Illegal Pushbacks and Border Violence Reports

Balkan Region
February 2020
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Executive Summary

During the month of February The Border Violence Monitoring Network observed a convergence of abuse against people-on-the-move during illegal pushbacks and border prevention operations. The Network shared the story of 190 people who suffered collective expulsion from territories across the Balkan Route. These cases are summarised in conjunction with the set of violent measures taken at official border crossings towards men, women and children seeking safe sanctuary.

People gathered at several points along the European Union’s external border in February to articulate their need for fair asylum procedures and to be treated in respect of their fundamental rights. Most notably this occurred at Turkey’s Evros border, where tens of thousands of people suffered tear gas, water cannons and live rounds as they sought safe passage into Greece. The events can be usefully read in tandem with the systemic use of violence during pushbacks occurring over the Evros river - and more broadly across the region - which form an integral backdrop to the violence at official border crossings. As a prime example, this report analyses a body of cases from N. Macedonia where the deployment of Czech police continues to implicate European Member states in the violent pushback of transit groups. Theft, beatings and inhumane treatment during train disembarkation in the town of Gevgelija (MNK) marry up with other cases this month, namely Hungary, where police carried out similar acts on trains. Pushbacks to Serbia also highlighted the continued use of K9 units by Hungarian authorities, with another severe dog attack affecting a transit group including minors.

Fifteen incidents were published from February, which represents a low compared to previous months. Yet the Network are clear to mark this within the context of a rise in criminalisation of solidarity work and pressure on volunteers in the field. Rather than a drop off in violence, the case number represents the targeting of aid and monitoring work by state and non-state actors. Examples of this raised in the February report include the collusion of fascist groups and police in Šid, blocking of NFI access in Subotica, and spot checks of volunteers in Velika Kladusa. In the face of these challenges the Network remains firm in it’s objective to elevate the voice of people-on-the-move and defend independent monitoring work. Additional analysis includes accounts of pushback cases from Romania, where families were detained, beaten, tasered and fined. Meanwhile in Croatia, case material reflected a worrying trend in racial division during collective expulsions, and several news stories highlighted the continued danger to life presented by such a heavily securitised route. These updates come alongside news of external investment in Bosnian border protection, detention in Thessaloniki and Athens, and litigation news from the Spanish enclave of Melilla.
General

Reporting Network

Testimony analysed in this February field report was recorded by volunteers from No Name Kitchen, Philoxenia, Crowbar Crew and Escuela con Alma. Field updates were also provided by Collective Aid, local groups and independent activists.

Methodology

The methodological process for these reports leverages the close social contact that we have as independent volunteers with refugees and migrants to monitor push-backs in the Western Balkans. When individuals return with significant injuries or stories of abuse, one of our violence reporting volunteers will sit down with them to collect their testimony. Although the testimony collection itself is typically with a group no larger than five persons, the pushback groups which they represent can be as large as 50 persons. We have a standardized framework for our interview structure which blends the collection of hard data (dates, geo-locations, officer descriptions, photos of injuries/medical reports, etc.) with open narratives of the abuse.

Terminology

The term pushback is a key component of the situation that unfolded along the EU borders (Hungary and Croatia) with Serbia in 2016, after the closure of the Balkan route. Push-back describes the informal expulsion (without due process) of an individual or group to another country. This lies in contrast to the term “deportation”, which is conducted in a legal framework. Push-backs have become an important, if unofficial, part of the migration regime of EU countries and elsewhere.

Abbreviations

BiH - Bosnia and Herzegovina
HR - Croatia
SRB - Serbia
SLO - Slovenia
ROM - Romania
HUN - Hungary
MNK - North Macedonia
GRK - Greece
TUR - Turkey
EU - European Union
Trends in Border Violence

Czech police carry out pushbacks in N. Macedonia

Since 2015, the Czech Republic has deployed members of their police force along the Balkan Route, specifically on the borders of GRK-MNK and SRB-HUN, in support of stringent protection of the EU’s external borders. In fact, in December 2019, the Czech government reported that 1,147 of their police force have been sent to N. Macedonia thus far, with Prime Minister Andrei Babiš describing the country as a ‘key partner’ in reducing the flow of migration to the EU. Additionally, the Czech Republic has donated approximately one million euros to both N. Macedonia and Bosnia Herzegovina as part of its ‘Help in Place’ initiative. Central to this initiative is the prevention of migration, opposed to the redistribution of people-in-transit across EU member states. This belongs to a broader EU policy expanding border externalisation, of which FRONTEX are a key player.

In the last two months, BVMN has published three testimonies recounting incidents of transit groups crossing the GRK-MNK border via train from Thessaloniki, Greece, to Gevgelija, N. Macedonia. In every case, the transit groups were pushed back and, in every case, these collective expulsions were conducted by Czech police officers. In two of the incidents, the Czech police wielded excessive force against the transit groups, using batons to beat the respondents all over their bodies. In the most recent case, the respondent’s friend was severely beaten, to the extent that he “almost lost his eye” (see 5.1). During this incident, the respondent recalls being told:
Typically, when requests for asylum were made by transit groups at the GRK-MNK border, they were denied. This bears resemblance to the tactics employed at the HR-SLO border where requests for asylum have frequently been ignored, with a recent example taking place this month (see 2.3). Moreover, in a double pushback published by BVMN last month, not only was the transit group’s asylum request denied and their belongings stolen, but the Czech police also claimed the respondent would be charged a fee of €500.

Within the aforementioned testimony, the transit group also encountered “three muzzled dogs”. The use of dogs has been noted to take place across the Balkan region, partly to detect people-in-transit, but also to intimidate them once caught and attack them. In Hungary, dogs have been utilised during similar crossings made via trains, but with far more aggression, as evidenced by two incidents taking place near Kelebia train station, one on 12 August 2019 and the other, a violent attack taking place on 20 February 2020 (see 3.1). These testimonies of pushbacks across the HR-SLO, SRB-HUN and GRK-MNK borders highlight the continuing trend of asylum breaches, violence and use of fear tactics in regional border protection. The practices clearly implicate third parties, including the Czech Republic, in supporting such pushbacks.

Further Dog Attacks in Hungary

On 20th February 2020, a transit group of 26 Afghans was caught and subsequently pushed back close to the Hungarian town of Kelebia (see 3.1). After the Hungarian police denied the transit group their right to claim asylum - “they laughed and said we were all Talibans” - the group was loaded into a van which drove them back to the Serbian border. Inside the van, the people-in-transit were crammed together with a police dog, who, egged on by police officers, bit several of the people-in-transit.

“The police sent the dog to bite us. When we were inside the van, my heart was really fast because [the] dog was really close.”

Since the border closure in 2015 canine attacks of this nature have been a recurring feature of the Hungarian pushback regime. The spate in dog attacks has occurred alongside the deployment of the EU’s border police authority FRONTEX, who work in close coordination with Hungarian police authorities. As internal FRONTEX documents obtained by BIRN show, FRONTEX has been aware of human rights violations for multiple years but has yet to suspend operations in the border area. According to BIRN’s reporting, an artificially low number of concerns are raised by FRONTEX field officers, which in turn cannot be investigated by FRONTEX authorities themselves but are handed over to Hungarian authorities. In the face of
such weak mechanisms for accountability, it comes as no surprise that FRONTEX’ executive director concluded that “the alleged cases of illegitimate use of force by Hungarian police, if confirmed, did not occur within the operational activities coordinated by FRONTEX”. As FRONTEX is set to grow in size and expand its operations to non-EU countries in the Western Balkans, where it can act immune from local courts due to status agreements with the receiving governments, the agency’s lack of accountability will make it ever harder to ensure its adherence to basic human rights standards.

**Pushback cases from Romania**

Family pushback cases involving tasers, blunt violence and procedural fines were recorded from the Romanian border last month, a strong reminder that this easterly route remains a dangerous path for people-on-the-move. No Name Kitchen volunteers spoke to families in Šid who had been pushed back into Serbia with a marked level of violence.

Two incidents published by the Network confirm the animation of the border area around Kikinda (SRB) as a site of illegal collective expulsion. In the first example (see 4.1) two Iraqi families were expelled out of Romania by force, most severely with the use of an “electric device to shock the two fathers”. Meanwhile, in another case involving families from Iraq, Iran and Syria (see 4.2), the transit group were held in a Romanian detention facility, where their access to essential medical care was denied.

> “During their detainment, the two pregnant women were denied the possibility to receive medical assistance. The oldest man – 41 years old – needed his medicine, which had been confiscated and never returned during the six days inside”

In both cases children were witness to grievous bodily harm being conferred onto their parents, and held in inadequate conditions during detention and removal. These grave allegations confirm prior reports published by Are You Syrious? from September 2019 where families were also violently pushed back by Romanian authorities.
The plight of families and minors is a story not often recounted by Network sources because of the limited access of independent reporters to official camp facilities where families often stay. However in 2019, 36% of Network reports involved minors, and it is clear from these two recent cases from Romania that minors and families remain a continued target of EU border externalisation, as much as the single male population.

**Racialised pushback practices in Croatia**

The cases from February support the Network’s previous findings highlighting the crude racialised screening practices that rule pushback procedures in Croatia. Profiling based on skin colour has been institutionalised by authorities on the ground as a means to control public and private transport routes. Testimony suggests that alongside vehicle checks, the treatment of transit groups on foot is also being determined via rudimentary lines of nationality.

One revealing case saw police dividing and merging apprehended transit groups based purely on their nationalities, or what officers deemed to be "homogenous" ethnic groups. A group of Afghans caught in Slovenia (see 2.3) describe how they were initially transported with another Arab detainee. However during transport:

“the van stopped and they were removed from the back and put into another van containing seven detained Pakistani males. The “Arabic” man was told to remain inside the first van.”
The division of transport and pushbacks along presumed national identities represents a completely irregular practice. The use of such differential treatment seems embedded in illegal pushback policing, with another testimony from February sharing the authorities first question as "Afghan? Algeria", in spite of the Palestinian respondent trying to express intent for asylum (see 1.5).

It is worrying that such distinctions are being made based on perceived ethnic differences, not least because this "identification" procedure lacks any legal footing: in many cases no information is being gathered from the person, nor any official procedure taking place. Under Protocol 4, Article 4 of the European Convention on Human Rights collective expulsion is prohibited, despite this, the practice has been endorsed by Croatian authorities since the “closure” of the Balkan Route.

Alongside the breaches of international law, viewed through the lens of race these practices also raise serious questions about the base stereotyping and fixed culturalist assumptions underpinning border policing. Pooling people into "common" demographics for pushbacks is just one example of the highly illegal and structurally racist security procedures at the EU external border. The examples illustrate stark diversions from legal norms, and the application of an entire subset of practices that mediate notions of race and nationalism, in clear contestation of fundamental rights.

Update on the Situation

Greece

Crossings from Turkish border are met with repression

In the past two weeks, the humanitarian crisis at the TUR-GRK border has substantially worsened. After years of reports of illegal pushbacks carried out by Greek police and, presumably, military forces across the Evros river and into Turkey, this trend has markedly picked up in recent weeks. Dramatic scenes showed transit groups being held back in the no man’s land between the countries with tear gas and rubber bullets, one of which allegedly killed a Syrian refugee. This development comes primarily in response to Turkey formally opening the border to allow for the crossings. Turkish President Erdogan said: “What did we do yesterday? We opened the doors.” The humanitarian situation on the Greek islands as well as the mainland is further worsened by attacks of far-right vigilante groups against people-in-transit and humanitarian workers, to which parallels can be drawn this month in Serbia.
The reasons for Turkey’s decision to open its borders are manifold. Domestically, Erdogan is under pressure from rising anti-refugee sentiment, which has grown more marked due to an economic downturn. This economic downturn might explain his demand for more money from the EU, which he wants the funds transferred directly to his government. Another source of concern for the Turkish President is the growing number of Turkish casualties in his intervention in Syria’s Idlib province.

Challenged domestically for his geopolitical recklessness, he seeks European support for his intervention. Furthermore, the recently deployed EU marine mission “Sophia” to enforce the weapon’s embargo on the Libyan civil war is primarily hurting Turkish attempts to supply the internationally recognized government in Tripolis. In the face of these real-political interests, Turkish statements asking for European solidarity appear primarily intended to shape the public narrative of Turkey’s actions. Thus a mixture of domestic pressure and geopolitical strategy appears to lie at the heart of Turkey’s policy.

In recent days, the Commission’s response to the situation on the Greek border has focussed on expressing solidarity with the Greek government, and pledging its financial as well as personnel support, in the form of increasing deployment of FRONTEX troops. A Commission spokesperson claimed that the Commission was unable to determine the legality of Greece’s actions. This statement is little more than a smokescreen - the Commission is able to initiate
infringement procedures, which Greece’s suspension of fundamental rights clearly warrants, and which have been deployed against Hungary’s asylum laws in the past.

The current situation sheds light on the EU’s failure to develop a working asylum system and relocation scheme after the 2015 summer of migration as well as the deep tension between anti-immigration sentiments and the EU’s fundamental values. Beyond providing immediate humanitarian aid, Europe should move to develop a scheme to resettle refugees on both sides of the TUR-GRK border as well as from the Greek islands. It should extend its support for refugees residing in Turkey, ensuring their safety from refoulement and a dignified standard of living. Failing to do so makes the Commission, and by extension all of the EU, complicit, in using people-on-the-move as pawns in a geopolitical power game with deadly consequences.

**Arrests and Detention in Thessaloniki and Athens**

Since the beginning of the month there has been a significant increase in the number of arrests of transient communities in the towns of Athens and Thessaloniki (GRK). Irrespective of their stage within the asylum process, people are being arrested in groups around areas known to host large numbers of migrants and refugees, for example train stations and city squares. These arrests have been justified as pertaining to public order and safety maintenance.

The locations of detention from Thessaloniki are Drama and Exanthi camps, and for Athens the Amygdaleza Detention Centre. Reporting teams in Thessaloniki have heard specific accounts from people held inside these closed camps and centres. Two of the individuals shared that they have white cards and are awaiting their asylum interviews; one has no previous criminal record or arrests in Greece, the reason for his detention has not been explained, and he was denied access to a lawyer. Both were held in a prison for three weeks
before being transferred to a closed camp where they are currently being held. The worry in the international advocacy community is that these processes may be a primer for mass deportations, either to Turkey or countries of origin.

In keeping with the plans for the islands, to convert camps into mass detention centres, there are rumours that similar facilities are being simultaneously planned for the mainland. One such project is being planned in the old Vasiliadis camp in Serres municipality, an hour and a half’s drive from Thessaloniki. The other confirmed camp is to be built in Chania, a Cretan island off the coast of Athens. The changes set a worrying precedent, coupled with violence on the islands and the land border, for the increasingly restrictive measures to come.

Croatia

**Severe transit injuries from enforced risk**

Precarious routes taken by people-on-the-move in February continued to cause severe risk to life inside Croatian territory. These dangers come as a direct result of the threatening pushback regime which forces transit groups into covert movement, in spite of their fundamental rights to be treated humanely and in respect of international asylum law.

On 23rd February Total Croatia reported on two families, among them seven children, who were found in a camper van near Glina (HR), around 80 km from Zagreb. All from Iraq, the people-in-transit were exhausted and in poor health. Once rescued, both families were placed in reception centers for asylum seekers, but this is not always the case. In 2019 an estimated 25,000 people were illegally removed from Croatia, therefore making it unsurprising that transit groups attempt ever more dangerous means to avoid police controls. The database of illegal removals logged by the Network show that law in Croatia is regularly flouted by those who are supposed to enforce it, and transfer to an asylum centre is not a consistently followed procedure.

Another incident from mid February furthers the assertion that undue risk is being foisted upon vulnerable transit populations. As a group of people reached Slunj (HR), they entered a military zone where they were found and identified by Croatian soldiers. Afraid of the officers, one of the men tried to escape and jumped “from a cliff into a three-meter ravine,” and broke his leg, having to go to hospital for a surgery. The act is sadly unsurprising, given the treatment of people-on-the-move at the hands of Croatian authorities which volunteers record on a regular basis.

Yet another report from this month (see 1.2) illustrates why people-in-transit seek to avoid the police in Croatia. In this case, the transit group was apprehended near Gornji Oštrc,
where they were severely beaten and pushed back by Croatian officers. What followed was an extreme, but instructive, example of the conduct facing people upon capture by police.

“When a group member looked into the eyes of an officer, they were either beaten with a baton or hit with an electric shock administered from a taser device”.

“The officers forced the group members to walk into the river and swim to the other side to Bosnia-Herzegovina. They were not asked if everybody knew how to swim. The officers shot into the river while the group was crossing.”

The fear induced by such incidents of extreme violence directly contributes to the ever more dangerous journeys taken by people in Croatia and along the Balkan Route. EU endorsed measures force people to put their life and physical health at serious risk while taking precarious transit in vehicles; passing through military zones, rivers, wire fencing and mountains.

**Bosnia-Herzegovina**

*Pre-border prevention strengthened*

February statements from the Ministry of Security aligned Bosnia’s border security further with its Croatian counterparts approach, increasingly positioning BiH as a key actor in stemming migration through the Balkan Region. This comes at a time of reports of pre-border deterrence by BiH officials near Bihac. Transit groups were turned back before the border by local officials, told: “go to camp”, portraying a possible change in approach from Bosnian authorities (see 1.5). This account arguably links to a political narrative being employed by minister Radončić, one that seeks EU support in order to integrate BiH into the preventive web of actors working within the pushback regime.

"the EU has to understand in order to protect their own security they need to turn Bosnia, Serbia, Montenegro and the whole region into an impenetrable barrier for migrants." **BiH security minister told Euro News**

In the meantime Croatia responded in kind, **sending thermal imaging cameras and equipment to three Kantons** in BiH with Croat majorities to further strengthen border protection on the the borders in Herzegovina. The developments put further restrictions on the movement of transit populations in the territory and pose deep concerns about the state’s role going forward as an actor exceeding its current role as the recipient of pushbacks.
Serbia

Protests at the Hungarian border

On the 7th February 2020, a demonstration took place at Kelebija border crossing, where 200 to 500 people-on-the-move arrived in Subotica during the previous days. The manifestation was self-organized, with the intention to bring attention to the migrant crisis in North of Serbia. The event itself was scheduled for the early morning of the 8th February, where a march was supposed to happen from Subotica to the border crossing in Kelebija. Due to some tension between the participants and the police, the march was anticipated on the night of the 7th February. People on the move started gathering at the border crossing from the late afternoon, controlled by a heavy presence of Serbian police, with a significant attendance of migrants families and children.

![People assemble at a sit-in by the border crossing (Source: Blic.rs)](image)

Volunteers in collaboration with MSF got an unofficial authorization to distribute blankets and sleeping bags for the participants, but upon arriving at the border crossing at around 21:00 the Serbian Ministry of Defense were onsite to block material aid. Later into the night, tensions began to spread as anxious groups remained stuck at the border in cold conditions. The authorities responded punitively, breaking up the demonstration and around 01:00 and loading people onto buses which removed them to camps in the south of Serbia. Reports suggest that during the bus rides the police didn’t allow people to use toilets or stop at petrol stations, and were carried out a clear forced removals to deter people from using Northern Serbia for transit.

A smaller scale demonstration was also carried out in Velika Kladusa seeking parallel demands. The gathering of approximately 100 people around the Miral Temporary Reception Centre, 5km to the south of the town, gained some media attention, but was also closely
monitored by BiH police. In conjunction with the actions taken by people-on-the-move, the police cracked down on the work of independent volunteers, stopping and searching several individuals involved in solidarity work with No Name Kitchen. The moves by local authorities arguably show the intersection of struggles for freedom of movement and independent solidarity work, a dynamic observable in Serbia, Bosnia-Herzegovina and in Turkey last month.

**Securitisation in Sid and Fascist attacks**

After the **expulsion of the three volunteers** during January, the situation in Šid has not improved regarding solidarity work with the informal transit communities there. No Name Kitchen (NNK) has maintained its support of food and water to people living in the abandoned Grafosrem factory, but Serbian police continue to follow all movements of the NGO, making daily distributions difficult. One incident even led to volunteers being physically ushered into police vans while trying to carry out their work. In response, distribution of essential items has been displaced to alternate locations, affecting both people-on-the-move and the teams trying to support them.

![Vandalised graffiti on NNK van used to distribute essential aid](Source:NNK)

More ominous however was the recurrence of attacks and intimidation by the Serbian fascist group known as the Chetniks. On 9th February, members of this far right nationalist movement hid themselves in the Grafosrem squat during the evening, waited for volunteers to come and then began to harrass them sadistically. The perpetrators parked their cars around the NNK van in order to block it in and called the police. Once the Serbian authorities
arrived, the fascist group members began shaking hands with officers and laughing, suggesting a clear level of collusion. On top of this, vandalism in the form of spray painted Swastikas and thuggish street intimidation have marked a steep rise in right wing action in Šid against volunteers carrying out solidarity work, as challenged in a recent NNK statement.

Coupled with the deployment of 40+ officers from the Serbian Special Forces in late February - hailed by President Vucic as brokers of “peace and order” - transit in the area of Šid has become particularly unsafe. A consequent rise in violent attacks carried out by authorities has been noticeable, and almost every day NNK hear reports of money being stolen, tents being burned and people-on-the-move being assaulted. In particular, those who live in the official camp or use the bus/train station have suffered restricted movement from police. The intersection of this institutional pressure and the concurrent rise in right wing attacks mark a worryingly consistent approach towards grassroots assistance in one of the routes longest standing transit hubs.

Litigation

Melilla pushback findings

The Network were highly disappointed to learn of the ruling issued by the European Court of Human Rights on the pushback of a two people (Mali and Cote d’Ivoire nationals) from the Spanish enclave of Melilla into Morocco. The result of a protracted legal case hinged on interpretation of international law on collective expulsion, and the ruling found that the plaintiffs were not removed in breach of European law because they had not made use of “lawful channels for entry”. This result was widely condemned by Human Rights groups and commentators for willfully ignoring the institutionalised violence being perpetrated by Spanish authorities in Melilla which makes safe transit via regulated crossings almost impossible, and thus force people into dangerous crossings, such as over the border fence.

Council of Europe Human Rights Commissioner Dunja Mijatovic shared that in Melilla is it “practically impossible for Sub-Saharan Africans” to approach the border other than by sea or the fortified perimeter barriers. She slammed the court for its decision to find Spain not in breach of Protocol 4, Article 4 of the ECHR, effectively pardoning the execution of an illegal pushback. The case represents a worrying turn in the search for accountability, justice and application of international law regarding illegally enacted removals from EU territory and raises severe questions about recourse to independent judicial decision making. Though the Network has so far focused its work on pushbacks in the Balkan Region, it is clear that such a landmark finding has wider implications for the EU's external borders in vindicating illegal practice.
Glossary of Reports, February 2020

The Network covered the pushback of 190 people across 15 separate incidents in February. The reports account for a wide demographic of people including men, women and minors, those in official camp accommodation and others in informal settlements. The respondents also originate from a broad set of countries, including: Syria, Afghanistan, Pakistan, Morocco, Algeria, Tunisia, Iran, Iraq and Palestine. The cases involved:

- Eleven pushbacks to the territory of Bosnia-Herzegovina (eight direct pushbacks from Croatia/three chain pushbacks from Slovenia).
- Three pushbacks to Serbia (two direct pushbacks from Romania and one pushback from Hungary).
- One direct pushback from N.Macedonia to Greece.

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### Network Structure and Contact

The Border Violence Monitoring Network is a volunteer led endeavour, relying on the efforts of participant organizations working in the field, in advocacy and in litigation. The Network receives grant funding from The Open Society Foundations, supporting four paid positions, and volunteer travel expenses. To follow more from the Border Violence Monitoring Network, check out our [website](#) for the entire testimony archive, previous monthly reports and regular news pieces. To follow us on social media, find us on Twitter handle @Border_Violence and on Facebook. For further information regarding this report please write to us at mail@borderviolence.eu, and for press and media requests please contact press@borderviolence.eu.