

BORDER FENCE AT THE SERBIAN- MACEDONIAN BORDER



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Introduction

This report is the result of the project “Protection of the refugee rights at the Serbian-Macedonian border” which was supported by the Stiftung:do foundation. The main focus of this report is the border fence alongside this border which is being built by the Serbian government since last year and its influence on the rights of people on the move and their access to asylum.

In August 2020 Serbia started building the fence on its south border with Macedonia in order to “protect” its territory from the irregular migrations and to prevent people on the move from entering Serbia. But the fence is kept away from the public eye and there are no reports or any kind of information on how it affects people on the move, since none of the local or international NGOs cover this region and the media are mostly uninformed about the developments at the border. The only public information about the fence were two articles¹ published by Radio Free Europe in August and September 2020. At the same time, cases of illegal push-backs from the Serbian territory back to Macedonia (dominantly) and Bulgaria (in smaller numbers) have increased as well.

Within this project Klikaktiv conducted a field visit to the Serbian side of the Serbian-Macedonian border in order to collect relevant information and data on the new border fence as well as the respect of human rights (mainly right to asylum and access to territory to seek refuge) in this part of the Balkan refugee route. All of the information that are shared in this report are collected from direct observations on the site or through communication with local population and people on the move.

We also wanted to get information from official government’s institutions, but all of our initiatives for official meetings/visits were rejected.

KlikAktiv reached out to the municipality Presevo and asked for a meeting, however we were answered that “the president of the municipality will be out of Serbia”. After receiving this answer, we replied that we would gladly meet other officials of the municipality but we never received another reply.

We also requested a permit from the Commissariat for Refugees and Migrations to visit the camp in Presevo but our request was denied with the following explanation: “migrants are staying in the camp Presevo for a very short period of time and they receive all necessary information from the organizations that are present in the camp. This also applies to the legal and psychosocial support, therefore we are not approving your request”. Testimonies of the people on the move tell us otherwise, but this topic will be further elaborated in the report.

Therefore, for the most part this report is based on KlikAktiv’s observation on the ground, testimonies of the people on the move and statements of the local population and activists, who are all intentionally anonymous for the purpose of this report.

¹First article published by Radio Free Europe in August 2020: <https://www.slobodnaevropa.org/a/srbija-dize-zicanu-ogradu-na-granici-sa-severnom-makedonijom/30789825.html>

Second article published by Radio Free Europe in September 2020: <https://www.slobodnaevropa.org/a/severna-makedonija-srbija-granica-zicana-ograda-postavljena-strogo-poverljivo/30857508.html>

Legal background

On 15th March 2020, Serbian government declared the state of emergency on the whole territory due to the Covid-19 outbreak. During this time the Parliament was practically suspended and all regulations were adopted by the Government and/or President of the country. Among other things, on 20th of April, while the state of emergency was still on power, the Government and the President adopted the *Decree on the changes of the Decree regarding the measures during the state of emergency* which states the following:

Article 2.

In order to implement the measures under Art. 2 and 3 of this Decree, to prevent the spread of the infectious disease COVID-19 caused by the SARS-CoV-2 virus, and especially the mass unauthorized crossing of the state border outside the border crossing point, temporary occupation of land owned by legal entities and individual persons is ordered, along the border line with the Republic of Northern Macedonia and the Republic of Bulgaria.

The width of the zone for temporary occupation, ie the area of land, is determined by the Study for Obstruction of the State Border with the Republic of Northern Macedonia and the Study for Obstruction of the State Border with the Republic of Bulgaria.

This Decree was later served as a legal ground for the occupation of the land alongside the border and for the construction of the fence. As stated in the Decree, the Government didn't occupy just the land alongside the border with Macedonia, but also alongside the border with Bulgaria, which means that there might be the border fence on this border in the future as well.

Public was first introduced with the news of the fence through only few media portals in August 2020. They all shared same information. That the construction of the border fence has started in June 2020 based on the above-mentioned Decree which was adopted during the state of emergency. Mayor of the Presevo also gave his statement to the media in which he stated that the "construction of the fence is part of the deal with the EU to prevent possible wave of refugees from the east²". There are no publicly available documents that would provide more information about this deal and financial support for the construction of the fence.

We wanted to gather more information about this deal between Serbia and EU so we e-mailed the municipality Presevo asking for a meeting with their representatives who could provide us with more information. However, our request for a meeting was rejected with an explanation that the "the president of the municipality [mayor] will be out of Serbia".

However, after the initial media coverage of this topic, there were no follow-up news on the fence nor its influence on the migrations alongside the Balkan refugee route and especially in what way it affects right to seek asylum. Most of the Serbian local population is not even aware of the fact that the border fence is being constructed on the territory of Serbia. This is no surprise since the Hungarian border fence was demonized by the Serbian government and

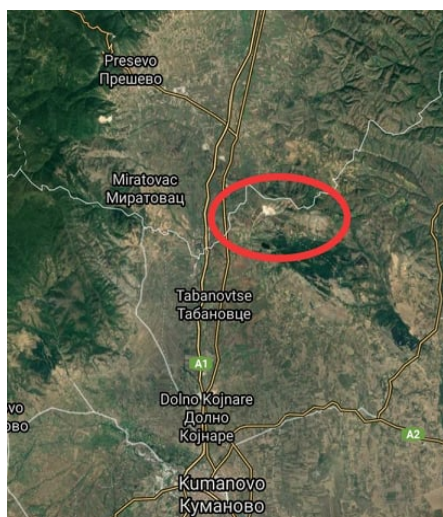
² Source: Article of Radio-Television Vojvodina, from 20th August 2020, available: https://www.rtv.rs/sr_lat/drustvo/ograda-na-granici-sa-makedonijom-sledi-i-bugarska_1154632.html

public back in 2015. The President of Serbia even declared in 2016 that “we will not raise fences, they are not in line with the European and civilization values³”.

KlikAktiv’s team visited cities Vranje and Presevo where we talked to people from the local communities, including some of the activists, but most of the people didn’t have any knowledge that the border fence is being built just dozen kilometers away. However, when we arrived to the village Miratovac – last village at the Serbian side of the border – the situation was different. All of the residents of the village knew about the fence and they were highly unhappy with it. They told us that the government is taking their land but that they didn’t receive any financial compensation for the land. Also, their everyday life is now much harder because they own the land on both side of the borders and the fence is making it harder for them to reach their properties on the other side of the border.

The border fence

The border fence alongside the border between Serbia and Macedonia is located east from the village Miratovac, on the right side of the highway which leads to Skoplje, capital of Macedonia, as show in the map. The fence is still under the construction, so it doesn’t go all the way along the border. As seen in the pictures bellow, some parts of the land are still only being prepared for the construction.



The fence looks a lot like the fence at the Hungarian-Serbian border. It is made out of two lines of fence walls, which are 4-5 meters high. The distance between these two fence walls is around 5 meter – sufficient for two cars to drive pass each other.

However, although the fence is still not completed it is already damaged, as we were told by people on the move that we met during our visit to the region. While we were heading to village Miratovac we met one group of 4 men from Afghanistan on the road, walking towards the city Vranje, where they wanted to reach the camp and rest. They told us that they entered Serbia with the help of a smuggler who led them into the Serbian territory through the hole on the fence. They managed to avoid being caught by the police so they continued walking on foot deeper into the territory, choosing roads through the hills and woods. Only when they were sure that they are far enough from the border they went on to the main road and walked on its side. They were exhausted and told us they are already walking for more than 8 hours without rest, because they wanted to leave the border zone as soon as possible.

We expected the fence to be built though Miratovac field – a valley between village Miratovac, on the Serbian side and village Lojane, on the Macedonian side. The valley is surrounded by hills and mountains and was the main passage for refugees on the Balkan refugee route. In 2015, when the “official” Balkan refugee route was open, the Commissariat for Refugees and

³ Source” Article of Beta, from 12th February 2016, available: <https://beta.rs/vesti/vesti-drustvo/25087-vucic-necemo-dizati-ograde-postovacemo-svako-zajednicko-resenje>

Migrations opened the temporary camp in this valley which served as a first check point on the Serbian territory. However, this camp is usually being empty and closed. It accommodated refugees only in March 2016, when the official Balkan refugee route was closed and refugees were stuck in Serbia and in spring 2020, during the state of emergency, when all camps were overcrowded.

Still, even after the “official” Balkan refugee route was closed in March 2016, the refugees continued to use Miratovac field as a point of entry into the Serbian territory. They were guided by the mosque in village Miratovac which dominates over the valley with its impressive minaret. The mosque was also a place where refugees were able to rest and get some food and water.

However, during our visit in Miratovac village, we learned that the Serbian police has significantly increased its presence in the area and that refugees are now using alternative paths to entry Serbia, because the police is returning them back into Macedonia if they catch them in this village. Locals told us that they haven’t seen refugees in the village for more than a year or even longer.



KlikAktiv’s team also noticed the increased presence of the Serbian border police in the region. Another novelty is that besides the Serbian border police patrols, there are also Hungarian police officers patrolling the area and “protecting” Serbian border. We encountered two Hungarian police officers patrolling alongside with the two Serbian police officers at the village Miratovac. They were in the Hungarian police car and their officers were wearing Hungarian police uniforms, together with guns, handcuffs and police badges.



In 2013 Serbian and Hungarian Ministers of Internal Affairs signed the Protocol on Joint Patrols Alongside the Joint Border⁴. As stated in the Protocol, the aim of the Protocol is to “enhance cooperation in the border control and migration management for the purpose of preventing illegal migrations through Western Balkan into the European Union”. This Protocol regulates joint police patrols of two countries alongside the joint border and 20km on the both sides from the border line, for the purpose of combating illegal migrations. However, the Protocol doesn’t define joint patrols on other Serbian borders and therefore it is unclear under which regulations are the Hungarian police officers patrolling alongside the Serbian-Macedonian border.

Locals told KlikAktiv’s team that Hungarian police is not the only one patrolling this border. They said that they saw German, Austrian and Polish police officers also.

⁴ Text of the Protocol is available on the website of the Serbian Ministry of Internal Affairs, only in Serbian language: <http://www.mup.gov.rs/wps/wcm/connect/0f28b7c9-736b-4217-92b2-565968baa151/Mađarska+-+Protokol+o+mešovitim+patrolama+duž+zajedničke+granice.pdf?MOD=AJPERES&CVID=nca4yje>

As already sad, the Miratovac field is being “guarded” by the police officers who are always present and the border fence is being built on the other side of the highway as a “protection against the illegal migrations”. In this report, we are presenting the pictures of the border fence which were made by KlikAktiv’s team.





Other relevant information from the border region

One of the most spoken about camps in Serbia is the camp in Presevo, city near the border with Macedonia. This camp was also open in late 2015, when the “official” Balkan refugee route was open and was served as another check-in spot and transit for people on the move. After the Balkan refugee route was closed in March 2016, this camp was used as an accommodation facility for people on the move. For the most part, since 2016 until today, the camp in Presevo functions as a “closed camp” – a place where the free movement of refugees is under the strict control of the camp management. This is the main reason why people on the move have been avoiding this camp.

In addition, over the last year Serbian police is continuously evicting squats alongside the north borders and taking people to the Presevo camp. This happens not only in the informal squats at the border but also in center of Belgrade. These evictions are happening randomly, without previous warning and without any visible pattern. People on the move are forced into buses or police vans and driven 550+ kilometers to the camp in Presevo. These evictions happened very often during the summer 2021 and they had a big media coverage. Mainstream medias were reporting on almost every such police action, especially the ones happening in Belgrade. “Police in Belgrade found more than 100 illegal migrants⁵”, “79 illegal migrants were found in Belgrade⁶”, “Police in Belgrade finds 84 illegal migrants PHOTO⁷” were just some of the headlines in media.

On the other side, according to the dozens of testimonials that KlikAktiv’s team has collected through direct interviews with people on the move, the conditions inside the camp in Presevo are quite inhuman. First of all, their movement outside the camp is limited and conditioned with the permits issued by the management of the camp. It is unclear under which regulation the camp management is issuing such permits and why the movement of people is being limited, when neither the Law on Asylum and Temporary Protection nor any other Serbian law regulates this practice. All of the people that we interviewed over the course of several months told us that the only way to get the permit for exiting the camp is if they do given chores in the camp, which basically equals to the unpaid, forced labor. For example, they have to clean the yard of the camp, clean the toilets, wash the sheets, carry food shipments that arrive in the camp or do other tasks given by the camp management.

Alternative way to leave the camp is if they manage to escape by jumping over the fence. However, we were told by almost all people that in that case they have to immediately get into the taxi and go towards the north of country. One man from Afghanistan told us: “We are not allowed to walk around the city Presevo. If police see us in the street, they immediately take us back to Macedonia.” And truly, during our stay in Presevo we didn’t see anyone from the refugee population in the streets. We also talked with several locals, including some young activists, and everyone told us that they don’t see refugees in the streets anymore. They feel as if the camp in Presevo is empty for months now.

⁵ Source: <https://www.danas.rs/beograd/policija-u-beogradu-pronasla-vise-od-100-ilegalnih-migranata/>

⁶ Source: https://www.rtv.rs/sr_lat/hronika/pronadjeno-79-ilegalnih-migranata-u-beogradu_1266719.html

⁷ Source: https://www.b92.net/info/vesti/index.php?yyyy=2021&mm=09&dd=09&nav_category=16&nav_id=1920286

KlikAktiv requested the official permit from the Commissariat for Refugees and Migrations to enter the camp in Presevo and to provide free legal and psychosocial support to people who are residing in the camp, as part of our main activities on the ground. But our request was denied with the following explanation: “Migrants are staying in the camp Presevo for a very short period of time and they receive all necessary information from the organizations that are present in the camp. This also applies for the legal and psychosocial support, therefore we are not approving your request”. However, according to the testimonies of the people on the move, there are no organizations inside the camp who are providing free legal and psychosocial support. The only organization which is present in the camp is UNHCR and their protection officers. Still, even if there were organizations which are providing legal and psychosocial support, people on the move have a right to choose their own lawyer and it’s not up to the Commissariat to asses whether they have received “all necessary information” nor to limit their access to legal aid.



Editorial Notes:

This report is made as a summary of the filed visit to the region of Serbian-Macedonian border in June 2021.

All pictures in this report were made by KlikAktiv and the copyrights are with KlikAktiv.

Belgrade, August 2021.