



Macedonian Young Lawyers Association

THIRD PARTY INTERVENTION

A.A. and Others v. f.Y.R. of Macedonia

(Application No. 55798/16)

Written submissions on behalf of the Macedonian Young Lawyers Association (MYLA) as third party intervener

1. Introduction

1. These written submissions are presented on behalf of the Macedonian Young Lawyers Association (MYLA) pursuant to the leave to intervene in the case A.A. and Others v. f.Y.R. Macedonia (no. 55798/16) granted by the President of the Section of the Court notified in a letter dated on 9 June 2017 and addressed to MYLA by the Deputy Section Registrar.

2. MYLA is a non-profit civil society organization which provides free legal aid and strategically litigates to protect human rights. Since 2010, the protection of refugee and migrant rights is a fundamental aspect of MYLA's mission. MYLA provides free legal aid to asylum seekers in the country, monitors the reception and treatment of refugees and asylum seekers, and actively advocates for the establishment of an effective refugee protection system. Since 2015, MYLA has been continuously present in both refugee camps along the southern border with Greece (Transit Center Vinojug) and the northern border with Serbia (Transit Center Tabanovce). MYLA's field lawyers have provided legal aid to over 340,000 refugees and have assisted the border police in registering over 520,000 refugees. Since the closure of the Western Balkan's route, MYLA has actively and regularly monitored the return and push-back practices conducted by the Macedonian border authorities.

3. This intervention provides an overview of the guarantees prescribed by Macedonian law in deportation and return procedures (part 2), a factual account of the events that occurred on 14 March 2016 near the village of Moin involving the Macedonian authorities¹ (part 3) and the systematic practice of push-backs of refugees/migrants conducted by the Macedonian authorities since 2015 (part 4).

¹ "Macedonian authorities" refers to both the Macedonian Police and Border Police Officials, as well as military personnel that supported the activities of the Border Police. The primary responsibility for border management lies within the border police. However, since 2015 the Macedonian Army has been deployed in a support role to the Border Police.

2. Macedonian² Legislation on Deportation Procedures

4. In order to assist the Court in understanding the Macedonian national legislation relevant in this case, this section will present an outline of the guarantees the Macedonian Law of Foreigners³ prescribes in deportation procedures.

5. Adopted in 2006, the Macedonian Law on Foreigners regulates the conditions for entry, exit and residence of foreigners in the country, as well as their rights and obligations.⁴ This is the key piece of legislation that regulates the procedure for deportation of foreigners in Macedonia.

6. Foreigners may be denied entry into the territory for a number of reasons as stipulated in the Law, including for reasons that the person “does not fulfill the requirements for entry into the Republic of Macedonia as determined by this Law [on Foreigners]”.⁵ However, foreigners who express an intention to submit an asylum claim or those who have submitted an asylum claim are exempt from such denial into the territory and “cannot be denied entry” into the country.⁶

7. A foreigner may be subject to expulsion from the country if he/she stays “illegally”⁷ on the territory.⁸ However, the same provision ensures that the “consequences arising from the measure imposed on him/her [...] shall be taken into account when making decision about expelling a foreigner from the Republic of Macedonia.”⁹ Such expulsion, however, does not apply to foreigners that seek protection from the country.¹⁰

8. In order for a foreigner to be subject to expulsion, the Ministry of Interior must issue an expulsion decision, within 30 days of establishing the reasons for the expulsion.¹¹ The expulsion decision must contain the date in which the foreigner must leave the country.¹² The timeframe for departure must be determined taking into account the time necessary for the person to obtain the necessary documents and means to leave the country.¹³

² The term Macedonian refers to the f.Y.R. of Macedonia.

³ Law on Foreigners published on 23 March 2006, Official Gazette of the Republic of Macedonia nos. 35/2006, 66/2007, 117/2008, 92/2009, 156/10, 158/11, 84/12, 13/13, 147/13, 148/15, 217/15.

⁴ *ibid.* Article 1.

⁵ *ibid.* Article 23

⁶ *ibid.* Article 25

⁷ *ibid.* Article 100.1 stipulates that a “foreigner is deemed to illegally stay in the Republic of Macedonia if: he/she enters the country with no authorization; he/she does not possess a valid and recognized travel document supplied with a visa or residence permit; his/her visa is annulled, revoked, or its validity is reduced; upon expiry of the visa validity; he/she is deprived of the right to residence; he/she stays longer than three months in any half-year period as of the day of first entry into the Republic of Macedonia and is not subjected to visa requirement, or; in the procedure upon his/her application for recognition of the right to asylum is finally rejected and does not leave the territory of the Republic of Macedonia within the specified period.”

⁸ *ibid.*, Article 101.1-5.

⁹ *ibid.* Article 101.3

¹⁰ *ibid.* Article 101.4

¹¹ *ibid.* Article 103.1

¹² *ibid.* Article 103.2

¹³ *ibid.* Article 103.2 and 103.3

9. The foreigner in question has the right to lodge a complaint against an expulsion decision within 8 days of the receipt of the decision.¹⁴ This complaint does not have a suspensive effect, unless the person has resided for more than 3 months in the country.¹⁵ The State Commission must issue a decision in response to the complaint within 15 days of the submission of the complaint.¹⁶ The decision of the State Commission can be appealed before the Administrative Court within 30 days of the receipt of the decision.¹⁷

10. The foreigners who do not leave the country voluntarily within the prescribed deadline in their expulsion decision, may be subject to forcible return.¹⁸ However, a foreigner may be forcibly returned only if the expulsion decision is in effect¹⁹, meaning that the deadline for voluntary departure has expired.

11. The procedure for forcible return as prescribed by law is as follows: the authorized officials from the Ministry of Interior take the person concerned to the state border, accompany him/her across the border and hand the person over to the authorities of the receiving state.²⁰ Prior to the forcible return, the foreigners must undergo a medical checkup in order to assess their health.²¹

12. The Law on Foreigners clearly stipulates that a foreigner cannot be forcibly returned to a country where his/her life or freedom would be threatened due to his/her race, religion, nationality, membership of a social group or political opinion, or where he/she would be subjected to torture, inhuman or degrading treatment or punishment.²²

13. Additional guarantees are prescribed for unaccompanied children. A child cannot be returned to a country, until the receiving state provides adequate reception conditions and where the return would be against the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or the Convention for the Protection of Human Rights and Fundamental Freedoms.²³

14. It is clear that the Macedonian legislation provides a procedure for the deportation and expulsion of foreigners with guarantees that are in line with the ECHR. However, in the present case, as outlined in section 1, the Macedonian authorities did not utilize this procedure and barred access to the protections and guarantees accorded by the law to the applicants in question.

¹⁴ The complaint must be made to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance (hereinafter State Commission), as stipulated in *ibid*, Article 103.6.

¹⁵ *Ibid*. Article 103.7.

¹⁶ *Ibid*. Article 103.9.

¹⁷ *Ibid*. Article 103.10.

¹⁸ *ibid*. Article 105.3.

¹⁹ *ibid*. Article 105.4.

²⁰ *ibid*. Article 106.1.

²¹ *ibid*. Article 106.3.

²² *ibid*. Article 107.

²³ *ibid*. Article 113.

3. Occurrence of collective expulsion of refugees on 14 March 2016²⁴

15. On 07 March 2016, MYLA's field lawyers present in the Transit Center Vinojug, located approximately 500 meters from the Macedonian-Greek border, notified MYLA's main office in Skopje that the Macedonian authorities had completely closed off the entry point used by refugees/migrants throughout 2015 and 2016. No refugees/migrants were allowed to enter the Macedonian territory. In the days following the border closure, reports indicated that between 12,000 and 14,000 refugees/migrants were residing in the informal refugee camp in Idomeni in dire conditions, hoping that the borders would be open again and they would be able to continue along the route.²⁵

16. On 14 March 2016, MYLA's Office in Skopje was informed by its field staff that a large group of refugees had entered the territory of Macedonia near the village of Moin, in the vicinity of the river Suva Reka. In order to monitor the development of the situation and, if necessary, provide support to MYLA's staff in the field, two of MYLA's senior lawyers visited the village Moin.

17. MYLA's lawyers arrived in Moin at around 10.00 p.m. on 14 March 2016. Upon arrival in the village, they were instructed by Macedonian Border Police Officials to go to the center of the village where representatives from other civil society and international organizations were. At the time, there was a significant presence of the Macedonian Army, Border Police and Special Police Force units in the village.

18. From their viewpoint in the center of the village, MYLA's lawyers could see approximately 1000 persons in a field near the village. The persons were sitting on the ground, surrounded by Macedonian Border Police and Army Officials. Throughout the next two hours, MYLA's lawyers saw that the Special Police Force Officials, would take a group of 50 persons and instruct them to board a military truck, which would subsequently leave the village. The boarding and departure of the military trucks occurred every 20-30 minutes. During these activities, MYLA's lawyers could not see that physical force had been used against the persons who were boarding the military vehicles.

19. Throughout their presence in Moin, MYLA's lawyers were not allowed to have contact with any of the persons that were being held and boarded onto the military trucks. MYLA's lawyers did not see any other lawyers that had contact with the persons or that were present at the site. Additionally, MYLA did not see any translators present in the village or the field where the large group of persons was held. During the night, only humanitarian workers that provided water, food and clothing were allowed to approach and have contact with the persons.

²⁴ This section will present a factual account of the events that took place in and around the village Moin in the night on 14 March 2016. The information presented is based on MYLA's direct presence in the village of Moin and the vicinity in the night on 14 March 2016. Annexed to this intervention is MYLA's internal report about the visit to the location and the deportation incident that followed on 14 March 2016.

²⁵ Refugee crisis: Balkan route 'permanently' shut, Al Jazeera, published on 10 March 2016, available at <http://www.aljazeera.com/news/2016/03/refugee-crisis-balkan-route-permanently-shut-160310084606203.html>; No hope, limited options for refugees in Idomeni, Deutsche Welle, published on 11 March 2016, available at <http://www.dw.com/en/no-hope-limited-options-for-refugees-in-idomeni/a-19111009>; Migrant crisis: Misery builds in Greek transit camp after migrant route sealed, Tim Hume and Barbara Arvanitidis, CNN, published on 11 March 2016, available at <http://edition.cnn.com/2016/03/10/europe/europe-migrant-crisis/index.html>.

20. Prior or during the boarding of the persons in the military trucks, MYLA's lawyers could not see that the police or military officials were conducting any type of identification or registration of the persons that were boarding the military vehicles.

21. Furthermore, around midnight on 14 March 2016 MYLA's lawyers identified a convoy of military trucks driving towards the Macedonian-Greek border line 10 kilometers east of Moin, between TC Vinojug and the Official Border Crossing Point Bogorodica. More specifically, the convoy was headed towards border point 58 (In Macedonian: Гранична кота 58). MYLA's lawyers could not reach the end point of the trucks but were positioned next to the road used by the convoy of military vehicles. From around midnight on 14 March until around 2:00 a.m. on 15 March 2016, MYLA's lawyers saw that military trucks, like the ones in the village Moin, would drive towards the border point 58 carrying people and would leave the location empty. MYLA's lawyers left the site at around 2 a.m., while these activities resumed.

22. The following day on 15 March 2016 the Macedonian Ministry of Interior issued a press release confirming that during the course of 14 March 2016 a group of 1500 migrants had crossed the border, entered Macedonian territory near the village Moin from Greece, and were subsequently returned.²⁶

4. Systematic push-backs of refugees to Greece by Macedonian authorities

23. The aforementioned event is not an isolated incident but part of a wider practice of systematic push-backs conducted by the Macedonian authorities that has been ongoing throughout 2015, 2016 and 2017.²⁷ From 19 November 2015 until 31 May 2017, according to MYLA's information, the Macedonian authorities have pushed-back 10377 refugees/migrants to Greece.²⁸

24. Following the final closure of the Western Balkans route on 8 March 2016 the push-backs of refugees/migrants significantly increased. According to MYLA's information, in the period between

²⁶ Press release by the Macedonian Ministry of Interior, Информација за обидот за илегален влез на мигранти кај с.Моин [Information about the attempt for illegal entry of migrants at v. Moin] from 15 March 2016, available at <http://www.mvr.gov.mk/vest/1638>. MYLA's unofficial translation of the statement: "In the course of yesterday [14 March 2016], at 15.30 o'clock, around 1500 migrants illegally crossed the state border with R. Greece in the vicinity of the village Moin, in Gevgelija. Aside from this group, another group of around 600 migrants was prevented in an attempt to illegally enter R. Macedonia. Together with the migrants who had the intention to enter illegally in R. Macedonia, there were 72 foreign journalists. The journalists were secured and were issued with pay slips for illegally crossing of the state border, after which in the course of yesterday were returned to R. Greece. Likewise, the migrants who illegally crossed onto the territory of the Republic of Macedonia were returned back."

²⁷ Amnesty International, *Trapped in Greece – An Avoidable Refugee Crisis*, April 2016, available at <https://www.amnesty.org/download/Documents/EUR2537782016ENGLISH.PDF>; Macedonian Young Lawyers Association, Belgrade Center for Human Rights and Oxfam, *A Dangerous 'Game' – The pushback of migrants, including refugees, at Europe's borders*, April 2017, available at https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-dangerous-game-pushback-migrants-refugees-060417-en_0.pdf; Oxfam Italia, *Closed Borders – Report on the impact of the borders closures on people on the move, with a focus on Women and Children in Serbia and Macedonia*, September 2016, available at https://www.oxfamitalia.org/wp-content/uploads/2016/10/Closed_Borders_ENG_ONLINE_LOW.pdf.

²⁸ As noted above, MYLA has had continuous presence of lawyers in the Transit Center Vinojug since September 2015. The information regarding the number of refugees/migrants deported, refers to refugees/migrants that had been apprehended by the Macedonian authorities taken to the Transit Center Vinojug, and then pushed back to the territory of Greece at a point on the border line outside of any official border crossing point.

April and August 2016, at least 6562 refugees were pushed-back to Greece without recourse to a legal procedure.²⁹ From January to December 2016, at least 8542 refugees were pushed back by the Macedonian authorities to Greece.³⁰

25. The push-back practices have also been confirmed by the Macedonian authorities. A spokesperson for the Macedonian Ministry of Interior has stated that from 8 March 2016 until 13 May 2016, the Macedonian authorities have returned 11.803 migrants to Greece.³¹

26. These push back practices continue throughout 2017. From 1 January until 31 May 2017, the Macedonian authorities have pushed-back 315 refugees/migrants to Greece.³²

27. The push back practices and the profiles of the refugees who were deported varied throughout 2016.³³ However, MYLA has identified two main types of push-back practices.³⁴

28. The first type of push-back practice concerns refugees/migrants who were fingerprinted. Under this practice, refugees/migrants intercepted by the authorities on Macedonian territory were apprehended and taken to the Transit Center Vinojug located at the Macedonian-Greek border. The refugees/migrants were fingerprinted and subsequently, in less than two hours, taken by the Macedonian authorities to the border line with Greece outside any of the established and official border crossing points. At the border line, they were forced to walk across the line into Greece by the Macedonian authorities. The numbers of persons deported noted above refers to pushed-back under this practice.

29. The second type of push-back practice excludes the fingerprinting step. Namely, the authorities would intercept and apprehend the refugees/migrants on the territory of Macedonia, take them back

²⁹ Number of refugees pushed back in April – 1579, May – 3763, June – 351, July – 395, August – 474. For more information see Macedonian Young Lawyers Association; *Field Report 2016 – April, May and June*, published in July 2016, available at <http://myla.org.mk/wp-content/uploads/2016/09/Field-report-040506-za-pecatenje.pdf>; Macedonian Young Lawyers Association; *Field Report 2016 – July*, published in August 2016, available at <http://myla.org.mk/wp-content/uploads/2016/09/Field-report-July-final-za-pechatenje.pdf>; and Macedonian Young Lawyers Association; *Field Report 2016 – August*, published in September 2016, available at <http://myla.org.mk/wp-content/uploads/2016/11/MYLA-Field-Report-September.pdf>.

³⁰ Macedonian Young Lawyers Association; *Field Report 2016*, published in January 2017, available at <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-Field-Report-2016-.pdf>, pg. 5.

³¹ “Macedonia: More than 11,000 migrants sent back to Greece”, Anadolu Agency, published on 14 May 2016, available at: <http://aa.com.tr/en/world/macedonia-more-than-11-000-migrants-sent-back-to-greece/572300>. The Anadolu Agency article with the original quote from the Ministry of Interior spokesperson is available in Macedonian at <https://goo.gl/SSfnfw>.

³² See Macedonian Young Lawyers Association’s field reports for January, February, March, April and May 2017, available at <http://myla.org.mk/publications/reports/>

³³ Initially, as of November 2015 all refugees originating from countries other than Syria, Afghanistan and Iraq were pushed back to Greece by the Macedonian authorities. Later on, in 2016 the Macedonian authorities would also deny entry or push back refugees that originated from Afghanistan or allegedly safe areas of Syria and Iraq. For practices in 2015 see Macedonian Young Lawyers Association, *Emergency Response – 2015 A Year in Review*, published in January 2016, available at <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-Field-Report-2015-1.pdf>. For practices in the first half of 2016 see: Macedonian Young Lawyers Association, *Field Report 2016 – January, February and March*, published in April 2016, available at <http://myla.org.mk/wp-content/uploads/2016/09/Field-Report-010203-za-pechat.pdf>; and Macedonian Young Lawyers Association; *Field Report 2016 – April, May and June*, published in July 2016, available at <http://myla.org.mk/wp-content/uploads/2016/09/Field-report-040506-za-pecatenje.pdf>.

³⁴ Information about the push-back practices, was obtained by MYLA’s field lawyers through their continued presence at the Transit Center “Vinojug” and testimonies of the refugees that have been pushed back.

to the border line with Greece outside any of the established and official border crossing points and force them to walk across the border line into Greece.³⁵

30. All of the push-backs were carried out without any form of examination of each persons' individual situation, as they took place outside of any legal framework prescribed by national legislation. The refugees/migrants who were pushed-back were not issued with expulsion decisions by the Ministry of Interior according to Article 103 of the Macedonian Law on Foreigners.³⁶ Without the expulsion decision the refugees/migrants did not have the opportunity to leave the country voluntarily within a set timeframe or to challenge the decision for their expulsion to the State Commission as prescribed by the law.³⁷ As a result, the refugees/migrants who were pushed back have been deprived of their most basic safeguards including in terms of access to information and access to a remedy with automatic suspensive effect to challenge their removal.

31. The refugees/migrants who were not taken to the Transit Center Vinojug prior to their deportation, did not undergo any identification procedure. The refugees/migrants pushed-back under this practice, aside from the lack of access to information and a remedy to challenge their removal, were additionally deprived of their safeguards and rights in terms of access to interpreters and access to legal assistance and representation. In addition, throughout 2016 refugees/migrants did not have effective access to the asylum procedure in Macedonia, as the police authorities selectively registered asylum claims.³⁸

32. The absence of any procedure and related guaranties deprived the persons concerned of any remedy which would have enabled them to seek asylum or to complain before a competent authority and to obtain a thorough and rigorous assessment of their situation before the removal was enforced, which is at variance with the relevant ECtHR case law concerning the prohibition of collective expulsion and the right to an effective remedy in this context.³⁹

5. Conclusions

33. While MYLA acknowledges the pressure on the reception capacities and asylum system in the country that has persisted in the past two years with the development of the refugee crisis, it highlights that such events cannot justify practices contrary to the absolute prohibition of *refoulement* as established in national and international law.

³⁵ MYLA has noted that on occasion pregnant women and families with young children would be taken to the Transit Center "Vinojug" and not immediately pushed back under this practice. However, there are testimonies where refugees/migrants note that families with children have been pushed back in this manner. Therefore, it is uncertain whether all and which vulnerable refugees/migrants were exempted from the practice of immediate push-back.

³⁶ Article 103, Law on Foreigners of the Republic of Macedonia, published on 23 March 2006, Official Gazette of the Republic of Macedonia nos. 35/2006, 66/2007, 117/2008, 92/2009, 156/10, 158/11, 84/12, 13/13, 147/13, 148/15, 217/15.

³⁷ *ibid*, Article 103.2 and 103.6.

³⁸ Macedonian Young Lawyers Association; *Field Report 2016*, published in January 2017, available at <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-Field-Report-2016-.pdf>, pg. 6.

³⁹ ECtHR, *Hirsi and others v. Italy*, no. 27765/09, paras. 185-186 and 201-207.

34. The European Court of Human Rights has been clear on this matter and has reiterated that a State is entitled to control the entry of foreigners, their residence and their expulsion. However, the Court's Grand Chamber in the case of *Georgia v. Russia (I)* (no. 13255/07), has stated that without "[...]call [ing] into question the right of the States to establish their own immigration policies. It must be pointed out, however, that problems with managing migratory flows cannot justify a State's having recourse to practices which are not compatible with its obligations under the Convention (see, *mutatis mutandis*, *Hirsi Jamaa and Others*, § 179)".⁴⁰

35. MYLA is particularly concerned about the magnitude, scale and the systematic nature of the push backs that the Macedonian authorities have conducted since 2015. At least 10,377 persons have been pushed back by the Macedonian authorities to Greece in the period between 19 November 2015 and 31 May 2017.

36. MYLA considers that the systematic nature and the manner in which the push-back practices were carried out in 2015, 2016 and 2017 are at variance with Article 4 Protocol 4 and Article 13 of the Convention. The refugees/migrants were returned to Greece without adequate assessment of their individual situation⁴¹ and without access to an effective remedy with suspensive effect to challenge their expulsion⁴². The push-backs were carried out within a short time frame following their arrest by the authorities which made it impossible to carry out reasonable and objective examination of the particular case of each individual that was pushed-back.⁴³ A part of the refugees/migrants who were pushed back did not undergo any identification procedure⁴⁴, and did not have effective access to information and legal assistance.⁴⁵ The automatic nature of the returns conducted by the Macedonian authorities effectively prevented the persons concerned in applying for asylum or having access to any other domestic procedure which would meet the requirements under Article 13 of the Convention.⁴⁶

On behalf of MYLA,

Ivan Kochovski

Asylum and Mixed Migration Lawyer

Skopje, 29 June 2017

Annex:

1. Macedonian Young Lawyers Association, *Note to File – Incident Report – Push Back near Moin on 14.03.2016*, 16 March 2016.

⁴⁰ ECtHR, *Georgia v. Russia (I)* [GC], no. 13255/07, para. 177

⁴¹ ECtHR, *Hirsi and others v. Italy*, no. 27765/09, para. 185.

⁴² ECtHR, *Čonka v. Belgium*, no. 51564/99, para. 77-85.

⁴³ ECtHR, *Georgia v. Russia (I)* [GC], no. 13255/07, para. 175

⁴⁴ ECtHR, *Hirsi and others v. Italy*, no. 27765/09, paras. 185-186

⁴⁵ ECtHR, *Čonka v. Belgium*, no. 51564/99, para. 62.

⁴⁶ ECtHR, *Sharifi and Others v. Italy and Greece* (no. 16643/09), para. 242.



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NOTE TO FILE

DATE:	16.03.2016
TO:	MYLA Office in Skopje
SUBJECT:	Incident Report – Push-back near Moin on 14.03.2016
DESCRIPTION	<p><i>Information from field lawyers present at RTC Vinojug on 14 March 2016</i></p> <p>On 14 March 2016, the Border Police in the Transit Centre Vinojug was informed that a group of refugees are stuck in the middle of the Suva river. The group consisted of 23 people and they were transferred in the Transit Centre Vinojug. Four of them, due to injuries, were transferred in the local hospital in Gevgelija. Later on, MYLA was informed that the police had found three dead bodies near the point where the refugees were crossing the river. The persons who drowned were refugees from Afghanistan, one man and two women (of which one was pregnant).</p> <p>At 11:00 a.m., on the same day, the Border Police was informed that a large group of refugees and migrants had succeeded in crossing the river and had entered into Macedonian territory. The Special Police Force units were immediately called in for support together with the army soldiers, in order to prevent more refugees to enter Macedonia.</p> <p><i>Information from senior lawyers present in Moin on 14 March 2016</i></p> <p>In the afternoon on 14 March 2016, MYLA's field lawyers working in the Transit Center "Vinojug", reported to MYLA's senior staff that a large group of refugees had entered the territory of Macedonia near the village Moin. These refugees were previously residing in the informal refugee camp in Eidomeni, Greece.</p> <p>Two of MYLA's senior lawyers, Zoran Drangovski and Martina Smilevska, arrived in the village Moin at approximately 10:00 p.m. Upon arrival, there was a large presence of both the Macedonian Army and the Border Police units, including the Special Police Forces, as well as non-combat military vehicles at the site. Near the village there was a large number of refugees and migrants that were surrounded by these forces.</p> <p>The refugees and migrants was sitting on the ground in the dark. The people were divided in two groups, a large group of over 1000 persons was in the field near the village, while a smaller group of around 50 persons was approximately 150 meters closer to the houses of the village.</p> <p>The Border Police officials present at the site instructed us to distance ourselves from the refugees and migrants and to go to the center of the village where UNHCR, UNICEF, Open Gate La Strada, Macedonian Helsinki Committee and Red Cross were present. On several occasions throughout the night, we approached the police units, but were instructed to stay back and to have no contact with the refugees. In the following hours, only Red Cross and Open Gate La Strada staff were allowed to bring water, blankets, sleeping bags, food and medical assistance to the people.</p> <p>We did not have direct access to the refugees and could not directly and in detail see the activities that occurred where the refugees were being held by the police and army forces.</p> <p>However, what we noticed is that every 20-30 minutes an army truck with approximately 50</p>



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persons on board, left the village. Later on, we could see from our position that the police officials were taking approximately 50 persons away from the group of refugees that was 150 meters away from the village and instructed them to board the military trucks. Once 50 refugees would board the truck, other 50 persons would be instructed to do the same.

From what we could see, there was no physical force used to board people onto the military vehicles.

At this point none of the organizations present on the site had information about the destination to where the refugees were being taken. There were rumors however, that the refugees were being told that they will be taken to the border with Serbia. Most likely, this is the reason why the refugees and migrants did not resist to board the military vehicles.

At around midnight, approximately 10 kilometers east of the village Moin we noticed a convoy of military trucks. The trucks were identical with the ones seen earlier in Moin. The trucks were driving towards the border line with Greece, more specifically near the border point 58 (Kota 58). This border point is located between TC Vinojug and the official Border Crossing "Bogorodica". The border fence also covers and passes through this point.

We were positioned near the road which the convoy used to reach the border point 58 but could not see the border fence. We remained in this position for the next two hours, until approximately 02:00 a.m., and throughout that time saw military trucks carrying people arriving and empty trucks returning from that location.

The following day, in an official statement the Ministry of Interior stated that that approximately 1500 people were returned to Greece during the night.

MYLA's staff present in Moin and the vicinity in the night of 14 March 2016 concludes the following:

- Approximately 1500 refugees and migrants were officially on the territory of Macedonia in the village Moin on 14 March 2016.
- The refugees were boarded onto military trucks.
- They were pushed back to Greek territory at an unofficial location.
- In the village Moin there no lawyers and translators were allowed to have direct contact with the refugees and migrants.
- The Red Cross staff was allowed only to provide basic humanitarian assistance such as food, water and blankets to the refugees.
- There was no individual approach or any kind of assessment during the apprehension and deportation of the people by the Border Police and the Army forces.
- The Border Police or Army Officials did not conduct any registration or collect type of data during the course of the apprehension and expulsion.
- The refugees that were returned to Greece without any kind of formal procedure.

PREPARED BY	Zoran Drangovski
APPROVED BY	Martina Smilevska