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May 20, 2014

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Mr. Tsvetlin Yovchev
Deputy Prime Minister and Minister of Interior
Ministry of Interior
29, Shesti Septemvri Street
Sofia 1000, Bulgaria

Dear Mr. Yovchev:

Thank you for your letter of April 29, 2014, Reference Number I-45851, regarding the Human Rights Watch report, **Containment Plan: Bulgaria's Pushbacks and Detention of Syrian and Other Asylum Seekers and Migrants**.

We appreciate the willingness of representatives of the Ministry of Interior and State Agency for Refugees to meet with Human Rights Watch during the research phase of the report in December 2013 to respond to our questions and to provide statistics and other documents, including the text of the "Plan for the Containment of the Crisis resulting from Stronger Migration Pressure on the Bulgarian Border." While we regret the decision of the Ministry of Interior and State Agency for Refugees to cancel the meetings with Human Rights Watch scheduled for April 28, 2013, we appreciated the opportunity to meet with representatives of the Ministry of Labor and Social Policy and the Office of the Ombudsman that day.

Please find attached a detailed memo in response to your letter. In the interests of transparency and objectivity, we will publish your letter on our webpage and link it as an appendix to the report as well as this response to your letter.

We hope that our meetings with your Ministry in December, the publication of our report in April, and the exchange and publication of these letters in May will be the start of a constructive dialogue that will result in improved treatment of refugees, asylum seekers, and migrants inside the territory of Bulgaria and at the borders where Bulgarian officials maintain jurisdiction and control so that they exercise full respect for the right to asylum as enshrined as a binding principle in the

EU Charter of Fundamental Rights, as well as all other basic human rights.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Roth". The signature is fluid and cursive, with a prominent initial "K" and "R".

Kenneth Roth
Executive Director
Human Rights Watch

***Human Rights Watch's Response to the letter of Tsvetlin Yovchev
Deputy Prime Minister and Minister of the Interior of the Republic of
Bulgaria***

1. Government of Bulgaria's information and policy included in the report

The April 19 letter from the Deputy Prime Minister and Minister of Interior said, "If there was the slightest signal for the violations alleged in the report of Human Rights Watch, there would have been an immediate reaction.... The correct approach required as a minimum a prior communication with the competent Bulgarian authorities in order to receive clarifications and additional information on the specific signals and cases, which had not been done."

Our report incorporated comments from Deputy Minister of Interior Plamen Angelov from the December 6, 2013 meeting with Human Rights Watch on the question of Bulgaria's respect for the principle of nonrefoulement (English version, p. 26) and in discussing whether Turkey could be regarded as a safe third country to which asylum seekers could be returned (English version, p. 27), as well as on unaccompanied children (p. 60). The report also includes a quote from Deputy Minister Angelov's letter to Human Rights Watch of February 5, 2014, in which he sets out the Government of Bulgaria's position, quoted here, as on p. 25 (this, and all subsequent page references in this document, will be from the original English-language version of the report):

It should be very clearly stated that the border with Turkey is not "closed" and won't be "closed." All border crossing points are open and accessible. The border control has been strengthened, inter alia by the deployment of additional police officers and technical equipment, in line with the Schengen catalogues and the integrated border management model of the EU. The objective is to prevent illegal migration and in the same time to encourage the asylum seekers to use more orderly and safe routes.

Our report analyzes this statement critically but here and elsewhere in the report we nevertheless provide the reader with the position of the Bulgarian government in the government's own words. For example, on page 37, the report provides the Ministry of Interior's statement of its policies on the length of detention of migrants at border police stations and on the amount of food provided to migrants in Ministry of Interior custody, both of which cite the "Bulgarian replies of questions on the migration and asylum situation by the Human Rights Organisation," which was sent to us by the Ministry of Interior as an undated "Ref.: Written contribution To Human Rights Watch," which we received on February 11, 2014. The report cites the "Bulgarian replies" document seven

times. It cites the Ministry of Interior's "Report on the Measures Adopted by the Government to Manage the Crisis resulting from the Enhanced Migratory Pressure" seven times. It cites the Bulgarian Council of Minister's Plan for the Containment of the Crisis resulting from Stronger Migration Pressure on the Bulgarian Border four times. It also cites information provided by the Elhovo police chief (footnote 27), the administrator of the Elhovo distribution center (p. 38) the commandant of Voenna Rampa reception center (footnotes 105, 106, and 135), the commandant of Vrazhdebna reception center (footnote 134), and the commander of Lyubimets SCTAF ((footnotes 114 and 118).

Where Human Rights Watch learned about improvements in conditions and procedures that had occurred subsequent to our first-hand assessment in December 2013, we note those improvements. For example, on page 50, we say, "As noted, conditions at Harmanli have improved significantly since December 2013." On page 69, we entitle a section of the report "Delays in Registering Asylum Claims—A Protection Gap Apparently Resolved," and in the text we say, "The chronically slow Bulgarian asylum process improved dramatically during the spring of 2014." We also spoke about improvements in humanitarian conditions for refugees inside Bulgaria in 2014 in our press conference and in our press release of April 29, 2014.

Following our December 2013 mission to Bulgaria, we wrote letters to the Ministry of Interior and State Agency for Refugees on January 9, 2014, in which we posed a number of questions based on the findings of our December 2013 mission to Bulgaria. Subsequent to that letter, we conducted a second mission to Turkey from January 12 to January 18, 2014. It was during that second mission that we conducted interviews with 31 people who gave detailed descriptions of 35 incidents in which they had tried unsuccessfully to enter irregularly via the Turkish border and stay in Bulgaria and who said they had been apprehended by uniformed Bulgarian officials and summarily and forcibly returned to Turkey. We did not count as "pushbacks" those who said that they were apprehended by Turkish border guards or who turned back on their own after seeing guards, lights, fences, dogs, or other obstacles. The accounts of pushbacks we discovered in Turkey gave added weight to the 10 people we interviewed in Bulgaria who gave us accounts of 9 pushback incidents.

In part due to the length of time required to translate the full report into Bulgarian, we had to finalize the text well in advance of the release of the report, which limited the ability to present the additional findings from Turkey for comment and stay within a timely publication schedule. We did provide an advance copy of the full report in English and Bulgarian to the Ministry of Interior a week in advance of the release of the report, but we recognize that this did not enable the Bulgarian government to address particular points relating to these pushback accounts prior to publication. We regret that we did not present the Ministry of Interior with the findings from our Turkey mission in time for the

government to provide comments on those findings prior to publication. In the interests of transparency, as mentioned above, we will publish/post the Ministry of Interior's letter of April 29, 2014 on our web page and link it to the report, as well as this letter.

2. Interview Methodology

The April 29 letter challenged a number of specific allegations made by our interview subjects. We would like to respond to these points, but also to outline the interview methodology that Human Rights Watch follows worldwide. Unless specifically noted in the report as a group interview, all interviews were conducted with single individuals in a private setting where no one could hear and with assurances of confidentiality. All interview subjects were told that they would receive no personal benefit for their testimony, no payment, no humanitarian aid, and no legal representation or other service, and we told each person that the interview was entirely voluntary. We did this to minimize any incentive for giving false accounts of their experiences. During the interviews we also assessed the credibility of the interview, listening for contradictions, vagueness, or political or personal bias, and, on the question of voluntariness, we were also alert to anyone who might be encouraging or compelling someone to give false information. We compared these private interviews to determine whether they presented a consistent picture of the interview subjects' experiences. We also looked for corroborating evidence from other sources within the limitations of evidence gathering in places where abuses are alleged to have occurred.

3. Possible Problems Attributable to Translation Differences

We suspect that at least a couple of the points of controversy might have been on account of triple translations from Arabic, Kurdish or Dari into English and then into Bulgarian. For example, the April 29 letter says that "police officers along the border are not equipped with long-barrel firearms with butts" and the minister of the interior was quoted in the press as saying, "Our border police officers do not wear boots and they cannot torture the refugees with their boots." <http://www.focus-fen.net/news/2014/04/25/334167/bulgaria-interior-minister-slams-human-rights-watches-claims.html>

The English version of the Human Rights Watch report does not refer to long-barrel firearms, but rather includes an account of a man who said that a border policeman beat him "with the butt of his gun." In conducting this interview, our understanding was simply that he was hit with the end of the gun opposite from the muzzle, but we did not ask for or provide a detailed description of the gun. Similarly, the reference to the "superior who pointed to his boot as if because of me his boot was dirty," was not a translation of a particular type of boot but rather a reference to the heavy footwear commonly worn by Border Police. This photo (http://news.ibox.bg/material/id_1329547308) shows a border police officer wearing

what could commonly be described in English as boots and with a gun with an end that could accurately be described in English as the butt:



4. Camouflage Uniforms

The April 29 letter says, “The official uniforms of the Bulgarian police and border police officers have clearly visible light reflecting signs in Bulgarian and English language and do not include the camouflage clothes mentioned in the report.” The appearance of Bulgarian border enforcement officials in camouflage uniforms could perhaps be attributable to the deployment of an additional 1500 police to the border, which might include police who are not regularly part of the General Directorate of Border Police. But it is a fact that Bulgarian border officials were wearing camouflage uniforms. Please see the photo on the back cover of the Human Rights Watch report, an Associated Press photo in 2013 of a Bulgarian border police patrol that clearly shows the border guards wearing camouflage uniforms.



Border policemen patrol at Bulgarian-Turkish border where most of the illegal immigrants enter, near the village of Golyam Derwent, Bulgaria Thursday, Nov., 28 2013. Bulgarian authorities are building fence over a section of its 274-kilometer (171 mile-) border with Turkey to prevent illegal entry via the border. Bulgaria has seen a serious refugee influx over the past year as it is the gateway to the European Union for refugees fleeing Syria via Turkey. (AP Photo/Valentina Petrova)

<http://www.apimages.com/metadata/Index/Bulgaria-Refugees-Border/7232a7c8b5f3461491c3883779abef38/7/0>

Human Rights Watch asked the AP photographer, Valentina Petrova, to confirm that this photograph was of Bulgarian border police. She wrote in response:

Sure, it is on the Bulgarian side of the border and the patrolling policemen are Bulgarian ones. As they were photographed during the organized "media day" to show to us the beginning building of the fence and these are Bulgarian border police officers who were patrolling on the way we were allowed to walk and photograph/film.

Photos showing Bulgarian guards in camouflage uniforms have also been taken by Reuters.



A Bulgarian border policeman leads his dog at the border between Bulgaria and Greece (Reuters / Nikolay Doychinov)
<http://rt.com/news/schengen-germany-border-control-309/>

5. Police Dogs

The April 29 letter also says, “As a rule, each patrol is using one service dog. Therefore it is not possible and there has not been a case of using 4 service dogs at one place.” This is in reference to the interview on page 15 of two adult brothers and their sister, in which the brothers said they were beaten by border police. One of the brothers said there were four dogs present during this incident. Human Rights Watch, in part, assesses the credibility of interviews by the interview subjects’ willingness to provide exculpatory information that specifically does not accuse officials of mistreatment. In this case, despite saying there were four dogs present, neither brother alleges that they were bitten even by a single dog. In addition, they absolve the police of any mistreatment of their sister: “Our sister was not beaten. They were holding their dogs and threatened that they would set their dogs on us.” If they had wanted to concoct a story of atrocious behavior, they could have alleged that the dogs bit them or that their sister was attacked. Of course, had they done so, we would have asked to see the bite marks.

Human Rights Watch also interviewed a 29-year-old Afghan man on January 14, 2014 in Istanbul who was traveling with a mixed nationality group of 10 people and two smugglers. In an incident that we did not count as a pushback and did not include in the report, he said, “For 24 hours we were walking along the border in Turkey to find a good place to cross. We saw tents in Bulgaria every 50 meters with four soldiers inside and one

dog for every tent.” The distance was the migrant’s visual approximation, not an exact measurement.

The three siblings who said that they saw four officers with four dogs were part of a large group of about 25 people. It would not be unreasonable, given the size of the group, for patrols from four different tents spaced 50 meters apart to come to the point at which this group was apprehended.

6. Bulgarian Flags and Proximity of Official Crossing Points to Places Where Asylum Seekers and Migrants Crossed the Border Irregularly

The April 29 letter states, “The location of the Bulgarian flag at the border line which is stated in the report is also incorrect. Obviously Human Rights Watch is not familiar with the fact that there are national flag poles only on the three border crossing points at the border with Turkey, and not along the green border.”

The Human Rights Watch report stated only that one of the interview subjects “said he saw the Bulgarian flag and that he and four others walked another two hours inside Bulgaria.” That interview did not specify the particular location of the crossing, and the interview subject made no specific reference to the flag being on a pole. At least two interview subjects specifically told Human Rights Watch that they passed close enough to see official crossing points (where, according to the April 29 letter, flags would be visible). Although neither of the following interviews specifically mentions seeing a flag, both crossed at a point near enough to have seen the location where the Ministry of Interior suggests no one crosses irregularly. The first such interview, on January 14, 2014 in Istanbul, was not quoted in the report, but was the account of an 18-year-old Syrian man who crossed the border with his brother on December 23, 2013 and who was abused, and summarily and forcibly returned despite telling the Bulgarian border police that he was fleeing from Bashar al-Assad:

We asked [the smuggler] what are those lights—[he said] the official gate between Bulgaria and Turkey. He guided us straight to Bulgaria. To the left was Greece. We found ourselves in a military zone belonging to Bulgaria. We went to the forest and around the guards. We hit a wide river that we couldn’t pass. We went back to the wall and walked again. There was a deep hole and a razor wire fence. We made a space in the fence to pass. We knew we were in Bulgaria. My friend speaks Turkish, He asked a driver, “How much to Sofia?” The driver called the police. They caught us. We saw five or six guards. They asked us where we were from. We said Syria. They checked our IDs. They called their police station. They brought a jeep and took us to their police station in Bulgaria. In the police station a police officer slapped us hard. He put his hands in our pocket to take our money. We had about \$1,000. The officer told us he put the money back in our bag but he never gave the money back. The officer stole the money. The bag was empty. We said, “We are running away from Bashar al-Assad.” He left us in a very cold room. There was a heater and we turned it on. He came back and beat us for turning the heater on. It was about 5

am. They took us in a jeep to the border line. They kicked us with police boots. The officer ordered about 15 police to kick us with their boots. It was painful. We ran away. We got lost. It was foggy. No one ever took our fingerprints. We didn't sign any papers before leaving. We were treated very badly. It was a police station about two or three kilometers from the border. It was like a small station in a military zone.

In another interview on January 14, 2014 in Istanbul which we did not quote in the report and which we did not count as a pushback incident because the 38-year-old Syrian man said he decided to return without being apprehended, the man nevertheless said that he saw the official gate when crossed into Bulgaria around December 26 in a group of 15 adult men with the help of smugglers on both sides of the border:

We could see the official gate and the highway. We had to walk along the river and bend down because of cameras. We found a bonfire. It was a police bonfire. The smuggler inside Bulgaria only wanted money from the Turkish side. I think we were on the Bulgarian side. Then the police shone a light on us and we ran. The dogs came to hunt us, and police from another direction came. We found a valley and ran to a highway. I got in an argument with the smuggler. He was an Iraqi. Four went with him and the police caught them and they got bitten by dogs and the next day returned them to Turkey. It was hopeless, but they went forward. I told the guys, "I give up," and four others joined me and we went back to Turkey.

7. Electric Shock Truncheons in Detention Centers

The April 29 letter says that “police officers along the border are not equipped with...electric shock truncheons.” Ten interviewees told us they had either witnessed or been subjected to electric shock by border police, but only one of them said that this occurred upon apprehension at the border. Because no other interviews mentioned use of tasers or electric shock truncheons at the border, we did not include that person’s account in the report.

The accounts we did report, in which witnesses and victims described electric shocks in private and confidential interviews without the possibility of knowing that others had given Human Rights Watch similar accounts, in seven cases related to electric shock use at the Elhovo police station.

Witness and victim testimony came from people who were interviewed by two different interviewers in different locations (Lyubimets and Harmanli). The witnesses and victims spoke different languages and were not able to communicate with each other, so would not be able to agree on a common story. The report from pages 33-36 includes: an Afghan witness of electric shock (“I never said a word [to the guards] but I saw them use tasers on other people who talked to silence them.”); an Algerian victim (“One questioned me and the other beat me with his fist or with an electric prod. He hit me three times with electric shocks: on my arm, my side, and my leg.”); a stateless man from

North Africa (“I was hit on the leg by the taser” to make him move.); a Syrian victim (“I told the police [at the basketball detention center] I wanted to use the toilet. The guard said no, he would not let me use the toilet. After that I walked some distance outside the building to urinate, but the guard saw me and used his taser on me. He shocked me with it twice. First, when I was urinating and then to make me move faster. He hit me on the side of my leg and on my back. It was a strong taser. I still feel the pain of the electric shock on my back. The other guards were about 10 meters from us when this happened. They just watched and laughed.”); a 17-year-old girl witness from Pakistan (“The police used electric sticks to beat people. They beat my father.”), and a 35-year old Afghan woman (“A police officer kicked me twice in the stomach....I also saw three or four times people were hit with an electric shock when they asked to go to the toilet.”).

The other two accounts of abuse with electric shock truncheons came from accounts of detainees who were held in solitary confinement in Busmantsi and Lyubimets. Because both of these accounts related to solitary confinement, but because they involved two different detention centers involving an Afghan and an Algerian who could not have communicated with each other, we determined these interviews to be credible and included them in the report on pages 42 and 45.

8. Shootings along the Border

The April 29 letter states:

Entirely ungrounded are also the allegations on shootings against illegal migrants. Pursuant to the Agreement on the Prevention and Settlement of Border Incidents between Bulgaria and Turkey from 1967, each case of shooting along the border is considered a serious incident which would obligatory lead to the respective reaction of Turkey. Up to now, no diplomatic notifications have been received by the Turkish side on such incidents. Since the beginning of the operation along the Bulgarian-Turkish border, the Bulgarian border police officers have not used firearms at all, even in cases of detention of armed smugglers.

Human Rights Watch researchers heard six accounts of witnesses who said that they heard gunshots and one in which a person was hit by a bullet. That account appears on page 16 of the report. In it, a 22-year-old Afghan man told Human Rights Watch how he was shot twice at the border on Christmas Eve or Christmas day 2013 during an exchange of gunfire between Bulgarian and Turkish border guards. The Human Rights Watch researcher interviewed the victim, as well as his wife, who witnessed the incident. The researcher had the man lower his trousers and examined the wounds on his buttocks; the Human Rights Watch researcher saw the fresh bullet wounds. The man said that he was shot after he had reached Turkish soil. He said that Turkish border guards asked him if he wanted to lodge a complaint, to which he said that he did. They gave him a paper, which he did not understand, which he signed. He later learned that the paper said the opposite, waiving any right to lodge a complaint. He said that the bullet was removed at a local

hospital and that he was brought from there to the Kirklareli camp, where he recovered from his wounds. His wife confirms his account.

In addition to the testimony of the wounded Afghan man and his wife and the group interviews on page 15 and page 19 of the report in which two different groups of five Afghans talked about their experience with Bulgarian border police firing their weapons, we also heard two separate accounts from Arabic-speaking Syrians about hearing gunfire at the border. For example, a 26-year-old Syrian interviewed on January 17, 2014 in Istanbul gave this account about an incident that occurred on January 2 or 3:

They beat us first with sticks. When we sat down, they kicked us. We were afraid. We were crying. We gave no resistance, no running, nothing. We heard gunfire from a distance. We were horrified. We thought they were going to shoot us. They made fun of us more and more, saying, "You are next."

9. Interpretation and Asylum Procedures; Medical Care and Accommodation Conditions

The April 29 letter states: "I would restrain from commenting the untrue statements and allegations with regard to the interpretation providing information on the asylum granting procedures, ensuring medical care and the accommodation conditions."

It is not clear from this which statements in the report on these issues the Ministry regards as untrue. However, the UN High Commissioner for Refugees external report of December 10, 2013 corroborates our findings on the state of the asylum procedures and reception conditions at that time (<http://www.unhcr-centraleurope.org/pdf/where-we-work/bulgaria/refugee-situation-in-bulgaria-10-december-2013.html>):

The increase in arrivals has caused delays in registration and access to asylum procedures. Adequate information is not available to all new arrivals, including information on how to lodge an asylum claim. In addition, asylum-seekers do not benefit from free legal services. Asylum-seekers do not have the right to work during the first year and receive a monthly allowance of BGN 65 (EUR 33) which is insufficient to purchase food, clothes, hygienic supplies, medication and to meet other needs.

The reception conditions at the centres are inadequate and fall short of EU standards. Access to medical care including prompt attention, transfer to proper specialized medical care, and funds to buy medicine are not sufficient. Médecins Sans Frontières (MSF) has set up a health centre in Harmanli –a former military base around 50 kilometres from the Turkey border. This closed facility lacks proper beds, blankets, cooking tools, fuel, stoves, hygienic items and equipment. Asylum-seekers in other centres are not regularly fed, getting inadequate food rations from time-to-time.

An Amnesty International Briefing, *Refugees in Bulgaria Trapped in Substandard Conditions* (<http://www.amnesty.org/en/library/asset/EUR15/002/2013/en/cc94a827-ea7e-4807-96c6-6e107368280a/eur150022013en.html>) also corroborates the Human Rights Watch account of reception conditions in December 2013.

The Bulgarian Ombudsman's Report by the National Preventive Mechanism Concerning the Inspections and Evaluation of Refugee and Migration Issues in Bulgaria, based on its visits to reception and detention centers from September 30-November 10, 2013, described conditions as "miserable," and said of the Elhovo police detention center, in particular, that after the first 24 hours "no food is provided" even though foreigners stay there for about a week. "During the interviews with such persons it was stated that some have not eaten for more than five days because of lack of funds." This corroborates Human Rights Watch's finding on pages 36-37 of *Containment Plan*: "Not everyone interviewed by Human Rights Watch said that the Elhovo police had beaten them, but every person interviewed who had been held at Elhovo said that they were only given food, at most, for one day regardless of how long they spent there." The findings of the Bulgarian Ombudsman support Human Rights Watch's finding, and contradicts the Ministry of Interior's "Replies of questions on migration and asylum situation by the Human Rights Organisation" quoted on page 37 of our report that "Persons are not detained in the Border Police Stations for more than 24 hours" and that "All persons having illegally crossed the state border receive a warm food provided by the Bulgarian authorities with a value of 3.50 leva for adults and 5.23 leva for minors."

Consistent with our findings on conditions at the Voenna Rampa and Vrazhdebna reception centers, the Bulgarian Ombudsman report said, "The assessment of the NPM team is that the inmates in these buildings, who are asylum seekers, are subjected to inhuman and degrading treatment."

With respect to inadequacies in State Agency for Refugees asylum interviews, including problems with interpretation, the Bulgarian Ombudsman's report said:

Although the applications of the refugees coming from Syria are handled in shortened procedure, their number is so large that the SAR employees are slate with processing them. It was found that the human resource—interviews, registrars and interpreters—is currently insufficient and cannot adequately respond to the refugee crisis emerged. Another problem related to the human resources is the serious lack of motivation of the personnel associated with the specific work, its large amount and the low wages.

10. Other Corroborating Reports of Pushbacks

In its April 2014 "Observations on the Current Situation of Asylum in Bulgaria," the UN High Commissioner for Refugees said:

UNHCR remains seriously concerned that measures to control irregular entry to Bulgaria prevent people in need of international protection from entering and requesting asylum in Bulgaria. UNHCR is also seriously concerned about reports that individuals who may be in need of international protection have been prevented from reaching or entering Bulgarian territory or have been forcibly returned from Bulgarian territory without being able to apply for international protection. In some cases these “push-backs” have resulted in family separations. UNHCR has received several reports of these alleged “push-backs” from Bulgaria concerning nationals of Syria, Afghanistan and Sudan, as well as Palestinians from Syria.

At the time of the release of our report, journalists and other NGOs also began reporting on summary, forced pushbacks from Bulgaria to Turkey. On April 30, Nova TV broadcast a Bulgarian language interview entitled “With batons and kicks refugee is returned from the border 7 times”

(http://dariknews.bg/view_article.php?article_id=1256558):

"I tried several times to cross the border, but police would not let me. Two or three times we could and took everything I had. Beat us with batons legs, pushing us to go back to Turkey and took everything we had," says Mohammed.

An NGO called Border Monitoring Bulgaria reported on the pushback and beating of a child. <http://bordermonitoring.eu/2014/04/child-beaten-at-eu-border-brutal-push-backs-continue-in-bulgaria/>

National Public Radio from the United States broadcast a report on April 29 entitled “With Dogs and Batons, Bulgaria Tells Syrian Refugees To Turn Back.” (<http://www.npr.org/blogs/parallels/2014/04/29/307722541/with-dogs-and-batons-bulgaria-tells-syrian-refugees-to-turn-back>) It reported on a pushback incident as told by a Syrian Palestinian mother of young children who was interviewed in Edirne:

She says they beat the children unconscious and then herded them back to the border. "They said, 'Here's Turkey, here is Bulgaria. Don't ever dare to cross this line again!' " she recounts. Othman lifts her son Ahmed's shirt to show the dark bruises still visible on his side and back.

There have also been reports that came out prior to our report that substantively support our findings. The Swedish TV4 team aired a clip about Bulgarian pushbacks to Turkey on January 25, 2014: <http://www.tv4.se/nyheterna/klipp/flyktingar-fr%C3%A5n-syrien-stoppas-handgripligen-vid-europas-gr%C3%A4ns-2533625>. At 1:07 into the clip, the Swedish reporter says: “In the early morning hours they were arrested by Bulgarian police” and then the victim gives his account of a pushback in English.

At 7:45 into the clip EU Commissioner for Justice and Home Affairs Cecilia Malmström is interviewed regarding pushbacks and says: “... we know, although it is very difficult to prove, but through stories like yours and others, that people are pushed back in Bulgaria

and in Greece. This is of course illegal according to both international and EU laws and I keep pointing that out. But it is very difficult to control but it still unfortunately occurs.”

We understand that the European Commission has sent a pilot letter to the Bulgarian government in mid-January as a preliminary step towards infringement proceedings in which it asked the Bulgarian government to answer questions regarding summary pushbacks at the Turkish border. The Director of asylum and migration at DG Home Affairs, Laurent Muschel, discussed infringement proceedings against Bulgaria during a session of the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE) on April 1, 2014. <http://ecre.org/component/content/article/70-weekly-bulletin-articles/666-european-commission-launches-infringement-procedures-against-bulgaria-and-italy-for-possible-refoulement-of-syrian-refugees.html>

11. Improvements in Reception Conditions and Asylum Processing

The April 29 letter concludes by saying that Bulgaria “is making enormous efforts in order to provide appropriate living conditions” and that Harmanli “has been fully refurbished and the conditions there have been improved significantly.”

Human Rights Watch acknowledges and welcomes these efforts and these improvements, as we did in the section of the report on Harmanli (pages 46-51) and in the section on registration and processing of asylum claims (pages 69-70). But, as we say in the report’s summary:

Human Rights Watch welcomes significant improvements in registration and reception conditions for asylum seekers in the reception centers since our visit to Bulgaria in December 2013. But these improvements coincide with the institution of a harsh pushback policy and a drop in arrivals of new asylum seekers. This suggests that those fortunate enough to have entered before the door was slammed will now be treated decently, but that the rest will face a closed door despite the existence of an infrastructure finally capable of receiving them and registering their asylum claims.