



**REPUBLIC OF SERBIA**  
**PROTECTOR OF CITIZENS**  
281 - 15/17  
Belgrade



Заштитник грађана  
Zaštitnik građana



**BEOGRADSKI CENTAR**  
**ZA LJUDSKA PRAVA**

Ref. No. 7116 Date: 24 February 2017

---

## **NATIONAL PREVENTIVE MECHANISM**

**MONITORING OF THE TREATMENT OF MIGRANTS AND ASYLUM SEEKERS BY THE  
COMPETENT AUTHORITIES IN THE REPUBLIC OF SERBIA**

# **Report on the Visit to the Regional Border Police Centre towards Bulgaria**

## 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 Punishment<sup>1</sup>, 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 the 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 documentation 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 has formed a separate unit, the “National Preventive Mechanism Secretariat”, which performs NPM professional duties, pursuant to the NPM’s remit defined in Article 4 of the Optional Protocol to the Convention against Torture. The Secretariat is managed by the NPM Secretary, who operates in accordance with the guidelines issued by the Deputy Protector of Citizens charged with the rights of persons deprived of liberty.

The Protector of Citizens and the AP of Vojvodina Provincial Ombudsperson signed a Memorandum on Cooperation in Performing NPM Duties<sup>2</sup>, 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 the Public Call<sup>3</sup>, the Protector of Citizens selected the following associations with which it will 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.

---

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 January 2016.

## 1. MAIN INFORMATION ABOUT THE VISIT

VISITED INSTITUTION	Regional Border Police Centre (RBPC) towards Bulgaria
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	9 February 2017
NOTICE OF VISIT	The visit was not pre-notified
VISIT TEAM	<p><b>Team Leader:</b> Marko Anojčić, <i>Professional Service of the Protector of Citizens /NPM</i></p> <p><b>Team Members:</b> Jelena Jelić, <i>Professional Service of the Protector of Citizens /NPM</i> Milica Zarin, <i>Professional Service of the Protector of Citizens /Child Rights Department</i> Milena Vasić, <i>Belgrade Centre for Human Rights</i> Milena Roaji, Farsi interpreter Raduan Mansouri, Arabic interpreter</p>

## 2. COOPERATION OF THE OFFICIALS WITH THE NPM TEAM

The RBPC police officers fully cooperated with the NPM Team, providing it with all the information it required and with unimpeded access to the documentation on request.

## 3. TREATMENT OF REFUGEES AND MIGRANTS

The RBPC's records show that its police officers apprehended 303 foreigners, who tried or succeeded in illegally entering Serbia in January 2017. Twelve of them had illegally crossed the state border and were apprehended in the interior of the country, while 289 were prevented from illegally crossing the state border. The police officers also apprehended two Serbian nationals with forged travel documents; criminal proceedings have been instituted against them. Misdemeanour reports were filed against 11 of the 12 above-mentioned foreigners, following which they expressed the intention to seek asylum in the Republic of Serbia, while the 12<sup>th</sup> foreigner expressed such an intention in the Pirot Hospital, where he was admitted for treatment.

The certificates of intent to seek asylum are issued by the border police stations, which are notified of vacancies in the Reception Centres by the Border Police Directorate On-Duty Centre. RBPC officers do not escort the migrants to the Centres; their transfer is organised by the International Organization for Migration (hereinafter: IOM) and coordinated with the Commissariat for Refugees and Migrants.

RBPC officials said the staff of this Centre enforced the readmission procedure<sup>4</sup> with respect to six foreigners readmitted by Bulgaria since the beginning of the year, while three other foreigners, initially to have been readmitted, expressed the intention to seek asylum in the Republic of Serbia.

The RBPC officers said that their communication with the foreigners was still oral, and in English, with the help of member of their groups who spoke English. The RBPC occasionally avails itself of the services of interpreters provided by the Belgrade Centre for Human Rights and IOM. The NPM's recommendation<sup>5</sup> - that the MOI prepare a factsheet on the rights of migrants/asylum seekers, including information on the legal situation they are in, in Arabic, Farsi, Urdu and Pashtu, which should be distributed to them by the police officers - has not been acted on.

The RBPC officers said they did not hold the foreigners in custody, but escorted them to the Pirot Ward of the Niš penitentiary if they were detained under the Criminal Procedure Code,<sup>6</sup> or to the police stations if their detention had been ordered on other grounds. The pre-trial detention of a total of 12 people was ordered in January 2017.

RBPC officers said that IOM organised training for police officers in December 2016, and planned on holding training on "Migrant Protection and Access to Rights" and "Identification of Human Trafficking Victims" in 2017.

#### **4. HOLDING OF MIGRANTS IN RBPC PREMISES**

The RBPC officers told the NPM Team that the RBPC did not have holding cells and did not hold the migrants in custody. In case misdemeanour or other proceedings are initiated against them and they need to spend part of the night in the RBPC, they are placed in the RBPC cafeteria for a couple of hours, until they are brought before a misdemeanour judge, or the procedure of establishing their identity and the other procedures are completed. The "container", to be used to accommodate vulnerable groups of migrants (women and children), in the RBPC yard is not operational yet.

However, during its tour of the RBPC building, the NPM Team ascertained that there was a separate room in which migrants were held. There were dirty blankets, which appeared to have been used, as well as remains of food, Bulgarian currency and forgotten personal items, on the floor. This led the NPM Team to conclude that migrants spent specific periods of time in this room, although it does not have a toilet, drinking water or adequate heating.

---

<sup>4</sup> Pursuant to the Act Ratifying the Agreement between the Republic of Serbia and the European Community on the Readmission of Persons Residing without Authorisation (Official Gazette of the Republic of Serbia - International Treaties, No. 103/07)

<sup>5</sup> Report on the Visit to the Pirot Police Directorate and the Regional Border Police Centre towards Bulgaria, 281-59/16, of 10 October 2016.

<sup>6</sup> Official Gazette of the Republic of Serbia, Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014 (hereinafter CPC).



***RECOMMENDATION***

**The RBPC is not to accommodate migrants in unsuitable premises.**

**The Ministry of the Interior is to put in place adequate conditions for the accommodation and stay of migrants during the identification procedure and other official actions undertaken in the RBPC towards Bulgaria.**