SLOVENIA: PUSH-BACKS AND DENIAL OF ACCESS TO ASYLUM

FINDINGS OF THE RESEARCH MISSION IN VELIKA KLAĐUŠA AND BIHAĆ, JUNE 2018
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GLOSSARY

Refugees are people who have fled their own country because they have a well-founded fear of persecution and their government cannot or will not protect them. Refugees have the right to international protection (asylum) in another country.

Asylum procedures are designed to determine whether someone meets the criteria to be granted refugee status or subsidiary protection. Slovenia grants subsidiary protection to persons at risk of grievous harm (death penalty or execution, torture or inhumane or degrading treatment) upon return to their country of origin, and in cases where there is armed conflict in the country of origin. When the state grants a person refugee status or subsidiary protection, it gives him/her international protection as a substitute for the protection of his or her country of origin.

An asylum-seeker is someone who left his or her country seeking protection but has yet to be recognised as a refugee. During the time an asylum claim is being examined, asylum-seekers must not be forced to return to their country of origin.

Refugees who enter Slovenia without valid identification (passport with visa) may declare their intention to apply for international protection or asylum upon first contact with the police. It is enough for a person to utter the internationally recognised word “asylum” (or express such intention in another manner, in his or her own words). If a person declares the intention to apply for asylum, the police must complete a “preliminary procedure”. Once this procedure is completed, the individual is taken to an asylum centre where he or she may apply for international protection. Individuals who declare the intention to apply for asylum may not be deported.

Push-backs are illegal coercive operations in which the authorities refuse entry to people or return them back to the country from which they came, thereby denying them the procedural guarantees and possibility to apply for asylum. Push-backs happen when people are pushed back to the country they are trying to leave – or in some cases into the high seas – shortly after they cross the border, without an opportunity to challenge their forced return. Push-backs usually involve a group of people (migrants or refugees).

Non-refoulement is a principle derived from the prohibition of torture and other inhumane or degrading treatment. Under this principle, all states are prohibited from sending anyone, whether directly or indirectly, to a country where he or she would be at risk of serious human rights violations.
1. INTRODUCTION AND METHODOLOGY

In the first half of 2018 many refugees and asylum seekers heading to Europe chose a new route leading through Bosnia and Herzegovina and on through Croatia and Slovenia. Since this route took hold, Velika Kladuša and Bihać, municipalities in northwest Bosnia and Herzegovina, have become a refuge for hundreds of people fleeing armed conflict and persecution or looking for a better life. The majority live in abysmal conditions; many live in overcrowded tents, some even sleep rough or in abandoned buildings. Many want to go to other European countries, but despite numerous attempts, few succeed.

Prompted by worrying reports in the Slovenian media1 featuring stories from Velika Kladuša of individuals who claim that, upon arriving in Slovenia, where some had expressed intent to apply for asylum, they were returned to Croatia and then to Bosnia and Herzegovina, Amnesty International delegation visited Velika Kladuša and Bihać to ascertain whether the Slovenian authorities were carrying out push-backs and denying asylum seekers’ access to asylum procedures.

In Bihać, Amnesty International spoke to a family from Iran whose testimony exemplifies the situation. They told Amnesty International that they left Iran, where they had been persecuted because of their ethnicity. Their child had an intestinal disease, and they wanted to get him into a country where he could receive proper and immediate medical care. In early June 2018, they departed from Velika Kladuša as a part of the group of eight people that included their eight-year-old and another child aged three. They arrived in Slovenia by swimming across a river. After about two hours of walking, they were stopped by police; it was the middle of the night.

“The police took us somewhere. We did not know where we were, nobody told us anything. They fingerprinted all of us, including our child. We told the interpreter we wanted asylum, but we’re not sure that he really told the police that. He accused us of being liars and demanded that we tell him where we were really headed. The interpreter brought us documents in a language we did not understand. He told us that we had to sign them if we wanted to get asylum. We did as we were told and signed. As he was talking to the police officers, he sniggered at us. We did not understand what he was saying, but whatever it was, the police sniggered at us as well.

Then they put us in a police vehicle and drove off. We thought we would be going to an asylum centre, but when the door of the van opened, we realised that we had been taken back to the Slovenian-Croatian border. Then they handed us over to the Croatian police. The Croatian police kept us in a police vehicle without windows, with the ventilation turned off. My wife passed out due to a lack of air and the heat. She was taken to hospital in Sisak, where she remained for two days.”

The family received a temporary permit to stay in the country legally for seven days. “After two days, when my wife recovered, they released her from hospital. The police told us to show them documents [a temporary permit], but they tore them up and took us to the border with Bosnia and Herzegovina. They chased us over the border.”

Many others have shared similar experiences.

This Amnesty International briefing presents the testimonies of people we interviewed, data showing that the practice of the Slovenian authorities changed in June 2018 to the detriment of the human rights of asylum seekers, conclusions regarding violations, and recommendations for and appeals to the Slovenian authorities.

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1. In the article Is it really no longer possible to apply for asylum in Slovenia? What do we do now?, published in Dnevnik on 14 June 2018 (https://www.dnevnik.si/104285662/Slovenija/ali-v-sloveniji-je-nun-zmogljivost-zaprositi-za-azi-kaj-naj-storimo-zdaj) and on the show Globus, aired on the same day on RTV Slovenija (https://4d.rtv.si/archiv/globus/171455770).
2. The interview with the family was conducted in the ruins of a student dormitory in Bihać on 27 June 2018.
Even though the Amnesty International research focused on the conduct of the Slovenian authorities with regard to access to asylum and the observance of safeguards upon return, the briefing also speaks to the situation in Velika Kladuša and Bihać, and presents accounts of violence and abuse allegedly perpetrated by the Croatian authorities. Considering the frequency of such assertions, we assume that violence by the Croatian police is pervasive. Amnesty International has also recorded testimony by three individuals who alleged violence by Slovenian police officers. The overwhelming majority of the individuals interviewed, however, did not experience violence by the Slovenian authorities according to their own accounts.

METHODOLOGY

This briefing is based on the research conducted by a four-member Amnesty International Slovenia delegation during their visit to Bosnia and Herzegovina between 26 and 28 June 2018, and information acquired through official channels.

Amnesty International interviewed 74 individuals, including 67 refugees, asylum seekers, and migrants, a representative of the Community Health Centre in Velika Kladuša, a Red Cross representative in Bihać, three volunteers helping with food and clothes in Velika Kladuša, local population, and a police officer.

The interviews took place in Velika Kladuša and Bihać, in informal camps that are not managed by the authorities of Bosnia and Herzegovina. They were conducted either directly in English, or in Arabic and Farsi with the help of interpreters.

Unless otherwise indicated, the names of the refugees and migrants in this document have been changed in order to protect their identity and privacy. They all gave informed consent to the inclusion of their stories and photographs in this publication.

Amnesty International reached out to the General Police Directorate and the Ministry of the Interior of the Republic of Slovenia with questions and requests for comment. Their replies are included in the briefing.
2. SUMMARY

Testimonies documented by Amnesty International show that, in June 2018, the Slovenian authorities conducted coercive returns without procedural safeguards — referred to as push-backs — and denied some individuals access to asylum. Official data confirms a change in the practice of treatment of asylum seekers in June 2018; despite a decline in the number of people crossing the border irregularly that month, there was a dramatic increase in the number of returns to Croatia and a dramatic decline in the percentage of people who declared intention to apply for asylum — as recorded by the police.

The Slovenian General Police Directorate rejected claims that it conducted push-backs or denied individuals access to asylum.³

Amnesty International expresses serious concerns about the absence of appropriate safeguards during “informal returns” conducted by police under the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia on the readmission of persons whose entry or residence is illegal.⁴ We urge Slovenian authorities to immediately cease with such returns, which are contrary to international human rights law. People may not be returned without being able to appeal against their return and without having the opportunity to explain that, in this case, returning to Croatia and on to other countries, would put them at the risk of human rights violations. Amnesty International further urges Slovenian authorities to immediately cease using the Readmission Agreement between Slovenia and Croatia⁵, which does not provide adequate safeguards and is therefore not in conformity with Slovenia’s obligations under international law.

Finally, Amnesty International calls on Slovenian authorities to act in line with Slovenian legislation and human rights obligations by ensuring that each person is granted access to asylum procedures in the course of which a competent authority will examine his or her asylum application or decide which country is competent to examine it. The police do not have the authority or competence to decide whether a person may or may not apply for asylum. The documented testimonies show that this is exactly what has been happening.

As many as 51 interviewed individuals told Amnesty International that they had expressed intention to apply for asylum to police officers or interpreters in police procedures in Slovenia. Many said police officers ignored their declared intention to apply for asylum. Some were told by police officers that they would be taken to an asylum centre to police officers or interpreters. Some were explicitly told by Slovenian police officers that “there was no asylum in Slovenia.”

Amnesty International also notes the poor availability of information and interpreting services, and unprofessional and inappropriate conduct by some interpreters. Many interviewees said they did not know what they were signing in Slovenia; some also recounted receiving threats, being lied to, and being treated disrespectfully by some interpreters. Amnesty International therefore urges the Slovenian authorities to provide adequate information and interpreting.

Many interviewees did not know what would happen to them in Slovenia until they were handed over to the Croatian police. The violations of their human rights did not end there. All those interviewed by Amnesty International were transported by the Croatian police to the vicinity of the border with Bosnia and Herzegovina and (again, without appropriate safeguards against push-backs), “chased” across the border. Some said that Croatian police officers took their money and destroyed their mobile phones; some were even beaten.

³ Reply by the General Police Directorate to questions sent by Amnesty International, sent by email on 10 July 2018.
⁴ The Readmission Agreement allows Slovenia to return third-country nationals to Croatia if it is possible to determine that they entered Slovenia from Croatia. In accordance with the agreement, Slovenia may hand over people who crossed the border irregularly from Croatia “without any formalities” (in a summary procedure) if it demands such within 72 hours of the irregular crossing of the border (Article 2(3)). The agreement is accessible at: https://www.uradni-list.si/glasilo-uradni-list-nsvebina/2006-02-0040?op=2006-02-0040.
These people have returned to Velika Kladuša and Bihać, where many live in completely inhuman conditions, in tents, out in the open, or in the ruins of an old and derelict student dormitory. Local community and a handful of volunteers from abroad help as best as they can, but without the aid of the state or the international community, the situation there will only deteriorate, further falling short of human rights standards.
3. SLOVENIA – PUSH-BACKS AND DENIAL OF ACCESS TO ASYLUM PROCEDURES

At the end of June 2018, Amnesty International delegation interviewed 58 people in Velika Kladuša and Bihać who said they had been in Slovenia in the previous month. They came from Syria, Algeria, Morocco, Iran, Iraq, Afghanistan, Pakistan, and Egypt. Most of the interviewees had been in Slovenia within larger groups, some with their families.

ARDUOUS JOURNEY TO SLOVENIA

Many people Amnesty International delegation interviewed in Velika Kladuša and Bihać spoke about conflict and persecution, which left them with no other choice but to leave their country.

A couple from Syria described how they fled the regime of Bashar al-Assad and extremist groups. “We started our journey on 9 February 2018. We had to sell the house, so that we could leave the country. Extremists accused us of being infidel; they said we were not believers, because we didn’t want to carry a gun and join the war. … I tried to argue with them that the land was for everybody and that religion was for God, that what they were doing was not OK … They were not happy with the way my wife was dressed. They said that this was not an acceptable way to dress in our country. One time a militia unit from Iran kidnapped me. They tortured me; you can see signs of torture on my hands. My family paid them a ransom, so they released me. Otherwise, they would not have.”

For many people stranded in Bosnia and Herzegovina, the fact that they were turned back from Slovenia was yet another in a series of setbacks on their long and perilous journey. The path to Slovenia was challenging as well: from the Bosnian border area, they traversed Croatia on foot to reach Slovenia, often wearing inappropriate shoes and carrying little food or water. Some spoke about fear of wild animals in the forest, especially bears and wild boar, and the wild and dangerous river on the border with Slovenia.

Indeed, police data as of 10 July 2018 show that in 2018 alone, nine people drowned attempting to cross the border by swimming across the Kolpa River in the Bela Krajina region.6

Ayman from Algeria said that a man from their group had drowned. “There were six of us, one child. We were swimming and one of the men died. I could not save him. It was raining, it was almost morning, but it was still dark.” His group was intercepted by Slovenian police officers in the vicinity of the villages of Krkovo and Padovo pri Fari.

According to most accounts, once people make it across the border into Slovenia, they are caught by the Slovenian police – sometimes right after they have crossed the border, others deeper in Slovenian territory, up to 15 kilometres inland. Some said they sought out the police themselves, exhausted.

PUSH-BACKS AND DISREGARDED ASYLUM REQUESTS

Fifty-one of the 58 people who told Amnesty International that they managed to cross into Slovenia stated that they had told police officers or interpreters in Slovenia that they wanted asylum. Five said they were taken to the asylum centre in Ljubljana, but were returned to Croatia within days. Many described how their declared intention to file

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6 Reply by the General Police Directorate to questions sent by Amnesty International, sent by email on 10 July 2018.
7 Interview conducted by Amnesty International in Velika Kladuša, 26 June 2018.
asylum applications was ignored. Some were told by police officers that they would be taken to the asylum centre but were instead transported to the border and handed over to the Croatian police. A few said Slovenian police officers had explicitly told them there was “no asylum in Slovenia.”

Belghiri, a 17-year-old from Algeria, arrived in Slovenia in early June 2018 together with five other boys from Algeria, Morocco, and Palestine. One of them said he was 15, one 16, and one 17. They finally managed to get into Slovenia on their sixth attempt. They travelled alone, spending almost eight days in the forest. They also had to cross a river. “It was really difficult. Perhaps you have heard – many people have died there.” Then they headed towards Metlika (a town in Slovenia) because someone told them that, if they got caught there, the police would take them to an asylum “camp” where the police would treat them well. When the police came they were terrified: the officers pushed them against the ground to sit them down. Their clothes were soaking wet from the crossing the river. They said they would like asylum. They spoke English with the police officers. “The police officers told us they would take us to the asylum camp, but they did not. First, we were in a smaller van, and then they brought a bigger one already transporting people from Pakistan and Bangladesh. There were about 25 people in total. When they took us back to Croatia, the driver was driving like mad, he was so fast.”

Amnesty International documented many similar stories of those who claimed to be returned to Croatia within hours (a day and a half at most) of crossing the border into Slovenia, the majority despite having requested asylum. Croatian police officers then sent them off across the border with Bosnia and Herzegovina.

The majority of the 58 interviewees who told Amnesty International that they were handed over to Croatian police officers by the Slovenian police did not arrive in Slovenia alone. They were not returned alone either; they were sent back in small groups, together with other companions or with family members. According to the testimonies of the 58 interviewees, an additional 107 persons were returned from Slovenia together with them. The interviewees who did not manage to get to Slovenia because they were already caught in Croatia named an additional 35 people who were returned from Croatia to Bosnia and Herzegovina. Amnesty International also spoke to three persons who were returned from Croatia to Serbia.

During Amnesty International’s visit to Velika Kladuša, there was a widespread belief among asylum seekers that Slovenia had effectively closed its borders as of June 2018 and started returning people to Croatia, from where they were then returned to Bosnia and Herzegovina.

The testimonies of the people interviewed by Amnesty International show that in June 2018 the Slovenian police conducted push-backs, i.e., coercive returns without appropriate procedures, including the option to appeal against return.

Their accounts also confirm that in June 2018 the police denied many people access to asylum procedures.

According to government data, in June 2018, a total of 267 persons filed an asylum application in Slovenia. Not all of them arrived in the country in June; 97 had already been waiting to file an application in the reception areas of the asylum centre in the Vič borough of Ljubljana and in Logatec. Even though a small number of individuals were allowed to file asylum applications in June, the stories documented by Amnesty International, as well as the official statistics shown below, indicate that not everyone had access to asylum procedure.

A minor from Syria said: “They caught us in the third village in Slovenia, 15 kilometres from Črnomelj, and took us to a police station. Then they took us to the river so that we could show them where we had crossed. They locked us up in Metlika, where they took our fingerprints. We all requested asylum. At the beginning, the interpreter said they would not return us, that we all had evidence we’re from Syria. They told us ‘no need to fear, you can show us what you’ve got.’ We showed them how much money we had. Then they took our fingerprints and documents, and in the end they took our money. [He shows a payment order for “irregular border crossing” issued by the Police.] They told us they would not return us, that they would only take our money. They said there was a 70% chance we would not be returned. But when they took our money, they said they would return us. Our interpreter said there was no longer asylum in Slovenia.”

A family from Iran told us similar story. “We made it to Croatia 15 times, but we got to Metlika (in Slovenia) only once. We walked six days to get to Slovenia. Crossing the border into Croatia is not a problem, but to get to Slovenia, we had to get over barbed wire after swimming across the river. We were stopped by the police seven kilometres from Metlika. They caught us on a gravel road. After they captured us, they gave us food. We asked for asylum. The police

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8 Interview conducted by Amnesty International in Velika Kladuša, 26 June 2018.
9 In Serbia, refugees and asylum seekers are at risk of human rights violations. An Amnesty International study has shown that the asylum system in Serbia is ineffective in that even prima facie refugees are denied access to international protection (prima facie means that a person is entitled to refugee status due to the readily apparent and objective circumstances in his or her country of origin). Due to shortcomings and delays in the implementation of the provisions of the Serbian asylum law, asylum seekers do not receive immediate and effective individual assessment of their need for protection. More in: Amnesty International: Europe’s Borderlands: Violations against refugees and migrants in Macedonia, Serbia and Hungary. July 2015, AI index: EUR 70/1579/2015.
10 Compared to May 2018, when there were 365 applications. See the statistical data on the number of applicants for international protection at http://www.mrz.gov.si/35/mrz_za_vas/tupci_v_sloveniji/statistika/.
11 From a reply sent by the Government Office for Support and Integration of Migrants to Amnesty International on 19 July 2018.
12 Interview conducted by Amnesty International in Velika Kladuša, 27 June 2018.
said they would take us to a camp in Ljubljana, but they did not. They took good care of us, but they lied to us and returned us to Croatia.\textsuperscript{13}  

All 51 Amnesty International interviewees who said they wanted asylum were handed over to Croatian authorities instead of being taken to the asylum centre in Ljubljana or a division thereof, as required by law. Some were also fined 500 euros (reduced to 220 or 230 euros upon immediate payment) for “irregular entry into the Republic of Slovenia,”\textsuperscript{14} even though the International Protection Act stipulates that individuals who declare the intention to file an application for international protection are exempt from liability for any fines for crossing a border irregularly.\textsuperscript{15}  

Many interviewees did not know what would happen to them until they were handed over to the Croatian police. They did not have access to legal assistance, and they reported having signed documents in Slovenia that they did not understand because they were written in a language they do not speak.

### Inadequate Provision of Information and Interpreting

Many individuals interviewed by Amnesty International highlighted not only the push-backs into Croatia and the ignored requests to apply for asylum, but also numerous problems with interpretation services. In some cases, interpreters were not available even though the rules stipulate that one should be present;\textsuperscript{16} many said they did not know what they were signing even when an interpreter was present.

“\textit{There was no one interpreting. The officer spoke English and I did not understand him,}” Tooba from Iran told Amnesty International and showed a payment order for “irregular entry into the Republic of Slovenia” that he was issued by police. A police officer wrote on the payment order, in Slovenian, that the procedure was conducted in a language that the person understood.\textsuperscript{17}

An Afghan couple in Bihać told us: \textit{“We signed papers; we did not know what we were signing. The translator told us that it was OK to sign. After we signed, they deported us.”}\textsuperscript{18} A man from Pakistan had a similar experience: \textit{“I asked the translator what I was signing. He said it was for asylum (sic) and I was happy about that. But after 20 minutes, when everyone had signed, they took our photos, a car came, and they drove us to Croatia.”}\textsuperscript{19}

A., a minor from Syria, was told to sign a paper without being told what he was signing.\textsuperscript{20}

A boy from Algeria told us: \textit{“When I was signing documents I never knew what I was signing. When I asked the interpreter, he refused to tell me.”}\textsuperscript{21}

A family from Iran told Amnesty International they were even threatened with deportation. \textit{“When we were given papers to sign, the interpreter said that if we did not sign, we would go to prison for six months. So we signed. We did not really know what we were signing, it was in Slovenian.”}\textsuperscript{22}

According to testimonies, some interpreters did not translate what the police officers said; allegedly, they were rude and derisive, accusing people of lying and refusing to say what they were asked to sign. \textit{‘The interpreter made fun of me, he just said ‘sign this and I’m going to take you to a camp, to Ljubljana.’ The interpreter was making fun of people talking to the police, about their clothes, where they were from ...’},” said Ayman from Algeria.\textsuperscript{23} Rachid from Morocco said: \textit{‘I asked for a lawyer. Then the translator (Egyptian) said ‘you do not need a lawyer. They will take you to an asylum camp.’”}\textsuperscript{24} He was handed over to the Croatian police, who in turn directed him to Bosnia and Herzegovina.

### Official Statistics Confirming a Change in the Treatment of Asylum Seekers

Official police data corroborate a surge in returns in June 2018. Between January and May 2018, 2,473 illegal border crossings were recorded, and the police returned 370 persons to the Croatian authorities.\textsuperscript{25} In June alone,
there were 899 illegal border crossings, but as many as 631 individuals were returned. A month prior, in May, when the police recorded 273 more illegal border crossings than in June, they returned 146 persons to Croatia.

The police argued that one reason for the increase in the number of persons returned to Croatia was a “strengthening of cooperation with the Croatian law enforcement authorities.”

Even more telling is the fact that in June 2018, police recorded a sharp decline in the number of declared intentions to file an asylum application. Whereas 760 of the 1,214 people who crossed the border irregularly in May declared their intention to request asylum (61% of the total), only 259 did so in June. This represents just 29% of the 899 persons who crossed the border irregularly that month (all figures are data provided by the police).

<table>
<thead>
<tr>
<th>2018</th>
<th>Number of irregular border crossings</th>
<th>Number of recorded intentions to apply for asylum</th>
<th>Share of people who crossed the border and declared their intention to apply for asylum</th>
<th>Number of people returned by the Slovenian police to Croatia</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>243</td>
<td>155</td>
<td>64%</td>
<td>25</td>
</tr>
<tr>
<td>February</td>
<td>211</td>
<td>179</td>
<td>85%</td>
<td>47</td>
</tr>
<tr>
<td>March</td>
<td>206</td>
<td>152</td>
<td>74%</td>
<td>33</td>
</tr>
<tr>
<td>April</td>
<td>644</td>
<td>361</td>
<td>56%</td>
<td>119</td>
</tr>
<tr>
<td>May</td>
<td>1,251</td>
<td>760</td>
<td>61%</td>
<td>146</td>
</tr>
<tr>
<td>June</td>
<td>899</td>
<td>259</td>
<td>29%</td>
<td>631</td>
</tr>
</tbody>
</table>

Note: The data on irregular border crossings, recorded intentions to apply for asylum and the share of people who crossed the border and applied for asylum are from the reply of the General Police Directorate’s Public Relations Section sent to Amnesty International on 16 July 2018. The data on returns to Croatia are taken from the monthly police reports available online.

DENIAL OF ACCESS TO ASYLUM AND THE ABSENCE OF INDEPENDENT OVERSIGHT OF PROCEDURES

In reaction to media reports on documented push-backs, the Slovenian General Police Directorate stated that it considered such reports “unwarranted”. It argued that Slovenian police performed their duties “professionally and lawfully despite an increased number of illegal crossings at the border with the Republic of Croatia” and that the authorities fully recognised the rights of foreigners, including the right to international protection. The Directorate said that it was cooperating with nongovernmental organisations that directly and indirectly monitor its work with foreigners (they mentioned the Legal Information Centre for NGOs – PIC and Caritas Slovenia) and noted that “police stations are subject to regular UNHCR checks of procedures with foreigners and access to asylum procedures.”

However, non-governmental organisations contradicted such reports. In a statement issued on 20 June, 2018, the Legal Information Centre for NGOs – PIC denied the assertion. Similarly, Caritas Slovenia told Amnesty International they were not monitoring such procedures.

26 After the number of “illegal crossings” increased in April (573) and May (1,158), it declined to 885 in June. Source: Police. https://www.policija.si/images/stories/Statistika/MejnaProblematica/IlegalneMigracije2018/Ilegal_migration_EN/January-June_2018.pdf.
27 In its reply to Amnesty International of 10 July 2018, the General Police Directorate wrote: “All persons who crossed the border illegally from Croatia and did not declare the intention were returned to Croatia under the intergovernmental agreement on the readmission of persons whose entry or residence is illegal. As stipulated by the agreement, the Croatian law enforcement authorities must be notified of the return of a third-country national within 72 hours, but the return does not necessarily have to be completed if that is impossible within that time. In accordance with the valid agreement, the Croatian police admit all persons they are notified of by us by an informal or formal procedure. We have not recorded problems in returns.” Such returns of third-country nationals without formalities (such are called summary procedures) are carried out if the competent authorities of the requesting contracting party provides information that allows it to be established that the person in question crossed the border illegally. See Article 2 of the Agreement. https://www.uradnica-list-vsebina/2006-02-0040?op=2006-02-0040.
28 Note: The data on irregular border crossings, recorded intentions to apply for asylum and the share of people who crossed the border and applied for asylum are from the reply of the General Police Directorate’s Public Relations Section sent to Amnesty International on 16 July 2018. The data on returns to Croatia are taken from the monthly police reports available online.
29 From the reply of the General Police Directorate’s Public Relations Section sent to Amnesty International on 16 July 2018.
30 Source: https://www.policija.si/images/stories/Statistika/MejnaProblematica/IlegalneMigracije2018/Ilegal_migration_EN/January-May_2018.pdf. The official figures are slightly different. While the number of irregular border crossings between January and May published in the linked document is 2,437, the reply sent by the General Police Directorate’s Public Relations Section to Amnesty International on 16 July shows 2,555 irregular border crossings were recorded in that period. All monthly reports are available at: https://www.policija.si/index.php/pl/delovna-podnosa/mejne-zadeve-in-tujic/622.
31 Reply by the General Police Directorate to questions sent by Amnesty International; sent by email on 10 July 2018.
32 General Police Directorate reply to a query by Amnesty International; emailed on 10 July 2018.
33 The statement (in Slovenian) is available on the PIC website: http://pic.si/obena-nevladna-organizacija-v-sloveniji/ne-szemlja-podstopkov-hitrega-vracanja-tucic-re-m comment.html.
34 Caritas Slovenia notified Amnesty International by email on 14 June 2018 that they were monitoring the activities, procedures, and measures that the police conduct at the Foreigners Centre with regard to the return of foreigners who decline the option of voluntary repatriation. Since 2015 a representative of Caritas Slovenia has monitored the repatriation of six persons. They said they did not cover other return procedures and were not informed of activities on the border, nor is such within their jurisdiction.
The UNHCR told Amnesty International that they were conducting regular monitoring on the Slovenian borders and had visited police stations that were under the greatest pressure in the preceding few months. However, such visits were not frequent enough to indicate an adequate monitoring. In a reply sent to Amnesty International, the General Police Directorate indicated that the UNHCR had visited a total of five police stations in 2018: Brnik, Koper, and Ilirska Bistrica on 18 and 19 June, and Črnomelj and Metlika on 22 February 2018. The General Police Directorate did not respond to Amnesty International’s questions as to whether they conducted any kind of oversight over interpretation services; they did, however, say they had not received complaints about the work of interpreters. They also explained that there was a lack of interpreters for certain languages in Slovenia, which is why, in certain cases, the police communicated with the foreigners in languages that they understood (most often the English language), all, they claim, “with the goal of minimising the time it takes to complete the police station procedure and subsequent processing at the asylum centre.”

In the light of the findings presented above, Amnesty International maintains that there is no independent and effective oversight of what goes on at the border and how the police conduct procedures there with foreigners who declare their intention to apply for asylum and those who do not.

SLOVENIA’S HUMAN RIGHTS OBLIGATIONS
Slovenia has an obligation to respect, protect, and fulfil the human rights of everyone on its territory or under its jurisdiction, irrespective of his or her migration status – in line with international law and standards.

The push-backs as described by the individuals interviewed in Velika Kladuša and Bihać constitute violations of international law, including Article 13 of the International Covenant for Civil and Political Rights, Article 33 of the 1951 Refugee Convention, Article 3 of the European Convention on Human Rights (ECHR) (the prohibition of torture and inhuman or degrading treatment), Article 13 of the ECHR (the right to an effective remedy), and Article 1 of Protocol No. 7 to the ECHR (procedural safeguards relating to the expulsion of foreigners). Such push-backs are also in violation of EU legislation, specifically Articles 18 (the right to asylum), 19 (protection in the event of removal, expulsion or extradition), and 47 (the right to an effective remedy and to a fair trial) of the Charter of Fundamental Rights of the European Union.

Access to asylum procedures
The Universal Declaration of Human Rights in Article 14 provides that everyone has the right to seek and enjoy a refuge from persecution in other countries. The right to asylum is also provided by the EU Charter of Fundamental Rights.

Slovenia has a legal obligation to provide fair and effective asylum procedures in which it is possible to assess the need to protect all those who arrive at its borders and seek to apply for international protection. In contacts with migrants, the authorities have an obligation to enable each person to explain his or her personal circumstances and to ask for asylum, if he or she so wishes.

Pursuant to the International Protection Act, the procedure for granting international protection commences with the filing of an application. The application is handled by the International Protection Procedures Division at the Ministry of the Interior.

Refugees who enter Slovenia without valid identification (a passport with visa) may upon first contact with the police declare their intention to apply for international protection (asylum). It is sufficient for a person to utter the internationally recognised word “asylum” for the police to initiate the appropriate procedure.

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34 In an email received on 10 July 2018.
35 General Police Directorate reply to a query by Amnesty International; emailed on 10 July 2018.
36 General Police Directorate reply to a query by Amnesty International; emailed on 10 July 2018.
37 Accessible at: https://www.echr.coe.int/Documents/Convention_ENG.pdf.
38 Accessible at: https://rm.coe.int/CeERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007a082.
39 Article 44 of the International Protection Act (ZMZO).
40 Article 44 of the International Protection Act (ZMZO).
41 This is the explanation on the website of the Government of the Republic of Slovenia: http://www.vlada.si/pomoc_beguncem/predpisani_postopki_spriemam/moznosti_spriemam/.
When a person declares his or her intention to apply for asylum, the police carry out a “preliminary procedure”: the person’s identity is established and a registration document is completed.45 The preliminary procedure must be conducted with the help of an interpreter and in a language the applicant understands.46 From the moment someone expresses the intention to apply for international protection, he or she cannot be deported from the country.47 When this preliminary procedure is completed, the individual is taken to an asylum centre, where they can apply for international protection.

In what is termed the Dublin procedure, Slovenia may then examine whether another EU Member State is responsible for the processing of the individual’s asylum application and return the applicant to that country.48 In the case of Slovenia, this could be Croatia, as the country from where the foreigner entered the EU irregularly. But it may only do so under the assumption that the applicant will be provided effective access to international protection there and will not be at risk of push-back into countries where asylum procedures are inappropriate or where they could be at risk of torture or other ill treatment.

In the Dublin procedure, asylum applicants must be provided legal assistance free of charge, the right to appeal against a transfer decision in which they may state why they should not be transferred to another EU country (e.g. due to the risk of ill treatment or chain refoulement), and the right of a person to remain on the territory until a court issues a decision on the suspension of the transfer pending the appeal.49

**Procedural safeguards against push-backs**

The push-backs that the interviewees described to Amnesty International were realised summarily, without the guarantees required under international and EU law, which are binding on Slovenia. States are obliged to provide the affected individuals an effective possibility to pursue legal remedies against their return and violations of their human rights.50 This applies to everyone, including persons who do not declare an intention to apply for asylum.

An individual has the right to lodge an appeal against return, which must suspend the return pending a decision on the appeal, and the right to have a competent authority examine the appeal.51 All countries are also bound by the principle of non-refoulement, which prohibits states from transferring anyone, whether directly or indirectly, to a place where he or she would have a well-founded fear of persecution or would face a real risk of other serious human rights violations or abuses. The principle of non-refoulement must be observed with respect to anyone in removal, expulsion, or extradition procedures, irrespective of whether the person has formally requested or obtained international protection.

The non-refoulement principle guarantees the right of access to a fair and effective procedure in which an individual has the right to state his or her reasons against expulsion and in which the competent authority decides whether the removal, expulsion, or extradition could be a violation of this principle. Nobody may be returned to another country without an appropriate individual examination of whether he or she may be at risk of grave human rights violations if he or she is returned.

The principle of non-refoulement protects individuals not only against return to the previous country that he or she entered, but it also protects against chain refoulement, which occurs in the case of returns to Croatia, where Croatian law enforcement authorities then return – or more accurately, send or chase off – people to Bosnia and Herzegovina without appropriate procedures and safeguards.

The General Police Directorate has told Amnesty International that all persons who entered Slovenia irregularly from Croatia and did not declare their intention to apply for asylum were returned to Croatia under the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia on the readmission of people to Bosnia and Herzegovina.52

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45 Article 42 of the International Protection Act (ZMZ-1). The text was edited in this part after the publication of the briefing. The text “and the person’s fingerprints are taken” was deleted, as this procedure is not carried out under the “preliminary procedure” under Article 42, but under the Police Tasks And Powers Act.
46 Article 3(6) of the Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection, http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV10470.
47 Article 36 of the International Protection Act (ZMZ-1).
48 The European asylum system, which applies this rule, is unjust and has to be changed because it imposes a disproportionate share of the responsibility for the provision of international protection on the countries on the EU’s borders. More at https://www.amnesty.org/en/latest/campaigns/2018/05/eu-dublin-iii-regulation-asylum-system-reform/.
50 Article 13 of the European Convention on Human Rights stipulates that everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity. The same is determined in the Charter of Fundamental Rights, which states that everyone whose human rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before an independent and impartial tribunal.
51 According to the European Court of Human Rights, these are examples of measures for removal against which an effective remedy may be required: an enforceable deportation order (including, for example, a decision to transfer an individual to a third state considered responsible for examining the asylum application of that individual), the risk of arbitrary removal from the territory; enforceable return after denial of entry at the border, etc.). Source: UNHCR Manual on the Case Law of the European Regional Courts, p. 225, http://www.refworld.org/pdfid/5588b9c44.pdf.
persons whose entry or residence is illegal (“Readmission Agreement”) of 2006. It added that in accordance with the Readmission Agreement, Croatia admits all persons that Slovenia notifies Croatian authorities of, and that there are no problems regarding returns. As we have warned, the number of returns to Croatia increased sharply in June 2018, whereas the number of recorded intentions to apply for asylum declined sharply.

The Readmission Agreement allows Slovenia to return third-country nationals to Croatia if it is possible to determine that they entered Slovenia from Croatia. In accordance with the agreement, Slovenia may hand over people who crossed the border irregularly from Croatia “without any formalities” (in a summary procedure) if it demands such within 72 hours of the irregular crossing of the border (Article 2(3)).

These so-called “informal procedures” carried out under the Readmission Agreement do not provide for the requisite safeguards against return to Croatia, which violates the non-refoulement principle. Such individuals cannot appeal against their return to Croatia by invoking the protection of human rights.

Amnesty International therefore maintains that the “summary procedure” under the Readmission Agreement is not in accordance with international law and urges Slovenia to stop applying it.

52 The agreement is accessible at: https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2006-02-0040?sop=2006-02-0040.
4. VIOLENCE AT THE CROATIAN BORDER

BLOWS, KICKS, DESTRUCTION OF MOBILE PHONES AND THE CONFISCATION OF MONEY

“The Croatian police beat people up and take their phones and money.” These are the words of Belghiri from Algeria. He added that they told Slovenian police officers not to send them to Croatia because the police there were beating them, but they replied “No, they’ll take care of you.”

In spring 2018, the media and human rights organisations recorded numerous cases of violence and ill treatment by the Croatian authorities. Asylum seekers interviewed by Amnesty International in Bihać and Velika Kladuša described pervasive violence and abuse perpetrated by the Croatian police. Interviewees from the local community, and even a local police officer, spoke about violence as well.

Six interviewees told Amnesty International that Croatian police officers confiscated their money, while twelve said they destroyed or took away their mobile phones. By destroying their phones, Amnesty is told, the police try to prevent people from crossing the border with the help of online maps, or at least make it difficult for them to do so.

“Last night I went to Croatia: I was not far from the Bosnian border, some 30 kilometres. I crossed it at Bihać. They caught me and they took everything from me, my phone, my money, everything, and they sent me back to the Bosnian border, without anything. They did not take any fingerprints, they just took the money. I saw with my own eyes that they were dividing the money among them. They sent me back to the border with Bosnia, some 5 kilometres away. With me, there were seven people from Pakistan and some other guy from Morocco. We were just walking, and they followed behind us, with a car, and they showed us the road,” Ramzi from Tunisia told Amnesty International.

A group of boys from Syria shared a similar story.

“When they surrendered us to Croatia, they wrote our names on paper and photographed us. After taking pictures, they took us back to the car and drove us to the border between Croatia and Bosnia, where our cell phones were destroyed. With a screwdriver, they destroy the battery circuit and where the phone charges. Cell phones were also run over by cars. They did not say why they did that. They did not give us any papers. In Slovenia, they took 230 euros from us, put the other money in envelopes, and handed over these envelopes to the Croatian police officer. And then they returned to us less money, 50, 30 euros each. We did not get any papers. In Slovenia, I gave 500 euros; in Croatia, I gave 230, the Croats returned 70.” Another added: We had 600 with our sister, the Slovenians took 230, the Croats returned only 220.

The confiscation or destruction of mobile phones and violence by the Croatian police has been recorded before, for example in a joint report by Oxfam, the Belgrade Centre for Human Rights, and the Macedonian Young Lawyers Association in April 2017.

“No on the street we were told to take our clothes off; one of us was told that he should take off all his clothes (to be naked). It’s not nice, this was on the street. When I said he could search me but I would not take off my clothes, the policeman hit me. The Slovenian police saw that.” These are the words of Rachid from Morocco, who was handed over to Croatia by police officers from Ilirska Bistrica. He showed Amnesty International the payment order that he was issued.

53 Interview conducted by Amnesty International in Velika Kladuša, 26 June 2018.
54 In informal conversations with Amnesty International in Velika Kladuša, 26 June 2018.
55 Interview conducted by Amnesty International in Velika Kladuša, 26 June 2018.
56 Interview conducted by Amnesty International in Velika Kladuša, 27 June 2018.
57 A dangerous ‘game’: The pushback of migrants, including refugees, at Europe's borders.
Rachid was also beaten close to the border with Bosnia and Herzegovina. “The Croatian police near the border, near Bihać, are like monsters. We walked two kilometres and they hit us all the way.” He said police escorted them to show them the way to Bosnia and Herzegovina. “I cannot remember the precise number of us, we were many, there was also an Iranian family – an old woman and an old man; he was also hit. A police officer kept his hand on his weapon, so that we would be afraid. We could not talk...”

Another young man from Algeria, who had been in Slovenia with four others in mid-June 2018, said: “We walked for seven days to Slovenia. We crossed the border crossing the river, I almost drowned, I got ahead of my friends. When I was trying to get out of the river, the Croatian police did not do anything, they were shouting, made fun of me. But I got help from the Slovenian police, they gave me a blanket and covered me. They took me to a place to sleep. Anyway, when they sent me back (to Croatia), there were people on the night shift, the same person who had been making fun of me was beating us. My tooth got broken, my friend got a beating on his back.”

Another man from Algeria said: “The Slovenian police returned me to Croatia at about 6 p.m. I was taken to the border with a car, the Croatian police took a picture of me.” Then, for several hours, he was detained at a police station before they drove him close to the border with Bosnia and Herzegovina, some 10 kilometres away. “When they returned me for the second time I was beaten and they broke my phone. When I was out of the car they hit me with a stick to chase me way.”

Ekram, who fled Syria two years ago together with his daughter, seven months pregnant at the time of the interview with Amnesty International, and her husband, recounted how the Slovenian police told him they could not get asylum. They were loaded into a police van and handed over to the Croatian police at the border. He said Croatian police officers stripped him and found money he had stashed under his belt. They took the money and destroyed their mobile phones. He showed the trashed phone and said the Croatian police had taken them to the Croatian-Bosnian border, where he was beaten on the legs and his son-in-law was hit on the head with a stick, whereupon they chased them over the borderline. He adds: “The Croatian police do not speak, they are like robots.”

Amnesty International also spoke to a group of eight men from Pakistan who showed bruising on their bodies and heads and said that Croatian police officers had surrounded them and then hit and kicked them in a circle. He demonstrated how the officers made a circle around them.

“One officer was in a car, three other officers told us we should approach them. They said five of us should come, then they beat us with a black police baton. They kicked one of us in the chest.”

They then ran towards the border as the officers kept beating them. They showed Amnesty International bruises from three days ago. One of them had bruising on both eyes (see the photo). The police also searched them and took their phones and phone chargers.

According to testimony, the Croatian police do not hand over people to the border police of Bosnia and Herzegovina. Instead, they merely transport them to a nearby village, a wooded area, where they show them which way to go to the border. The interviewees frequently said such expulsions are “accompanied” by beatings. This also happens during the night, when people are even more afraid, being in the dark in an unfamiliar wooded area.

“They just took me close to the border to deport me, it was at 2 a.m., it was night, it was so sad, so dark, ... I said do not make me go, there's a forest, I cannot go alone, I do not have light, maybe there are animals in there, maybe they will eat me, and he said just go, this is the only way you can go. This was between Bosnia and Croatia. I was asking many times, please, I will go to Bosnia, but now it's night, there is jungle, anything can happen to me, my life is also important. And he said 'This is the only way you can go.' I had to. I was alone, running sometimes; at 3 a.m. I saw a village, I waited until 5, after that I came and asked them for food. And I got some here.” The words of a young man from Afghanistan.

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58 Interview conducted by Amnesty International in Velika Kladuša, 26 June 2018.
59 Interview conducted by Amnesty International in Velika Kladuša, 28 June 2018.
60 Interview conducted by Amnesty International in Velika Kladuša, 27 June 2018.
61 Interview conducted by Amnesty International in Velika Kladuša, 28 June 2018.
62 Interview conducted by Amnesty International in Velika Kladuša, 26 June 2018.
63 Interview conducted by Amnesty International in Velika Kladuša, 26 June 2018.
5. THE SITUATION IN VELIKA KLAĐUŠA AND BIHAĆ

VELIKA KLAĐUŠA – IN TENTS OR SLEEPING ROUGH

The first refugees and asylum seekers arrived in Velika Klađuša in January 2018 when, according to the testimony of local residents, there were about 100 people. They stayed in the city park until the end of May, at which time the police relocated them to a meadow on the outskirts of the city, a place without any infrastructure. At the time of the mission, some people lived in tents and others had improvised shelters – wooden scaffolding covered with plastic tarps. These shelters were provided by a Slovenian-German volunteering couple.

Estimates by interviewees suggest that, during the Amnesty International visit to Velika Kladusa between 26 and 28 June, there were about 1,500 people in town, a third of whom were living in a “camp”, about 50 in an abandoned hangar, and the rest dispersed around various locations or staying at homes of local people. The same volunteering couple, who also help organise humanitarian aid and logistics, estimate there are about ten such small locations.

At the meadow “camp” (on the photo), the city has installed a temporary cistern that is filled by the municipal utility company (there are five faucets available) and a power generator where people can charge their mobile phones. Six portable toilets have been installed, but at the time of the visit, on 26 June 2018, they were overflowing and out of service. The people at the camp told us that nobody emptied the toilets. In the vicinity of the camp there are improvised cold-water showers that were set up by volunteers. These are by no means sufficient to meet the needs of the camp, but for a few hours each day they are alternately available to women one day and to men the next.

Left: Informal camp in Velika Klađuša, 27 June 2018, @AIS

Female interviewees in particular told Amnesty International how difficult it is to maintain hygiene. They stressed that the children were dirty and that it is difficult to perform basic bodily functions.

“We have been here for two months now, but I wish we had gone someplace else to live better (better conditions). We wanted to go to Zagreb, we asked for asylum in Croatia, but they just laughed at us. But for now we are here and we asked for another accommodation in Klađuša, but it is difficult to rent. They only bring us food once per day. It is very dangerous for women here in the tents. Toilets are a problem, and there are no showers in the camp. It is very difficult to go to the toilet, women have more problems than men. The men also use the women’s toilets,” a mother and daughter from Afghanistan said.

Amnesty International also spoke to a family from Iran with three kids, who had been in Bosnia and Herzegovina for a month and a half. The woman, who is pregnant, told us: “We are not comfortable here at all, we don’t have money to go forward, we are really tired. We cannot take a shower. When we shower, it is with cold water. Our children are dirty

64 Interview conducted by Amnesty International in Velika Klađuša, 26 June 2018.
65 Interview conducted by Amnesty International in Velika Klađuša, 26 June 2018.
all the time. For a toilet we go in the woods.” Her husband added: “In all our life we haven’t seen such circumstances. We wish we could leave here. We don’t like it here. We can’t go back, we have nothing there.”

“The hardest thing is getting up in the morning and not being able to afford anything for life, for my children, not anything they need. Not even a bathroom … today I was able to go to the bathroom only once, I can’t because… It is better to not see the toilets, they smell very bad, they are filthy,” said Gofran from Iraq, who is at the camp in Velika Kladuša with her husband and six children, the youngest is ten months old.

Some have decided to squat in a hangar on the edge of the city. At the time of our visit on 27 June, there were approximately 50 men from different countries there. With the exception of a water cistern, there was no other sanitation infrastructure.

Many residents of Velika Kladuša and Bihać help the people marooned there. We talked to a 45-year-old man from Syria travelling with his 25-year-old daughter, who is seven months pregnant, and her husband. They have been put up in a house in Velika Kladuša. They had tried to get to Slovenia three times in the past month; the last time, it took them four days on foot, sleeping in the woods. The Slovenian police officers who caught them told them that they “could not get asylum here.”

The local people have also been donating food to a restaurant whose owner, with the help of a few like-minded individuals, has been providing at least one warm meal per day. The owner of the “Kod Latana” restaurant told Amnesty International that they had distributed 45,141 meals in five months. On 26 June they fed 534 people, the day before they distributed 600 meals.

Most of the aid is provided by volunteers, among them Adis Imamović Pixi and locals. Four volunteers from abroad help distribute shoes, clothes, over-the-counter medicine, blankets, and tents; they also build improvised “tents”. Local activists report that the Muslim community in Velika Kladuša has been generously helping with clothes and other necessities.

The aid and contributions have proved invaluable; unfortunately, they are a band-aid solution to a much deeper problem.

IN BIHAĆ APPROXIMATELY 600 PEOPLE LIVE IN THE DANGEROUS AND UNSUITABLE RUINS OF A STUDENT DORMITORY

Large numbers of refugees and migrants are also descending on Bihać. The local Red Cross estimated that at the time of our visit there, on 27 June 2018, there were about 1,500 people, including at least 51 families with a total of 217 members, of whom 94 were children. These families were staying in the ruins of a student dormitory, where the greatest concentration of refugees and migrants live, about 600. The local municipality allowed the Red Cross to use the building, but the Red Cross says it is actually not suitable for habitation. The living and sanitary conditions are abysmal; on 27 June there were just eight cold-water showers and only 14 portable toilets in the courtyard.

The building is drab and oppressive. There are only walls, no windows or doors. In the rooms and hallways some have pitched small tents, others only have mattresses, sleeping pads, or blankets on the floor. The rooms are overcrowded; some try to create some privacy by hanging up bed sheets. Families are accommodated together and on the day of the visit, on 27 June, there were numerous children, many likely under ten years of age. Some people were also staying in tents pitched alongside the building; at night, many return from various locations in the city to spend the night here.

Another smaller group has occupied the ruins of another building in the city, and the rest are dispersed in many smaller locations where they pitch tents; some find vacant houses, some get permission from homeowners.

THE PROVISION OF CARE HAS BEEN LEFT TO LOCAL RESIDENTS

In both Bihać and Velika Kladuša, local people told Amnesty International that they have been left alone by the canton, the state, and the international community.

In Bihać, the city authorities have allowed the Red Cross to use a demolished student dormitory, but the building is utterly unliveable. In Velika Kladuša the authorities provide electricity, water and an insufficient number of toilets, given the large number of people staying in the meadow.

A Representative of the Community Health Centre in Velika Kladuša estimates that they have about 20% more work than usual. They help everyone who seeks them out. She mentioned helping with injuries, sickness (fevers, colds, infections, fractures, etc.) and providing prenatal care. Some people have scabies and lice due to the poor sanitary conditions. Children were vaccinated and medically examined. But during Amnesty International’s visit there was a
notice on the wall of the Community Health Centre declaring that after June 2018 only emergency care would be free for migrants, after which they would have to pay for non-emergency treatment.

Many people that Amnesty International spoke with agreed that the state and the international community should help them.
6. CONCLUSIONS AND RECOMMENDATIONS

Countries have the right to control their borders, but they may not exercise control at the expense of fundamental human rights; they must ensure compliance with international commitments.

Based on the testimonies and data it collected, Amnesty International maintains that the Slovenian authorities unlawfully denied some people access to asylum and carried out push-backs without sufficient safeguards as required by human rights law when people who crossed the border irregularly were handed over to the Croatian authorities in “informal procedures”.

**Amnesty International urges the Slovenian authorities to:**

- Ensure than international human rights law and refugee protection law are respected in all procedures involving foreigners and asylum seekers.
- Not deny people the right to apply for asylum.
- Ensure that all asylum-seekers have access to fair and effective asylum procedures and that, when such persons declare their intention to apply for asylum, the Slovenian authorities act in accordance with the International Protection Act.
- Conduct prompt, effective, independent, and impartial investigations into all allegations of the denial of access to asylum procedures and push-backs with a view to eradicating these practices.
- Refrain from returning persons to other countries without providing procedural safeguards against returns that could put people at risk of human rights violations in a country to which they may be directly or indirectly returned. No one may be returned to another country without an adequate, individualised assessment that the person will not be at real risk of serious human rights violations upon return and without the chance to appeal against expulsion.
- Stop conducting “informal procedures” under the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia on the readmission of persons whose entry or residence is illegal, and repeal the agreement due to the lack of requisite safeguards against return to Croatia, which constitutes a violation of the non-refoulement principle.
- Provide adequate information about the relevant procedures and rights in a language that the affected persons understand.
- Ensure effective control of the professional competences and performance of interpreters.

We urge the Slovenian authorities to put the human rights of migrants, asylum seekers, and refugees, as well as the principle of sharing responsibility, at the forefront of their migration and asylum policies.
AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.