



No.: OI-K-SA-76/20

Sarajevo, 14 July 2020

Global Detention Project

Michael Flynn



Subject: Information

Dear Sir or Madam,

The Human Rights Ombudsman of Bosnia and Herzegovina received from the *Global Detention Project*, a request for information regarding the detention of persons on the basis of Covid-19. In this regard, the Ombudsman Institution is asked to answer a number of questions regarding the mentioned subject. Since the issue in question falls within the competence of the Ministry of Security of Bosnia and Herzegovina, Service for Foreigners, the Ombudsman contacted the said Ministry on 28 May 2020 and requested information from the Ministry of Security of Bosnia and Herzegovina, Service for Foreigners. The answer was received on 19 June 2020 in a letter registered under number: 18.6.1.-07.6-618-2/20:

- Is there a moratorium on new immigration detention orders because of the Covid-19 pandemic? yes /no If not, is such a measure under consideration?

Reply - There was no moratorium on new immigration detention orders and such measures could not be considered as the relevant legal provisions are very clear;

- Have people been released from immigration detention because of the Covid-19 pandemic? YES / NO - Please describe any decisions about who is to be released
- Reply – Due to the Covid-19 pandemic, the beneficiaries of the Immigration Center were not released, except for persons who were returned to the neighboring Republic of Serbia as part of readmission, i.e. persons whose supervision expired, and there were no grounds for further detention, so they were taken to temporary reception centers;

- For migrants and / or asylum seekers released from detention, what measures are being taken to prevent spreading of the infection and to ensure appropriate care?- If you are employing “alternatives to detention” (ATD) programs to release detainees, please indicate in which cases they are being used and whether these ATD programs include measures to prevent the spreading of Covid-19.

Reply– Persons who were returned to the neighboring Republic of Serbia as part of readmission prior to their return were tested to Covid-19 and their results were negative. This Service does not implement any program involving „alternatives to detention“ (ATD);

- Are immigration detainees tested for Covid-19? YES / NO - Please describe any measures that are being taken to test and protect detainees.

Reply – The Immigration Center beneficiaries were not tested, except in cases when there was a indication that it might be necessary, i.e. the cases involving readmission to the Republic of Serbia. The management of the Immigration Center has adopted a number of measures to prevent the spread of Covid-19, from banning all other persons from entering the Immigration Center, strict compliance with hygiene and epidemiological measures, mandatory quarantine for new users, and other measures recommended by the Crisis Staff;

- Have deportations/removals been halted because of the pandemic? YES / NO - To which countries are removals still taking place?

Reply– Deportations of foreigners were stopped due to the closure of borders, the abolition of regular airlines, except for the deportation of citizens of the Republic of Serbia who accepted their citizens with negative tests for Covid-19;

- Broadly, has the country adopted new immigration and/or asylum policies as well as border controls in response to the Covid-19 crisis? YES / NO - Please briefly describe any changes.
- Reply –The Ombudsman also asked the Border Police of Bosnia and Herzegovina about this issue. In their answer¹ they assert the following: „We would like to inform you that the Border Police of Bosnia and Herzegovina, immediately after the first confirmed cases of infection in Bosnia and Herzegovina and in the region, in cooperation with the competent public health authorities in Bosnia and Herzegovina and other relevant institutions, started intensively to coordinate and implement measures within its competence in order to detect possible cases of the disease caused by the new corona virus COVID-19. While carrying out the border control, police officers of the Border Police of Bosnia and Herzegovina act in accordance with all legal regulations governing the crossing of the state border of Bosnia

¹ A letter of the Border Police of Bosnia and Herzegovina, no.: 17-05-3-04-18-4204-3/20 of 15 July 2020 registered by the Ombudsman on 17 July 2020

and Herzegovina, as well as the decisions of the Council of Ministers of Bosnia and Herzegovina made to prevent the spread and control of infectious diseases like COVID -19. In order to raise the level of readiness of the Border Police of Bosnia and Herzegovina to take planned and organized measures and actions within its competence on the safety of citizens of Bosnia and Herzegovina, the Border Police of Bosnia and Herzegovina has developed an action plan to prevent the spread of the new coronary virus COVID-19. The plan and the documents derived from it contain recommendations of the competent public health authorities in Bosnia and Herzegovina regarding the prevention of the spread of the new coronary virus COVID-19, including obligations to wear protective equipment, maintain social distance, measure body temperature of Border Police officers of Bosnia and Herzegovina and other persons entering the official premises of the Border Police of Bosnia and Herzegovina, disinfection of official premises and vehicles, maintenance of personal hygiene and other. Also, having in mind the measures ordered by the decision of the Council of Ministers of Bosnia and Herzegovina from 17 March 2020, in mid-March 2020, the Border Police of Bosnia and Herzegovina issued an order on measures aimed at the protection of the lives and health of employees due to the danger of a possible epidemic caused by the new coronavirus COVID-19, which was repealed in May. The Council of Ministers of Bosnia and Herzegovina repealed the decision in question. In accordance with the decision of the Council of Ministers on declaring the occurrence of a natural or other disaster on the territory of Bosnia and Herzegovina, the Border Police of Bosnia and Herzegovina has activated a plan for protection and rescue from natural or other disasters, established a management staff and teams at all levels of organization and were instructed to take various measures and tasks.

Respectfully Yours,

THE OMBUDSPERSONS INSTITUTION OF BOSNIA AND HERZEGOVINA