



**REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS**

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Belgrade



Заштитник грађана
Zaštitnik građana



БЕОГРАДСКИ ЦЕНТАР
ЗА ЛЈУДСКА ПРАВА

Ref. No. 8608 Date: 11 March 2016

NATIONAL PREVENTIVE MECHANISM

**MONITORING OF THE TREATMENT OF REFUGEES AND MIGRANTS IN THE REPUBLIC
OF SERBIA**

Report on Visits to Adaševci and Šid-Station Centres

MANDATE OF THE NATIONAL PREVENTIVE MECHANISM

Under the Act Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Degrading or Humiliating Treatment or Punishment¹, the National Preventive Mechanism for the Prevention of Torture (NPM) shall visit institutions where persons are or may be deprived of their liberty with a view to deterring any form of torture or other form of ill-treatment by state authorities or public officials and to providing guidance to state authorities on putting in place accommodation and other living conditions in institutions where persons are deprived of liberty in accordance with the valid regulations and standards.

The NPM is entitled to unimpeded and unannounced access to all institutions where persons are or may be deprived of liberty at all times; to hold private interviews with such persons, with public officials, who are under the obligation to cooperate with it, and with any other persons who may have information of relevance to the treatment of persons deprived of liberty; to access all documents regarding those persons; to issue recommendations to the competent authorities with a view to improving the treatment of persons deprived of liberty and the conditions in which they are held or detained.

Under Article 2a of the Act, the Protector of Citizens shall perform NPM duties and, in performing these duties, cooperate with the Ombudspersons of the autonomous provinces and with associations, the Statutes of which include the goal of improving human rights and freedoms in accordance with the law.

The Protector of Citizens and the AP of Vojvodina Provincial Ombudsperson have signed a Memorandum on Cooperation in Performing NPM Duties², under which the Provincial Ombudsperson shall actively partake in the visits by the NPM Monitoring Team to institutions in the territory of the AP of Vojvodina where persons are deprived of liberty.

Pursuant to the procedure implemented after the publication of a Public Call,³the Protector of Citizens selected the following associations with which it would cooperate in performing NPM duties: the Belgrade Centre for Human Rights (BCHR), the Victimology Society of Serbia, Group 484, the Mental Disability Rights Initiative - Serbia (MDRI-S), the Committee of Human Rights Lawyers (YUCOM), the International Aid Network (IAN), the Human Rights Committee - Valjevo, the Helsinki Committee for Human Rights in Serbia and the Human Rights Centre - Niš.

After its visits, the NPM prepares reports, which it forwards to the visited institutions. Thereinafter, the NPM maintains continuous dialogue with the visited institutions and the authorities within which they operate, with a view to eliminating the identified deficiencies that may lead to torture or inhuman or humiliating treatment.

Whilst performing its NPM duties, the Protector of Citizens issued Recommendation No 75-6/14 to the relevant authorities on 10 February 2014. Namely, during its review of the lawfulness and adequacy of treatment of asylum seekers and/or migrants, as well as the enforcement of the relevant valid standards, the NPM noted that the public authorities had not adopted a systemic approach allowing efficient treatment in accordance with valid regulations and international standards on asylum and migration.

1 Official Journal of Serbia and Montenegro - International Treaties Nos 16/2005 and 2/2006 and Official Gazette of the Republic of Serbia - International Treaties No. 7/2011.

2 Signed on 12 December 2011.

3 Published in the Official Gazette of the Republic of Serbia on 29 December 2011.

MAIN INFORMATION ON THE VISIT

VISITED INSTITUTION	Adaševci and Šid-Station Reception Centres
PURPOSE OF THE VISIT	Monitoring of the treatment of refugees and migrants
VISIT CONDUCTED BY	Protector of Citizens, in cooperation with the Belgrade Centre for Human Rights
DATE OF VISIT	26 January 2016
VISIT ANNOUNCED	The visit was announced in advance
VISIT TEAM	<p>Team Members: Jelena Jelić, <i>Protector of Citizens Professional Service</i> Jelena Samardžić, <i>Protector of Citizens Professional Service</i> Dragan Božović, <i>Belgrade Centre for Human Rights</i> Dušan Pokuševski <i>Belgrade Centre for Human Rights</i> Ana Trkulja <i>Belgrade Centre for Human Rights</i> Saman Ali Vještica <i>Urdu interpreter</i> Mina Bajrami <i>Arabic interpreter</i></p>

COOPERATION OF OFFICIALS WITH THE NPM TEAM

All staff members of the Reception Centres fully cooperated with the NPM Team, providing it with all the information it requested and unhindered access to requested documentation.

COURSE OF THE VISIT

On 26 January 2016, the NPM Team first visited the Adaševci Reception Centre and then the Šid-Station Reception Centre. The Team met with the officials, perused the relevant documentation and interviewed the foreigners accommodated in the Reception Centres.

I. ADAŠEVCI RECEPTION CENTRE

1. Introduction

The Adaševci Reception Centre is located in a former hotel, close to the highway leading to Croatia, some 10 km away from Šid. The Centre opened in mid-October 2015. The Centre is managed by the Commissariat for Refugees and Migration. It is also manned by the doctors of the Šid Out-Patient Health Clinic and the international non-government organisation *Médecins Sans Frontières*, UNHCR, Red Cross, Šid Social Welfare Centre staff, representatives of various non-government organisations and police officers charged with maintaining law and order round the clock.

2. Centre Admission and Release Procedures

Refugees/migrants stay in the Centre several hours on average, until the buses that drove them to the Centre are permitted to continue the trip to the Šid Railway Station. They must report to this Centre before heading off for the Šid Railway Station. On arrival in the Centre, the bus drivers are under the duty to hand over the lists of their passengers. The Centre officials photocopy the lists and register the licence plate numbers of the buses. The police notify the Centre management of the arrival of trains from Croatia into Serbia and how many passengers can board it; the management then allows the refugees/migrants to proceed towards Šid. The Centre staff communicate the licence plate numbers to the police, thus apprising the police of which buses had stopped over in the Centre. This information is communicated in order to prevent any buses from directly driving from Preševo to the Šid Railway Station and circumventing the procedure in the Adaševci Reception Centre.

When the buses from Adaševci arrive, the Šid police check the licence plate numbers and the lists of passengers with certificates of entry in the territory of the Republic of Serbia, which the police issue to foreign nationals coming from countries in which their lives are in danger (the so-called transit certificates)⁴ on their arrival in Serbia. Around 20 buses were in the Centre at the time of the visit.

3. Notification to the Refugees/Migrants of Their Rights and Duties

According to the Centre manager, the Centre has two Arabic interpreters on staff. A Farsi interpreter engaged by the non-government organisations also works at the Centre. The House Rules and rights and duties of refugees/migrants are displayed on the monitors.

4. Health Examinations

The Centre manager told the NPM Team that the medical unit was on call in the Centre round the clock. The refugees/migrants are examined and provided with medical aid by the Šid Out-Patient Health Clinic and *Médecins Sans Frontières* doctors. The doctors perform around 300 interventions a day on average. None of the refugees/migrants had been diagnosed with a communicable disease as of the day of the visit. Belgrade epidemiologists were asked to pay a visit and examine an individual suspected of carrying a communicable disease but established that the patient was not suffering from such an illness.

⁴ Decision on the Issuance of Certificates of Entry into the Territory of the Republic of Serbia to Migrants Coming from Countries Where Their Lives are in Danger (Official Gazette of the Republic of Serbia No. 81/2015).

5. Meals and Humanitarian Aid

According to the Centre manager, the Red Cross supplies all the refugees/migrants with meals, which are distributed by the non-government organisations. The meals meet the beneficiaries' Moslem dietary requirements. Clothing and footwear, as well as hygiene packages, the ones for women and babies including sanitary napkins, soap, diapers, are also distributed to the refugees/migrants.

6. Accommodation

Given that most refugees/migrants spend short periods in the Centre, they spend time in three rooms furnished with benches and large numbers of sockets allowing them to charge their cell phones. They also have a wireless Internet connection at their disposal.

Furthermore, the Centre also has a Children's Corner, tailored to children and mothers with babies. This room is equipped with toys and basic hygiene items and a TV set playing cartoons. The Children's Corner is staffed by two nurses round the clock.

The Centre manager said that the Centre had around 400 beds but was able to increase its capacities if necessary. Refugees/migrants have, on occasion, slept over in the Centre. Most of them arrive during the night and have to wait for the morning train from Croatia. The refugees/migrants not allowed to board the train for Croatia at the Šid Railway Station⁵ have also on occasion spent the night at the Centre, before the Centre provides them with transportation to an Asylum Centre or Preševo. They are accommodated in three Centre tents furnished with beds. A Centre staff member and police officers are always on duty in the occupied tents.

The Centre also has shower cabins and mobile toilets. The hygiene in the Centre is satisfactory. Two cleaning ladies work in the Centre round the clock. There is heating in all the Centre accommodation facilities.

7. Šid Social Welfare Centre Activities

Three-member shifts of the Šid Social Welfare Centre (SWC) staff are on duty in the Centre round the clock. According to the SWC staff, their principal task is to identify unaccompanied minors and victims of human trafficking. They also make sure children are reunited with their parents in Šid in case they get separated as they board the buses in the Centre to take them to Šid to take the train for Croatia.

The Centre officials told the NPM Team that criminal proceedings over human trafficking had been instituted four weeks before the visit. Namely, a nine-year-old girl was kidnapped by refugees/migrants in Greece, who intended to facilitate their journey towards EU countries because they had a child with them. The police alerted the SWC staff that they and the child were in a bus on its way to Šid. When the bus arrived in the Centre, the SWC staff, with police assistance, identified the girl and her kidnappers. A criminal complaint was filed against the individuals who had abducted the girl. The girl had stayed with a foster family in Šid until her parents arrived and they continued their journey towards Germany together.

⁵ These individuals were not allowed to board the train by the Croatian interpreters, who are tasked with determining where they come from on the basis of their dialects. Only those coming from Iraq, Syria or Afghanistan are allowed to continue their journey.

II. ŠID STATION RECEPTION CENTRE

1. Introduction

The Šid-Station Reception Centre is in the immediate vicinity of the Šid Railway Station. Like the Adaševci Reception Centre, it, too, opened in mid-October 2015. This Centre is managed by the Commissariat for Refugees and Migration (CRM). It is also manned by the Šid Outpatient Health Clinic and Novi Sad medical staff, the representatives of the UNHCR, Red Cross, the Šid Social Welfare Centre (SWC), various non-government organisations, police officers charged with maintaining law and order round the clock, and water/sewage utility company staff. The Centre manager told the NPM Team that the refugees/migrants spent several hours in the Centre on average, until the arrival of the train from Croatia they planned on boarding.

2. Centre Admission Procedure and Serbia-Croatia Border Crossing Procedure

The Centre manager said that this Centre served as a stopover for refugees/migrants, the vast majority of whom took the train from Preševo to Šid, and, rarely, arrived in the Centre in a taxi. At the Preševo Railway Station, the Commissariat staff draws up a list of refugees/migrants with the so-called transit certificates boarding the Šid-bound train and hands the list over to the engine-driver. Like in the Adaševci Reception Centre, the refugees/migrants can rest in the Centre before the train from Croatia arrives to take them to that country.

According to the Centre staff, between 2,500 and 2,700 refugees/migrants can enter Croatia on a daily basis; Croatia earlier admitted up to 4,000 people every day. Once the train from Croatia arrives, the data in the list and the transit certificates are checked. Croatian interpreters and police officers check whether the refugees/migrants, planning to board the train, come from Iraq, Syria or Afghanistan and allow only those originating from those countries through. The ten or so people, who had not been allowed to enter Croatia, expressed their discontent to the NPM Team during the interviews because they were in Serbia, i.e. not allowed to proceed towards EU countries. They explained that their identity check before boarding the train for Croatia involved an interview in the form of short questions and that it absolutely depended on the interpreter's discretion, which, in their view, was highly disputable, whether or not they would be allowed to enter Croatia. They also expressed fears that they would be returned to the Former Yugoslav Republic of Macedonia, like a number of other unsuccessful refugees/migrants.

3. Notification to the Refugees/Migrants of Their Rights and Duties

The Centre manager said that the Centre had two interpreters, for Arabic and Farsi, on shift round the clock. Other interpreters, engaged by the non-government organisations, also work in the Centre. The House Rules and rights and duties of refugees/migrants, in Arabic, Farsi, French and English, are displayed in several places in the Centre.

4. Health Examinations

The Centre manager told the NPM Team that the medical unit was on call in the Centre round the clock. The refugees/migrants are examined and provided with medical aid by the Šid Outpatient Health Clinic doctors and the Novi Sad health institutions. One beneficiary, diagnosed with a communicable disease, had been accommodated in an isolation room in the separate room in Centre and continued his journey to developed EU countries via Croatia when he recovered.

5. Meals and Humanitarian Aid

According to the Centre manager, the Red Cross supplies all the refugees/migrants with meals, which are distributed by the non-government organisations. The meals meet the beneficiaries' Moslem dietary requirements. Clothing and footwear, as well as hygiene packages, the ones for women and babies including sanitary napkins, soap, diapers, et al, are also distributed to the refugees/migrants.

6. Accommodation

On average, around 600 refugees/migrants pass through the Centre every day. Given that they do not spend more than several hours in the Centre, they spend that time in the waiting facility, which is furnished with benches and sockets allowing them to charge their cell phones. They also have a wireless Internet connection at their disposal.

The Reception Centre also has a Children's Corner equipped with toys, for children and mothers with babies.

The Centre manager said that some refugees/migrants, usually those who arrived at night, spent the night in the Centre, waiting for the train from Croatia that arrives in the morning. They are accommodated in the two Centre tents, each with 120 beds, and in three Centre buildings furnished with another 240 beds. Refugees/migrants not allowed to board the train for Croatia by the Croatian interpreter also spend the night in this Centre. The Centre used to organise their transportation to one of the Asylum Centres or Preševo, but does not any more since most of them immediately leave the Centre of their own accord.

The Centre also has shower cabins and mobile toilets. The hygiene in the Centre is satisfactory. The cleaning staff clean the Centre three times a day. The toilets are disinfected and emptied three times a day as well. One cleaning lady works the day shift and two work the night shift. All Centre accommodation facilities have heating.

7. Šid Social Welfare Centre Activities

Šid SWC staff engaged in the Centre work only during the day. According to the Centre manager, their primary duty is to identify unaccompanied minors as well as victims of ill-treatment and human-trafficking. No ill-treatment or trafficking victims had been identified prior to NPM's visit.

8. Ill Treatment Allegations

The NPM learned about an incident that occurred during the boarding of a train to Croatia two days before the visit, when two minors from Morocco were beaten up by the Croatian police. Four minors boarded the train without undergoing the procedure and hid from the police, which found them. The interviews led to the conclusion that the Croatian policemen applied disproportionate force against two minors, notably means of coercion, and injured them, while the other two minors experienced stress because they were shouted at, pushed and thrown out of the train. After the incidents, the minors were taken for a check-up and extended medical aid, and then admitted in the Centre to spend the night. The Šid SWC undertook the relevant measures towards the minors, i.e. appointed them a temporary guardian, who escorted them to the Vasa Stajić Institution for Children and Youth in Belgrade. The NPM Team that visited this

Institution and interviewed the minors' temporary guardian, concluding that the latter had not notified the police or prosecutors that wards had been beaten up.

The NPM sent letters about the incident to the Šid Police Station (PS), the Regional Border Police Centre (RBPC) towards Croatia, the Šid SWC, the Šid Out-Patient Health Centre and the Šid-Station Reception Centre, requiring of them to forward it all the relevant information and documents about the event without delay and specify which, if any, authorities had been notified about it, given that the sustained physical injuries gave rise to reasonable suspicion that the Moroccan minors had been subject to ill-treatment. In its letter (Ref. No. 214-8604/16 of 2 February 2016), the Šid PS said that that this Station's records did not include any reports on the beating of the refugees/migrants by the Croatian police, and that the RBPC Srem Station was charged with controlling the documents of the refugees/migrants and cooperating with Croatia. In its reply (Ref. No. 551.03-3-44/2016 of 4 February 2016), the Šid SWC recounted the information the NPM was already in possession of and specified that the Šid Out-Patient Health Clinic doctors had not established that any of the minors' bones had been broken and that their X-rays were handed over to the Vasa Stajić counsellor on duty at the time the minors were admitted in this institution. In its reply (Ref. No. 05-27712 of 17 February 2016), the Šid Out-Patient Health Clinic said that its on-duty team responded to the Reception Centre call and went to the Centre, where it established that one minor had visible head and face injuries. It further specified that the minor was taken to the Out-Patient Health Clinic, examined and extended medical assistance, and that the border police had been notified of the incident in which the minors were beaten before the injured minor was taken to the Clinic. The Commissariat for Refugees and Migration noted in its letter (Ref. No. 019-371/1 of 4 March 2016) that the CRM staff in the Šid Reception Centre were only charged with organising the accommodation and provision of assistance to transiting migrants during their stay in the Centre and that the border police were tasked with the migrants' boarding of trains for Croatia; it specified it did not have any information about the event in question. The Border Police Directorate said in its reply, obtained from the Department for Information of Public Importance and Personal Data Protection (02/5 Ref. No. 268/16 of 3 March 2016), that the Srem BPS officers had not noted any incidents between migrants and the Croatian police and that they obtained the information about the incident from the UNHCR staff.

The description of the event, the replies by the competent authorities, the interviews with the Šid Reception Centre and the minors' temporary guardian lead to the conclusion that none of the acting authorities that had dealt with these minors and had been apprised of the incident filed a criminal complaint, as stipulated in Article 280 of the Criminal Procedure Code (Official Gazette of the Republic of Serbia Nos. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14)⁶.

⁶ State and other authorities and legal and natural persons shall report criminal offences prosecuted *ex officio* they have been informed, or otherwise apprised, of, as provided for by law or other regulations. The Criminal Code lays down in which cases the failure to report a criminal offence amounts to a criminal offence. Submitters of criminal complaints referred to in paragraph 1 of this Article shall specify evidence known to them and take measures to preserve the traces of the criminal offence, objects on which or by means of which the criminal offence had been committed, and other evidence.

RECOMMENDATION

All the acting authorities are to report criminal offences prosecuted *ex officio* to the competent authority.

The competent authorities are to ensure that all cases of ill-treatment and torture of refugees and migrants that occur in the territory of the Republic of Serbia are adequately registered and documented by photographs of sustained injuries, official memos, statements, medical reports and other relevant documents.