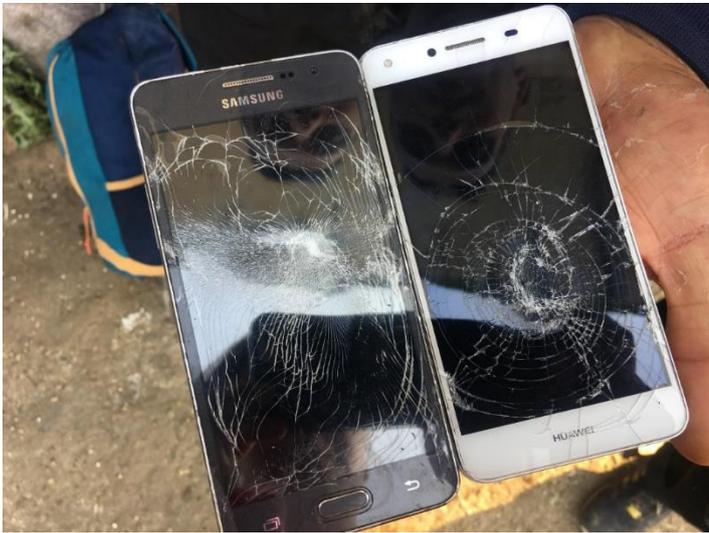
On 16th of September 2018 a group of 14 people (among them were two minors and a 60-year old man) was spotted by a policeman. They had already walked approximately 10 km into territory of Slovenia. When police backup arrived, they started an inspection; police officers removed any of their belongings and drove them to the police station. There was no translator at the police station and policemen ignored their request for asylum procedure. They had to sign documents in Slovene and police officers forced the minors to sign as adults. Policemen in station conducted basic interview and took their fingerprints. After seven hours they were taken with a van to border with Croatia and from there the Croatian police drove them to place where they were stationed in containers. The people in group again expressed intention to seek asylum but the request was again ignored. The police again took their personal information and fingerprints and the minors were also forced to register as adults. The group was detained without food or water for approximately 10 hours. To receive some food they had to pay to police officers to buy them and for water they had to drink from the toilet. After that they were driven in a van to a location near the border. They were driving for 5 hours. When they left the van there were 4 policemen in black masks waiting with 2 other policemen. They started beating people with batons one by one. An Iranian man from the group was called out from the van and was offered a bag with broken mobile phones. When he reached out for the bag the policemen started beating and screaming at him. Their confiscated property was never returned. When one person from the group asked for his belongings to be returned the police refused but they stopped the beating him because "If they know someone can speak english they don't beat that person because they (the Croatian police) know they can pass the information (about the border violence)".



(Illegal Push-back and border violence report September 2018, p. 54)

10.)  
On 13th of September 2018 a group people from Pakistan and Afghanistan (among them there was also a minor) was deported from Croatia to Bosnia and Herzegovina. Before deportation to Bosnia they were apprehended by Slovenian police 10 km from the slovenian-italian border. They were walking for 10 days from Velika Kladuša. When the group was caught in Slovenia the police confiscated their phone chargers, money and mobile phones, later their belongings were never returned. When they were taken to police station one of the persons in group asked to apply for asylum in Slovenia but police responded with "In Slovenia, asylum is closed". They were held at police station for 24 hours and after that they were handed over to Croatian police. They drove the people to border near Šturlič. 5 policemen order them to step out of the van. The police then destroyed their phones and started beating them with batons. The person who was interviewed was at the time of the interview already four months in Bosnia and Herzegovina and tried to cross the border five times. Every time he tried he was caught, robbed, beaten and expelled to Bosnia.

11.)  
On 9th of October 2018 a group of 3 Moroccans was forcefully expelled from Croatia to Bosnia and Herzegovina. Before their deportation to BiH they were caught by Slovenian police near the village of Sušak and Rupa. The police took them to station where they were detained for one day. At the police station the translator was present, he said to the group there is no asylum in Slovenia and they should go back to Bosnia. They had to sign documents on detention in Slovene (picture below). The Slovenian police took the group to police station in Croatia near the border where they were closed in a small cell for two days. The cell was overcrowded with people and they received only one meal in 48 hours. Together with 7 other people the Croatian police drove them for few hours to an area where they had to wait in van for 10 hours. In the vehicle there was an extreme lack of oxygen. Around 02:00 at night they were taken to a place in woods near the river on the border with Bosnia and Herzegovina. There was a group of policemen in black uniforms and black masks waiting for them. The police broke their phones, stole their money and brutally beat them with batons and kicks. They scream at them to go back to Bosnia



Številka: 2202-376/2018/1 (3B696-122)  
Datum: 7.10.2018

SKLEP o pridržanju  
 ODLOČEA o zadržanju

zoper \_\_\_\_\_ (ime in priimek) \_\_\_\_\_ (EMSO) \_\_\_\_\_ (državljenstvo)  
**CASABLANCA, MAROKO**  
(stalno ali začasno prebivališče)

Policijski postopek se je začel 7.10.2018 ob 16.30  
(datum) (ura)

Pridržanje je bilo odrejeno 7.10.2018 ob 16.33 na podlagi člena:  
(datum) (ura)

- |  |  |
|--|--|
| <input type="checkbox"/> 109/2 zakon o prekrških (ZP-1, sklep)                 | <input type="checkbox"/> 64/1 Zakon o nalogah in pooblastilih policije (ZNPPol, sklep – do 12 ur)            |
| <input type="checkbox"/> 110/2 Zakon o prekrških (ZP-1, sklep)                 | <input checked="" type="checkbox"/> 64/1 Zakon o nalogah in pooblastilih policije (ZNPPol, sklep – do 48 ur) |
| <input type="checkbox"/> 24/1 Zakon o pravilih cestnega prometa (ZPrCP, sklep) | <input type="checkbox"/> 32/1 Zakon o nadzoru državne meje (ZNDM-2, odločba)                                 |

Ob odreditvi pridržanja je bila oseba v \_\_\_\_\_ (arabskem (brošura) \_\_\_\_\_) \_\_\_\_\_ (jezik) označena s spodaj navedenimi pravicami in jih je tudi razumela:

z razlogi za pridržanje; da ni dolžna ničesar izjaviti; da ima pravico do takojšnje pravne pomoči zagovornika, ki ga svobodno izbere; da se na njeno zahtevo o pridržanju obvesti njene najbližje, če je oseba tujec pa tudi diplomatsko-konzularno predstavništvo države, katere državljan je.

Pridržana oseba ima tudi pravico do zdravniške pomoči, vključno s pravico, da jo na njene stroške pregleda zdravnik, ki ga sama izbere.

Obrazložitev razlogov - opis dejanja Oseba se pridrži, ker jo je potrebno izročiti tujim varnostnim organom. Oseba \_\_\_\_\_ je od dne 7.10.2018 od 16.30 ure v postopku zaradi nedovoljenega vstopa v državo in jo je potrebno izročiti tujim varnostnim organom.

Oseba \_\_\_\_\_ je državno mejo med R Hrvaško in R Slovenijo prestopila č 7.10.2018 ob 14.30 uri mejna prometna povezava Lisac (RH)-Sušak (RS), mejna sekcija H-1

Pravni pouk: Zoper ta akt je dopustna pritožba, dokler traja pridržanje. Pisna pritožba se vložijo pri organu, kjer se izvaja pridržanje, ta pa jo bo odstopil pristojnemu sodišču. Pritožba ne zadrži ukrepa odvzema prostosti.

Akt je bil vročen pridržani osebi 7.10.2018 ob 21.30  
(datum) (ura)

\_\_\_\_\_  
(pridržana oseba)

Opombe o vročitvi: \_\_\_\_\_



Pooblaščen uradna oseba  
**Osman MURATOVIC**  
(pristojna oseba)

Številka glasilnega naloga: 0000118356879

**ZAPISNIK O IZJAVI KRŠITELJA**

V skladu s 55. členom Zakona o postopkih je bil kršitelj prijet v točko preletnega prečkati, da ne tega ni dovoljen vstop ali odhajati in vrata, če pa se ni bil izločil. Prav tako je bil kršitelj opozoren, da mora v izjavi navesti vsa dejstva, ki jih poznata.

Kršitelj je dal naslednjo izjavo dne 7. 10. 2018 ob 22:10 uri v tla SLIŠKA BISTRICA

JE MARKA SEM SE ODPRAVIL V ŠPANIJO, KER BI SI RAJ NE ŽELJAL BOLJŠE ŽIVLJENJE.

Opombe: PRISOTEN SE BIL PREVAJALCO ZA ARABSKI JEZIK

OSMAN MURATOVIĆ  
ime in priimek po poljski policiji

**KRATEK OPIS DEJANSKEGA STANJA Z NAVEDBO DOKAZOV**

[REDACTED] JE 7. 10. 2018 OD 12.30 NEDOVOLJENO VSTOPIL V RH V RS NA MEJNI PROMETNI POVEZAVI LISAC (RH) - SUŠAK (RS) IN TAKO VEŠIL DOLOČILA 115. ČLENA ZAKONA O TUJCIH, 1. ODSTAVEK. NJEGOVA IDENTITETA JE BILA UGOTOVLJENA NA PODLAGI NJEGOVE LASTNE IZJAVE.

(Illegal Push-back and border violence report October 2018, p. 15)

12.)  
 On 23th of October a group of 23 people from Bangladesh was forcefully expelled from Croatia to Bosnia and Herzegovina. Two days before their deportation to Bosnia they were caught by Slovenian police near highway A1 in Slovenia. They asked for asylum in Slovenia but they only received response “No, no, no”. After the police took their fingerprints and photographed them, they also had to sign documents in Slovene without any translation. Only two boys from the group who were 18 years old were allowed to start asylum procedure, the other 30 people were handed over to Croatian police the next day. The Croatian police drove them with a van to a location near the border crossing Maljevac, where the police order them to leave the van one by one and start running towards Bosnia and Herzegovina. When they started running downhill, they tripped on a rope which was set up by police. Police came rushing behind them and started beating them with batons.



(Illegal Push-back and border violence report October 2018, p. 60)

13.)  
On 11th of November a group of 17 migrants from Bangladesh and Pakistan tried to cross river Kolpa on Croatian-Slovenian border near town of Vinica. Four of them did not know how to swim so they decided to wait on Croatian side, the rest crossed the river. Slovenian police probably saw them crossing so they waited them on the riverbank. They also notified Croatian police about the four people who decided not to cross the river. Slovenian police drove 13 migrants to a police station where they had to sign documents in Slovene without any translations. They also expressed intention to seek asylum in Slovenia but their request was ignored. Two of the minors explicitly wrote in documents they wish to seek asylum in Slovenia but police crossed the words and wrote Italy as intended country of journey. According to the interviewee a police woman with brown hair and identification number 00448801 was present during the procedure. Around 10.00 the next day they were handed over to Croatian police, after that 14 people were driven to an unknown location, where they were locked in van for a whole day without food, water or option to go to toilet. Around midnight they were collectively taken in a group of 30 people (mostly from Afghanistan and Pakistan) to the border with Bosnia and Herzegovina. The police broke their phones and stole their money. They were separated into groups of three and had to move from the van to the road where there were two lines of policemen waiting. People then had to run between the lines while the police were beating them. In this incident the policemen only beat the men in group and left the women alone.

(Illegal Push-back and border violence report November 2018, p. 5)

#### 14.) Drowning

On 27th of November 2018 a group of 11 men from Algeria were spotted by Slovenian police near river Reka and the persons in the group tried to run away from police officers. One person from the group jumped in the river and his friend followed but he did not know how to swim. Firefighters were notified about the situation of possible drowning and later found the body of the deceased migrant. One of the people in group jumped after the person who was drowning but was unsuccessful, he was then apprehended by police and was taken to hospital. After an one hour visit in hospital he was taken to police station, where other people of the group were already being held. They waited at the police station for approximately for 4 hours. After that they were taken to official border crossing between Slovenia and Croatia where 14 policemen waited for them. There they undressed and were inspected one by one. Their phones and money were confiscated. They had to give fingerprints; they were photographed and were forced to sign documents. Then the police drove them to an unknown location where they changed to another van. They drove for 20 minutes to an area near the border between Maljevac and Buhača. At around 1:40 at night they had to leave the van one by one and the police started beating them. The policemen were dressed in black uniforms and had black masks.

(Illegal Push-back and border violence report December 2018, p. 107)

15.)

On 2nd of December a group of 5 people (among them a 4-member family) surrendered to Slovenian police 5 km from the border with Croatia due to exhaustion. The police took them to the nearest police station; they were driving for approximately 30 minutes. The minor in group was accused of lying by police when he said he is part of the family. His asylum request was ignored. The interviewee said the police took him to secondary location, which he described as prison and was approximately 1 hour drive away from the police station. He was later transferred to an official border crossing with Croatia and was held there. From there the police drove him for about 2 hours to a far away location near the border with Bosnia and Herzegovina which was about 27 kilometres from Velika Kladuša. The police started beating him and he was forced to run to Bosnia.

(Illegal Push-back and border violence report December 2018, p. 98)

16.)

On 2th of December 2018 an Algerian man was brought to Police Station Brežice after his taxi was stopped by police. He was traveling from Velika Kladuša, for part of the way he was walking and in part he was using taxi service. In Slovenia his taxi was stopped by two policemen wearing army green uniforms. At the police station the policemen took his personal information and he had to sign documents. He expressed intention to seek asylum in Slovenia but was denied. The next day they drove him to official border crossing Obrežje and handed him over to Croatian police. He was held at the border crossing police station for 10 hours without food or water. The Croatian policemen then drove him with a van to a location near the border with Bosnia and Herzegovina between Maljevac and Buhača. He arrived there at 11.00, there was 5 policemen waiting for him in black masks and black uniforms.

(Illegal Push-back and border violence report December 2018, p. 110)

## Conclusions

Findings of this report and already existent research and testimonies show a violent and worrying nature of police procedures with migrants on Slovene police stations on the southern border area. The violations are not sporadic or depended on whims of individual police officers but are systematic. The mass denial of right to seek asylum was ordered and coordinated from top officials in Slovenian police while the Ministry of Interior had full knowledge of this illegal instructions and silently supported them. Testimonies of people who were chain pushed back from Slovenia through Croatia to Bosnia and Herzegovina describe police violence, beatings, threats and forced signing of documents without translations. With expulsion of more than 4500 people across the border the Slovenian state has put many in danger of torture and theft and thus exposed already marginalized group of people to additionally trauma. Considering the situation on the border, living condition in camps in Bosnia and police violence it is necessary to demand:

- Immediate ending to collective expulsions from Slovenia to Croatia under the guise of bilateral readmission agreement. Immediate suspension of the said bilateral agreement which does not follow basic standards of legal protection. Immediate ending of systematic violations of right to claim asylum.
- Introduction of civil surveillance of police work and procedures when dealing with migrants
- Full disclosure of police instructions on dealing with migrants and in case of proof of abuse of power a full investigation against former Director General of Police Simon Velički, current Director General of Police Tatjana Bobnar, former interior minister Vesna Györkös Žnidar and former employee of Ministry of Interior Affairs Boštjan Šefic
- Investigation against individual police officers who were involved in cases where there was proven excessive use of physical violence in forms of beating and theft towards people who were apprehended for illegal border crossing.

Attachment 1:

1 priloga

mailIN20180525-230680-UGDP\_GP\_1.txt

REPUBLIKA SLOVENIJA  
MINISTRSTVO ZA NOTRANJE ZADEVE  
POLICIJA  
GENERALNA POLICIJSKA UPRAVA

Številka: 225-2/2018/13 (2131-3)  
Datum: 25.05.2018 14:52  
Podpis: Simon VELIČKI

Naslovnik: Vse PU, GPU UUP CT, GPU UUP SMP SENDM

V vednost:  
GPU SGDP, GPU UKP, GPU NFL in GPU UPS OKC

Zadeva: Postopek za delo z migranti - naročilo  
Zveza: naša dokumenta, št.: 225-2/2018/3 (2131-3), 2. 3. 2018 in 225-2/2018/5 (2131-3),  
21. 3. 2018

Slovenija v letošnjem letu beleži izredno povečanje ilegalnih prehodov. V obdobju od 1. 1. 2018 do 20. 5. 2018 je bilo na območju Republike Slovenije obravnavanih 1.796 ilegalnih prehodov državne meje, v lanskem letu pa 484. Število se je glede na enako obdobje preteklega leta povečalo za 257 odstotkov. Spremenila se je tudi struktura državljanstev tujcev, in sicer so v porastu tujci, ki prihajajo iz severnoafriških držav. Pri tujcih, ki na nedovoljen način vstopijo v Republiko Slovenijo, opažamo tudi pogoste zlorabe azilnega postopka, o čemer smo vas že obvestili z dokumentom pod zvezo. Hkrati smo vas tudi obvestili in posredovali naročilo o postopanju v primeru prijete in izražene namene oziroma podane prošnje za mednarodno zaščito

če iz okoliščine posameznega primera izhaja, da gre za izražen namen podaje prošnje za mednarodno zaščito zgolj z namenom odloga vračanja v sosednjo državo. Iz prakse postopanja, določenega z dokumentom pod zvezo, izhaja, da omejitve gibanja, izrečena po Zakonu o mednarodni zaščiti, praviloma niso vzdržala sodne presoje. Sodišča v postopku pritožbe niso sledile obrazložitvam MNZ, zato je bila tujcem odpravljena omejitev gibanja.

Zaradi nenehnega pritoka novih tujcev, ki na nedovoljen način vstopijo v Republiko Slovenijo, ter zaradi množičnih zlorab azilnega postopka (samovoljne zapustitve), vam naročamo naslednje:

#### 1. Postopek s tujcem, ki je na nedovoljen način vstopil v Republiko Slovenijo

- po prijemu tujca se opravi obvezna najava HVO v skladu s Sporazumom med Vlado Republike Slovenije in Vlado Republike Hrvaške o izročitvi in prevzemu oseb, katerih vstop ali prebivanje je nezakonito,

Stran 1

- 56
- v kolikor se v postopku s tujcem ugotovi, da ima v Republiki Hrvaški kakršenkoli status oziroma je prosilec za mednarodno zaščito, se ga v skladu s sporazumom vrača v Republiko Hrvaško.

če ima tujca v postopku mešana slovensko-hrvaška policijska patrulja, se ga preda v obravnavo hrvaškim varnostnim organom.

- če tujec izrazi namen podati prošnjo za mednarodno zaščito v Republiki Sloveniji in se s tujcem ne ravna po prejšnji alineji, se opravi najava hrvaškim varnostnim organom v skladu s sporazumom. Nato se izvedejo vsi utečeni postopki z osebo, ki je izrazila namen podati prošnjo za mednarodno zaščito.

- Direktorat za upravne notranje zadeve, migracije in naturalizacijo (DUNZMN), ki je pristojen za sprejem in reševanje prošelj za priznanje mednarodne zaščite, bo za posameznike v skladu z Uredbo 604/2013 Republiki Hrvaški podal zahtevo za sprejem. Hkrati bodo v skladu z Zakonom o mednarodni zaščiti tujcu omejili gibanje. Tujca se bo naštelnilo v Center za tujce, in sicer predvidoma za obdobje do 60 dni, dokler ima Hrvaška rok za odgovor na slovensko zahtevo po sprejemu.

V zvezi izvajanja zgoraj navedenih nalog:

- v kolikor bo Hrvaška zavnila sprejem tujca v skladu z Uredbo 604/2013, bo DUNZMN tujca nastanil v Azilni dom in sprožil postopke odločanja o priznanju mednarodne zaščite

## 2. Postopek s tujcem, ki je samovoljno zapustil sprejemne prostore azilnega doma

- tujca, ki izrazi namen podati prošnjo za mednarodno zaščito v Republiki Sloveniji, se namesti v sprejemne prostore Azilnega doma dokler uradnik DUNZMN ne sprejme njegove prošnje. Ob namestitvi v sprejemne prostore se tujca seznanj s pravicami in obveznostmi, vključno z informacijami o posledicah samovoljne zapustitve sprejemnih prostorov, v njem razumljivem jeziku. S samovoljno zapustitvijo sprejemnih prostorov se smatra, da je tujec odstopil od namena, da v Republiki Sloveniji poda prošnjo za mednarodno zaščito,
- tujca, ki samovoljno zapusti sprejemne prostore Azilnega doma oziroma se ga zazna ali ga ima policija v postopku izven sprejemnih prostorov, se ga obravnava po Zakonu o tujcih in se izvede ustrezen postopek v skladu z Zakonom o prekrških.

V zvezi izvajanja nalog pod številko 2.:

Urad vlade za oskrbo in integracijo migrantov bo zagotovil posredovanje ažuriranih podatkov o samovoljnih zapustitvah sprejemnih centrov

policisti se dnevno seznanjajo s seznamom samovoljnih zapustitev sprejemnih centrov,

- vse policijske enote so pri svojem rednem delu pozorne na identifikacijo tujcev, ki so samovoljno zapustili sprejemne prostore,
- v primerih zaznave tujca je enota, ki ima tujca v postopku, zadolžena za izdajo Sklepa o pridržanju ter za takojšnje obveščanje enote prve obravnave. Prav tako enota zaznave opravi vnos pridržanje v FIO, enota prve obravnave pa pridržanje zaključí,
- enota zaznave ali druga enota iste policijske uprave tujca odpelje do enote prve obravnave, ki je pristojna za vračanje tujca (prva enota prijetja ob nedovoljenem vstopu).

### 3. Postopek s tujcem, ki je samovoljno zapustil azilni dom

- če je iz uradnih evidenc pristojnega organa razvidno, da je prosilec samovoljno zapustil Azilni dom ali njegovo izpostavo in se v treh dneh od samovoljne zapustitve ni vrnil, se šteje njegova prošnja za umaknjeno. V tem primeru, kot tudi v primeru, če še niso minili trije dnevi od njegove zapustitve Azilnega doma, se tujca samo napoti nazaj v Azilni dom ter o tem obvesti Urad vlade za oskrbo in integracijo migrantov
- Urad za oskrbo in integracijo migrantov bo zagotovil posredovanje ažuriranih podatkov o samovoljnih zapustitvah Azilnega doma
- policisti se dnevno seznanjajo s seznamom samovoljnih zapustitev Azilnega doma,

Za dodatna preverjanja statusa tujcev oziroma ostalih vprašanj o posameznih primerih se lahko pridobijo podatki 24/7 na:

- Urad za oskrbo in integracijo migrantov,
- DUNZMN - dežurni operativec Sektorja za postopke mednarodne zaščite,

Naloge se pričnejo izvajati z dnem 28. 5. 2018 in se izvajajo do preklica.

Lep pozdrav,

Priloge (1)

Podpisnik:

 EURODAC -  
postopkovnik.docx

Simon Velički  
generalni direktor policije  
glavni policijski svetnik

This report was written by civil initiative Info Kolpa and is supported by Border Violence Monitoring.

Ljubljana, April 2018.