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# PROLOGUE: WHY THE RÖSZKE 11?

Europe, September 2015: People who are protesting at a border fence demanding to pass freely – as before, thousands have been able to do – are being brutally attacked by the police. Eleven of them are arrested and end up in custody. Ten of them are then charged with “illegal border crossing within a mass riot”, one is charged with “terrorism”. These are the Röske 11, named after the Serbian-Hungarian border crossing where the events took their course.

The Röske 11 cases are remarkable in various ways. They enunciate the first backlash after the victory migration movements had achieved: the opening of the Balkan corridor. It was the first attempt by an EU member state to re-establish control over the migration movement across and within its territories.

Hungary has long-since been at the forefront of right wing authoritarianism. It curbed up its anti-immigration rhetoric in 2015 and was the first country on the Balkan route to unilaterally build a border fence and stop people from moving through its territory. Hungary displays itself as the guardian of the EU outer border, similar to Bulgaria. The EU does not complain, although these measures are implemented with brutal violence against refugees. (In this Zine, you will thus also find a distressing testimony of a refugee's experience at the Serbo-Hungarian border in Winter 2016/2017). As a matter of facts, Hungary seems to simply be leading the way towards border fences and criminalisation of migration for the EU to follow. Such tendencies can be observed widely across Europe. The EU Schengen-internal borders – such as for example the Italian borders to France and Switzerland, Ventimiglia and Como – embody a similar tendency including police brutality, arbitrary push-backs and the deprivation of rights.

Another deeply troubling aspect of the Röske trails is the suspension of the rule of law. The convicted have not received a fair trial at all. No evidence was needed in order to find them guilty. The trials are nothing but show trials. When people who identify as Arab or Muslim are under general suspicion and a pilgrimage to Mecca is proof enough for someone to be linked with radical Islamism and terrorism – as in the case of Ahmed H. – the rule of law is abandoned.

In the use of racist discourse, more or less merging refugees with terrorists, the rest of the EU is not far behind Hungary, with right-wing populists gaining power across Europe. And yet, the use of terrorism laws in Europe as in Ahmed H.'s case is highly worrying and a threat to everyone, not only to minorities. Where today, such a radical injustice might seem unlikely to happen elsewhere than at the interface of migration, exceptional lawless authoritarianism and precarious right statuses, sooner than we think it might endanger our very own precious freedoms. It appears that mainly radicals are concerned with the criminalisation and rightlessness that many migrants face today. However, everyone who believes in the upholding of individual/human rights should devote themselves to this topic. We have to embrace the famous quote by Lilla Watson and understand that our liberations are bound up with each other.

Besides, the Röske cases are far from being the only ones where refugees are criminalised for protesting for their rights. Stories of similar cases from Greece and Luxembourg are covered in this brochure. Also, you will find texts about borderless solidarity written by different solidarity groups such as No Border Serbia or Migszol Budapest. Further you will find Interviews with the some of the Röske 11, reports from the court hearings, and in-depth analysis about the European context in which these developments take course: The European Migration Process, the interconnection of “security” and “terrorism”, the use of so-called “voluntary returns”, and so on. For a bit of Utopia, you will find a screenplay for “The People against Hungary”, a court procedure against the state, conducted by the united people, in a square in Budapest.

Please enjoy reading!

Your editorial team, March 2017

# ABOUT THE CAMPAIGN: "FREE THE RÖSZKE 11!"

This brochure was created by members of the transnational "Free the Rös-zke 11" campaign. It consists of various individuals and groups from diffe-rent countries.

We come from different activist backgrounds and use different political strategies and approaches. But we are united in our aim to fight the inju-justice that the Rös-zke 11 are facing in Europe and Hungary. For this, we have founded this joint campaign. We struggle for freedom and equality for all. Some of us were at the very border crossing in Rös-zke when the borders were closed and clashes with the police erupted. Others have been active in trying to support people on the move on the so-called "Balkan Route" or have used it themselves to come to Europe.

Within the frame of this campaign, we do not only try to bring about justice for those who are affected by the racist Hungarian laws against immigrants in the Rös-zke trials. We also seek to reveal that these trials and the un-derlying jurisdiction are part of a Europe-wide strategy to crack down on migrants. After the great attention that the "summer of migration" had received in 2015 has diminished and the criminalization of migrants is hap-pening almost unwatched by European public, we seek to bring attention and aid to the affected. We believe we must stand with them in solidarity and not let them alone in their struggle. We aim to fight for the rights of these people for the freedom of movement and a life in dignity.

Until all are free, no one is free!  
Free the Rös-zke 11!

# CHRONOLOGY OF THE RÖSZKE 11 CASES

## SUMMER 2015

The number of people traveling over Turkey to Greece and further through Macedonia, Serbia through Hungary in direction of central and northern Europe is increasing. Hungary announces it will start constructing a fence on its southern border to Serbia.

## 4TH SEPT 2015

The 'March of Hope' starts from Keleti train station in Budapest towards the Austrian border. Thousands who have been waiting in Budapest for weeks join the march. This leads to the opening of the state-organized Balkan-corridor.

## 15TH SEPT 2015

The building of the Fence at the Serbo-Hungarian Border is finished. The border to Hungary is closed completely. At the Röszke/Horgos crossing - the smallest one which was open longest - people, who want to continue their journey to central and northern Europe, were stuck there. When the border is closed in the evening, the around 5000 people started to protest.

## 16TH SEPT 2015

A new law about criminalizing the entry of Hungary becomes effective: it is now a 'crime' to cross without permission, and 'more severe' when done during a riot. It can be punished with up to 5 years in prison; the protests from the previous day continue; the police tricks the protesters into a trap: it seems they open the gates, but once people entered through the first gate, police brutally beats them up, shooting tear gas and water canons; amongst others, the Röszke 11 are arrested. Ahmed H. is picked up later on in Budapest.

## 16TH UNTIL END OF SEPT 2017

Arrest of all the R11; most were brutally beaten up after the arrest. At the same time, the Balkan-corridor continues through Croatia then Hungary and subsequently through Croatia and Slovenia. Thousands arrive in northern Europe every day.

OCT 2015 – JUN 2016

The R11 are detained for 9 months. Many do not manage to get in touch with their families in this time. First Media reports about their case, the NGO ‚Hel-sinki Committee‘ supports three ‚vulnerable persons‘ of the 11 (one half blind old woman, one person in a wheelchair, one old man).

Ahmed H.’s case was singled out: In the Hungarian media he is constructed as the ‚leader‘ of the protests, as an Islamist terrorist who wanted to attack Hungary, the verdict is estimated to be 10-20 years imprisonment.

1ST JUL 2016

1st instance verdict of ten of R11: seven are punished with 14 month prison, two are sentenced to 12 month & over a year, plus many years expulsion from Hungary for everyone; Yamen A. got 3 years of prison, because he was speaking into a megaphone.

JUL./JUN./AUG. 2016

Seven of the R11 are able to leave Hungary because they officially finished their sentence and are moved to open camps for asylum seekers. They leave to Germany, Belgium and Denmark. All face the threat to be deported back to Hungary under the Dublin III regulation. One person is pushed into „voluntarily“ returning to his home country. Most others eventually receive the permit to stay in their country of arrival. One person is still waiting for the Dublin decision.

27TH JUN, 28TH OCT, 30TH NOV 2016

1st Instance trial of Ahmed H., verdict in November: sentenced to 10 years imprisonment because of an „act of terrorism“. European wide protest against his trial and for his freedom erupt: demonstration and other protest events happen in Hungary, Serbia, Germany, Slovenia, and Sweden.

NOV 2016

Farouk A. finished his sentence and leaves Hungary to Austria; He signs up for „voluntary return“ to Iraq after 2 weeks because of the threat to be deported back to Hungary under the Dublin III regulation.

8TH DEC 2016

Ghazy, since August waiting in vain for medical treatment and the recognition as refugee in Germany, gives up and signs the „voluntary return“ to Iraq.

DEC 2016

Kamel J. finished his sentence and is able to leave Hungary to Austria where he reunites with his family.

28TH FEB 2017

2nd instance trial for 10 of the 11; Yame A.'s verdict is lowered from three to two years. The other 9's sentences stay the same. Yamen is able to leave prison, but is put in a close asylum detention centre.

7TH MARCH 2017

Hungary passes a new law to detain all asylum seekers until their asylum case is fully processed. All open camps are closed one after the other. Yamen still forced to stay in a closed camp and it is uncertain how long he has to stay there.

APPROX. END OF APR/MAY 2017

2nd instance trial of Ahmed H.

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# SHOW TRIAL IN HUNGARY: SOLIDARITY WITH THE ACCUSED IN RÖSZKE

28/6/2016, by migzsol

This report is based on the talk and discussion on an event on of the Rösztke trials in Hungary, on refugees accused of violating the border fence during a riot/mass disturbance - which was held in Auróra, Budapest 24th 2016. As our guest, we had Tamas Fazekas, who works for the refugee program at the Hungarian Helsinki Committee. Fazekas is a criminal lawyer, the defendant of three of the accused, and works for the HHC since 2001. The views expressed in the event and in this blogpost are his own and not representative of the HHC. HHC has unique access to all refugee camps and detention centers in Hungary. They are independent from the Hungarian government and do not receive any project money the EU, and provide free legal aid for people seeking international protection in Hungary.

## THE BACKGROUND

The happenings in Rösztke on September 16th came after a long summer of migration, at a time in which the Hungarian government

had taken up migration to be the number one message increase their popularity. The Rösztke events were seen as a great opportunity by the government to continue their xenophobic campaigns and to fish for votes, which Fidesz at the time was losing. By the end of the summer 2015, there were two aspects of the border closing of the government: the legal closure of the borders and the physical closure of the borders. The Rösztke happenings, dubbed in the Hungarian media as “the Battle of Rösztke”.

As a background, it is important to know that the criminal code has been changed and the asylum law has been made more severe. Similar to the practice of previous years and against the recommendation of UNHCR, Serbia was declared a safe third country. The government also decided to make “illegal” entry to the country a crime, and in this sense the Hungarian asylum law is now very unique. For a detailed overview of the developments in Hungary in the last year, we recommend this recent report by UNHCR.

Criminalization of seeking asylum is prevalent in all European countries, but criminalizing entrance to the country in order to seek asylum not only clearly contradicts the Geneva Convention, but but is also uniquely brutal.

Since the autumn of 2015, there are also so called transit zones where in theory people should be able to cross into Hungary and seek asylum. In practice they don't work, as the number of people allowed to enter is severely limited, there is very restricted access to legal aid, and the procedure at the border is flawed. Considering the transit zones with its four entry points (of which only two are active) and the criminalization of crossing the border fence, the government seems to only want to create the appearance that there is a "legal" and an "illegal" way to come in.

When the fence was completed in Autumn 2015, already hundreds of thousands of people had gone through Hungary. At the time, every day thousands of people were crossing the border, and as the Hungarian and global media were reporting, the Fidesz government was completely unable to handle the situation. This, then, was the situation in which the government decided to criminalize entering the country. The punishment is 1-5 years in jail depends: the basic sen-

tence is 1-3 years of imprisonment, 1-5 if the crime is committed during a riot or with weapons, and if we combine the latest two (with weapons and during a riot) then it's 2-8. In practice, in most cases the punishment is turned into an expulsion from the Schengen zone, although Hungary has managed to deport only a few people back to Serbia.

## THE EVENTS

The new law entered into force on September 15th. It is important to note that on the 16th of September, most of the people on the border have had no chance to get to know what was happening and that the Hungarian border would close legally and physically. The way that thousands of people had crossed into Hungary by simply walking across the border or by climbing over or crawling under the fence had been alright the previous day, but was going to be illegal from the next.

There are two border crossings in Röszke. After the first Röszke crossing was closed on that day, people were sent away. People then went to the second Röszke crossing, which was finally dramatically closed with by blocking the unused railway road by driving a "Mad Max" train on the tracks. The situation became very tense, and for people waiting on the Serbian side

of the fence no legal information was provided. Young and old, healthy and ill, single people as well as families, were waiting as the situation began to escalate. It is important to mention that, even though on the Serbian side of the fence, the people were waiting on Hungarian territory. The Fidesz government conveniently forgets to mention that also the Serbian side of the fence is Hungarian territory, totally overlooking its legal responsibility to provide shelter for people seeking asylum in the country.

The situation escalated as desperate people did not understand what was happening, and started throwing sticks and stones at the police. The police responded with tear gas and later with water cannons. Several people from the crowd were injured, and also some policemen were injured. It is important to note that the Hungarian police has professional guidelines on the situations when to use water cannons and tear gas, and it is perfectly clear in this that such measures can never be used against a crowd that has children and vulnerable people. Even when considering the people throwing stones at the police, the reaction was of the police was totally blown out of proportion.

After some time, the fence was broken by the crowd, and the situation became even more tense. The first front rows of the crowd

were men, one of whom was trying to communicate with a megaphone with the police as well as with the crowd. His role was also to communicate news and recent developments: when to negotiate with the police, when to withdraw, etc. This continued for 1,5 hours until things calmed down. A message was then spread from the side of the police that the people could now enter Hungary. This was celebrated as a victory, followed by chanting of thank you-slogans for Hungary as people organized in two different queues, one for young men, another one for families and vulnerable people, in order to enter Hungary through the crossing.

The people tried to organize: they started walking, and made it for 150 meters, and the riot police allowed them to go onwards. The problems, began when the an unmarked, unidentifiable unit of the counterterrorist police, attacked the crowd not only with police batons, which are regular and legal weapons, but also with special telescopic metal batons. There is much documentation of this event, and also international journalists e.g. from Australia and the Netherlands were among those injured. The unit was trying to catch people, but of course the young and more healthy people were able to escape, and the vulnerable people could not escape and were seized

by the authorities. This, then, is the honourable way in which is how the Hungarian state picked the 11 accused people: but who exactly apprehended them, at what time, where, is not known.

The three people that Fazekas represents in the trial were among this crowd. The first one is a young Syrian man in a wheelchair, after being paralyzed in Aleppo in a bombing. The second defendant is a taxi driver from Damascus who is missing the articulation from his hip, and has one finger amputated due to vasoconstriction. The third one, an old lady, is half blind and diabetic. They were all on the second crossing on the 16th September - the men were alone, and the the elderly woman with her son and grandchildren. Her son was the one holding the megaphone, who is now accused of organizing a "terror attack". Importantly, this son also has a residence permit in Cyprus, and is therefore legally residing in EU territory. The defendants did not join the crowd in the beginning of the situation, but waited until the situation cleared out, and only then joined when the queues were being formed. In the end, they suffered injuries from both the police, the counterterrorist unit but also from the fleeing people in the middle of the chaos who were stepping on them. Ironically, the police "rescued" them from the crowd, and afterwards

arrested them. Many more people were also arrested, but those who were subsequently placed in open camps have since left Hungary. There are eight more people accused, who held in pre-trial detention in Hungary, and who are represented by qualified state lawyers.

## THE SITUATION OF THE 11 ACCUSED

The three defendants of Fazekas have, since their arrest, been placed in house arrest. According to the latest criminal code, house arrest can take place in closed immigration detention centers. Apart from "normal" prison facilities, in Hungary there are two kinds of detention specifically for asylum seekers: the so-called immigrants' detention and the so-called asylum detention. Asylum detention is applied to asylum-seekers waiting for the decision of their application, and immigration detention is for those asylum-seekers who have received a negative decision and are waiting for deportation (which often cannot happen) or for those foreign nationals who have not applied for asylum in the first place.

Actually, according to the Hungarian law, house arrest as in the case of the three defendants should be understood as the traditional way of house arrest, as not being allowed to leave one's house. The state claims that the three defendants

do not have a house, so they are held behind bars in one of the mentioned immigration detention centers: the Kiskunhalas immigration detention. Even though the three defendants can in theory move a bit within the detention centre, in practice this is not the case and the setting in the Kiskunhalas immigration center are extremely bad for people in their health conditions.

The eight other defendants are held in pre-trial detention in Szeged and Kecskemét. Being in an actual prison with extremely limited access to information, also their ability to follow e.g. religious practices and customs is extremely limited. The situation is much more serious and difficult to bear for these eight accused, especially when they are surrounded by people who are convicted of crimes that are defined, while their only “crime” was to seek safety, which is legal under international law. The Hungarian prison system is absolutely not capable of meeting the requirements of people seeking protection in the prisons, and the eight accused people are in extremely bad condition mentally, as well as to a certain extent physically. They have limited access to psychological support and are closed up for 23 hours a day. Other detainees in similar conditions have attempted to commit suicide.

Also the three accused people, defended by Fazekas, are in a very

bad condition. They do receive very basic healthcare, but over the months that they have been locked up in Kiskunhalas, Fazekas has witnessed the worsening mental- and physical health conditions of all his clients, especially the elderly woman. The Syrian student in a wheelchair has even stated he would rather go back to Syria than bear this horrible situation in detention any longer. Representatives of the Hungarian Helsinki Committee visits them 1-2 times week. There are severe issues in the ways in which the concept of “house arrest” is applied in this case, and the HHC will bring the case into the European Court of Human Rights in Strasbourg. The Hungarian court decides on how long the house arrest should be continued, and Fazekas. The papers that Fazekas, as the defense lawyer, has received from the court have been completely mixed, with severe mistakes regarding issues like dates, etc.

The three defendants of Fazekas have applied for asylum. The Syrian elderly woman received the subsidiary protection status, while in the case of the other two it was denied. The Hungarian Helsinki Committee appealed in the case, and won in the court. Unfortunately, however, another peculiarity of the Hungarian asylum system is that the court can only annul the decisions of the Office of Immigration and Nationality (OIN), and

send a case back with guidelines. What is happening, however, is that the OIN does not follow the recommendation of the court and simply issues another negative decision again. This can be appealed, again, and such “ping pong” can go on for a very long time.

Some of the rest of the accused have also applied for asylum, but the majority of them not. This is also problematic: even if a person does not say the words “I want to apply for asylum,” they should still be considered asylum seekers, if they express it in other words. But this is not followed in Hungary, and only those are who go through the very bureaucratic official procedure are considered to have applied for asylum.

## THE TRIALS

There are 11 people in the Szeged court. The hearing is taking place in a very small room with limited space for translation and lawyers. Physically this makes it very difficult for the general public to follow and monitor the trials. There is also very limited place for the press, that needs to register. The excuse from the authorities is that this is the only place accessible for somebody with a wheelchair.

HHC receives plenty of media requests from big international media outlets from BBC to the Economist, who would like to join

the trial, and the space is a real problem. The lack of access for the press is totally surreal. HHC has worked to improve this by securing places for UNHCR to be there continuously.

The trial will happen with translation. Previously there has been big problems with translation, but now the translators have been checked and can be trusted. Previously during the investigation period there have been allegedly manipulated translations on paper in this case, and a whole paragraph was added to the testimony of one of the defendants: e.g. where the original written testimony said that “we will go towards the border to cross it” it was translated as “we will go to the border to violently break through it no matter what” to make them look like they confessed a crime they did not actually do. The false translation has triggered a process and an investigation, and we hope will end up in court.

The indictment of the accused is very chaotic, and mistakes sometimes even the nationality of the defendants. For all the 11 people, the whole paper is only 1,5 pages with absolutely no information of the context and the circumstances in which everything happened. When did they cross the border? Did they suffer injuries? Was the defendant holding a microphone? At what point did they cross? Who arrested them? When were they

arrested? None of this information or these details is provided, and this is professionally miserable level of prosecution. In Hungarian law there is no collective punishment, only individual punishment, but this is clearly unspecified collective case.

There is additionally to the described extremely problematic aspects of the cases, something very important missing from the whole description: the actions of the Hungarian counterterrorist police and their attack on the crowd. There is much TV and journalistic footage, also by the police themselves, about the events. Fazekas has first not been allowed to watch this footage because of legal details related to them being open or closed evidence and was not attached to the case but treated separately. It took the Szeged court four months to allow access to them, even if they turned out useless for the defence as they only show the three defendants just standing on the ground. The underlying reason why they are being hidden is because this footage does not show much. If they would show the defendants clearly committing crimes, they would have been shared in the first place. All the approx. 90 policemen who gave testimonies during the investigation supposed to be summoned according to the notion of the public prosecutor tiring out the defendants.

That sad, only 10-12 of them actually were cross examined in court. The police officers did not have too many details of the cases, and the absolute majority of them cannot identify people. Considering the chaotic situation in which the police had tears running from their eyes from their own tear gas. There were a few that were important for the judge, etc. one policeman who claims to have seen the man in a wheelchair kicking the fence - which is of course wrong, what the police finally admitted. All in all, many policemen have been listened to, although some of them were not heard live.

There have been 6 court hearings so far, and the next ones will be done by July 1st. As the defense lawyer, Fazekas is positive and believes there will be a good decision. All in all, it is very clear that this is a show trial, aiming to portray asylum seekers as dangerous. The quality of the prosecution is pathetic. We will see what the decision will be next week. In case they are found to be innocent they would get reparations for the house arrest.

If found guilty, the 3 defendants of Fazekas still cannot be sent back to Serbia as one has already been granted the status of subsidiary protection and two are already registered as asylum seekers, and there is a court case that declares that Serbia is not a safe third

country of them. In the case of the rest of the accused, who are not asylum seekers it is a bit more complicated, but in practice the Hungarian state would probably not be able to deport them back to Serbia. The cynical thing is, that even if the 8 that are now held in pre-trial detention would be found innocent, they will still be consid-

ered illegal immigrants and sent to the next prison - the immigration detention.

What is sure, no matter what the result will be, is that the case will be brought further to the European Court of Human Rights regarding unlawful house arrest.

## STATEMENT BY M., ONE OF THE RÖSZKE 11

They arrested many people at the border. They separate us, they let the other people go. We, 10 people (1), stayed in prison.

### THE COURT HEARINGS

The lawyers were trying to help us, but the judge, he got - lets say - permission from political side. So they made us stay. They gave us more and more time - for nothing. Without proof, without anything. The lawyer told the judge: „you have no proof“, but the judge said we must wait longer.

All witnesses at the hearing were police, one of them was recording on camera and one of them was the translator. But they haven't seen us, didn't recognise us. The lawyer said to the judge: „You must show us the videos and proof“. In the last trial he said: „It is not possible to proof anything.“ So the judge said: „You have crossed the border, just by passing the border you crossed the red line.“ Just that. She gave us a one year and two month sentence. They told me for illegal crossing and problems with the police - fighting with the police at the border. And without any proof that it was me. So I stayed in prison for nothing.

### THE PRISON

We could only go outside for one hour a day, 23 hours we were locked in. They were talking with us like with terrorists. Everyday, they said „Terrorist,

come!“ , „Terrorist, go!“ . They separated us. They put us in one room with just one other man. And every 5 minutes they controlled us, looking at us. The manager of the prison said to me: „You are safe in here. It is better than Syria. We give you food. You must say ‚Thank you‘. And one police man said to me: „We shouldn't give you food and money. You must go back to your country.“

They don't like refugees. They said to us: „We are working here for 12 hours, we get 300 Euros. And you come to Europe and you are sitting and sleeping and living here and you get 300 or 400 Euros just like that.“

#### REFUGEES ARE NORMAL PEOPLE

They said about us that we are terrorists: „Refugees are terrorists.“ 99% of refugees are normal people, they are civil; they are coming to live in a safe place. I am a civil, a normal person. I am a human - like everybody else. I am coming here to live normal in a safe place. Just that.

I had a first interview here [in Germany]. Then I got a letter about Dublin-case, that I have fingerprints in another European country. So they were talking with the government to maybe send me back to Hungary. It is really awful. I can't imagine. I just want to stay in Germany.

(1) the 11th of the Röske 11, Ahmed H., was arrested and detained in Budapest.

FREE  
THE  
RÖSKKE  
ELEVEN

RIGHT TO A HOME



# "FREE THE RÖSZKE 11" - THE SIGNIFICANCE OF THE RÖSZKE TRIALS IN THE CONTEXT OF THE EUROPEAN BORDER REGIME

Excerpt of the Statement by Refugee Support Serbia, August 2016

Seen as one piece in the kaleidoscopic ensemble of practices, regulations, institutions and acts that encircle the aim of controlling migration, the trial on the Röszke Eleven acquires crucial significance. Being held as a show trial that is performed in order to further enforce the image of “criminal asylum seekers” as a threat to the Hungarian society it can be seen as a precedence case for the Hungarian audience, as well as for the refugees still crossing the fence to Hungary. It becomes clear that the Hungarian state is at war against people migrating, and the Röszke Eleven are the first who have been publicly litigated. The whole trial was saturated by racist mindsets, xenophobia and a demonstration of power by a state.

These days, showing solidarity and fighting for justice becomes more and more criminalized in and outside the EU. The European Border Regime crystallizes in the case of the Röszke Eleven, and, as a tip of an iceberg, in the case of Ahmad H. the Hungarian judiciary already made its decision and even the lawyers acquired a quite pessimistic view on the chances of a fair trial. The only chance that is left, especially for Ahmad, is international support and awareness.

Solidarity Statement Vienna, 27/6/2016

We know about the cooperation between Austrian and Hungarian authorities against migrants not only since the trial against so called smugglers here in Vienna. Austrian politicians and the state system are one of the main responsables for tightening the rules of the murderous border regime: Being detained in prisons in Hungary or any other EU states and also in Serbia. Being beaten up by police in Bulgaria or any other state that is on the route. Separating families constantly. Being deported against the will

(often under forced drug influence by Austrian police). Letting people die in the sea and pretending this was a human catastrophe caused by „smugglers“.

NO! It's not! But who talks about capitalist injustice? Still the (neo)colonial world-order is something that people in Austria, and especially authorities don't consider a factor, when talking about migration. At the same time logistic and transport- companies make huge profits due to the openness of borders for goods and money.

Many people in Austria have supported travelers coming without documents from Hungary during summer/autumn 2015. But this action was happening only for a small period of time, that was later used to pretend a general solidarity among the „austrians“ for „refugees“. The autonomous support structures were completely „white washed“ in the media, when in fact mostly people who have migration history were the ones supporting people on the move or people who were arriving new.

For us it is a necessity to make the prison-system a topic, that is directly connected to the reality of migrants/refugees. We oppose detention centers and camps because people are forced to have their lives controlled by the state and security companies (like securitas, G4S - again one of the profitters of the fortress europe). What the people in Rösztke/Horgoš did – the creative protest, the solidarity between each other and also the hitting back when police started to intervene against them – we see it as a strong act of resistance against right wing policies and a cry for freedom and equality. The trial in Szeget is for us reason to over think: Who is becoming a victim of police repression and who is not? Whose solidarity campaigns are successful? Whose struggles will be remembered?

We also want to especially express our solidarity with Ahmed H. who is accused of a ‚terrorist attack‘ and being a leader of the protests. For the other 10 people there are more critical voices, because as a Hungarian comrade said, the ridiculous failure of the authorities to create the bloody enemy out of a man in wheelchair, and a half blind, old woman is quite evident. While in the case of Ahmed H. it is not that obvious, he is a physically healthy man - it is much easier to use him as the unknown other who can hide a lot of dark secrets... The media is using this image to report about the trial. The enemy, the terrorist we have to be scared of and who can carry any evil like islamist ideas or bombs. This fits into a strong trend in Europe: to be scared of younger refugee men. In this trial we can understand and criticize how the creation of ‚the evil‘ happens. It is another example of what happens to people who fight against the system of borders and oppression. But the fight will continue anyways!

AHMIED

حرية



# THE TRIALS OF AHMED H.

## THE FIRST HEARING

8/7/2016, by Migzol

We arrive at the Szeged courthouse with cramps in our stomachs – we don't have much experience in attending trials, plus we're not even sure we'll be allowed in, after all as we know today will be the continued hearing of an especially dangerous man, Ahmed H., charged with terrorist activity. But after a quick security check we're in the building. Nobody asks for our personal identification; people seem satisfied when we explain that we are merely taking part in the proceedings as private individuals. We head to the first floor, in front of the courtroom, where people are already waiting – the atmosphere is visibly tense.

The judge and her colleagues arrive, then a security officer asks us to clear the corridor. A police officer then steps up to an iron door and opens it – two, two-metre-tall, masked police officers armed from head-to-toe lead the “dangerous man” out, his hands are cuffed. A tall, gaunt man, with a startled look he searches for a familiar face and shyly gives us a nod. We file into the courtroom – the room is stifling and small, but there aren't many of us, among the crowd besides the representatives of the right-wing media there are barely one or two civilians interested in the “terrorist” case. In the first row sit the accused, his customary guards, and the interpreter; the second and the third rows are taken by police witnesses – brawny, bald boys in elegant shirts, a tightly-knit group who dip into banter and jovial conversation from time to time during the hearing.

The judge opens the proceedings, and begins with the testimony of one of the police officers, who we later find out also gave a testimony in the previous hearing. Not much is revealed from his short sentences, primarily that he doesn't remember much, which comes as no surprise considering that more than nine months have passed since the ominous event, the “clash” in Röske on 16 September 2015. In any case we learn that somebody “showing two fingers in a V sign” gave an ultimatum to the police officers; that

within two hours come hell or high water they would cross the border, and that this somebody – if he remembers correctly – was Ahmed H. He explains that the police interpreter notified the crowd that crossing the fence was a criminal offence, and directed them towards the transit zone – he doesn't mention how many persons in the crowd might have heard the interpreter's words, nor does he mention what they might have understood of the meaning of transit zone. He does mention that the accused attempted to speak with him, but he didn't respond. He does not remember seeing him during the later violent events and the throwing of missiles.

After the short summary the judge reads off the testimonies made earlier, noting that they are not in complete agreement with what has just been heard – in the previous testimonies, statements were made declaring that although at the beginning he tried to calm the crowd, later with the support of others he incited the crowd and stirred it up, and took part in shaking the fence. The witness comments that he stands by his earlier testimony. Then we are allowed to hear a rather brief reaction from Ahmed H. – an interpreter declares for him in slightly broken Hungarian, that he didn't meet this policeman, that he never said or did such a thing. The judge gives no comment on his words.

A break follows during which an unambiguous spectacle is carried out as the accused is led back by his two much more robust, masked guards to the iron-doored room, and a third police officer carefully closes the door on them.

#### THE POLICE VIDEO

Fifteen minutes later the door opens and the second part begins, where we watch never-ending, poor-quality police footage with no sound projected onto the wall, slightly awkwardly against the right-hand side of the room, directly opposite the bright windows, as a result those seating on the right of the room can't see the footage, while for the rest it's quite difficult to see anything thanks to the light from the windows. The material was recorded from behind the police line, as a result the image is often blocked by riot helmets and later shields, while somewhat further afield we can make out the crowd of people like an anthill on the far side of the fence. At parts deemed to be more important the judge requests her colleague handling the projection to zoom in – even after zooming in it's impossible to get any perspective of the events.

Without a doubt the most trying part of the projection is that the witnesses were asked by the judge to make it known if they recognise themselves in



the footage, and so throughout the footage which runs over two hours we regularly hear a cry from the police officers of “Judge! I’ve spotted myself!” all with such enthusiasm as though they’ve spotted themselves on television. Each time the judge stops and rewinds the film to the aforementioned minute, and has what can be seen taken down on record. It would be hard to give a brief summary of just how many insignificant details are heard during the projection from the judge’s mouth, who clearly bears an aversion towards the “migrants” continuously “making signs” and “throwing missiles” – at one point I feel I’ve made a mistake by not keeping a tally from the beginning how many times I hear these phrases from her mouth, but I wouldn’t be surprised if it were in the hundreds.

The most important things which come to light are by all means the following (the phrases in quotation marks are the judge’s words):

- Ahmed H. was present in the front line of the crowd.
- Ahmed H. did “make a sign” with his fingers, as did 40-50 of those with him. After a while the megaphone was given to him, into which he spoke – but what he said we don’t hear.
- The police officers continuously sprayed tear gas into the crowd, who did respond by “throwing missiles”.
- Many were clinging to the fence which from time to time opened. A few times Ahmed H. is also visible among them.
- A water cannon is used against the crowd.
- Ahmed H. took part in the “throwing of missiles at the police” – three such cases were caught on camera, the judge believes that in one case he held in his hand a lump of brick supposedly, larger than the palm of one’s hand.
- From time to time Ahmed H. carried children (“individuals”) in his arms.
- The “migrants” broke through the fence, and the TEK’s brutal “crowd dispersal” began.

#### AHMEDS HEARING

Afterwards follows what is undoubtedly the saddest part of the proceedings: Ahmed H.’s short hearing. The judge asks him whether or not he will admit that he communicated with a megaphone on the Serbian side of the fence, that he made signs with his fingers, and that three times he threw missiles in the direction of the Hungarian police officers. Ahmed H. timidly says something to the interpreter, who begins his sentence: “I was with my family...”, at which point the judge snaps that there is no need for him to repeat his previous testimony, would he answer whether what she’s said matches with the truth. A hopeless “dialogue” begins between the

extraordinarily aggressive judge and the accused weakly trying to defend himself, whose situation is only worsened by the fact that the interpreter doesn't speak perfect Hungarian. It is to no avail that Ahmed H. explains that though he was indeed holding a megaphone, he was not trying to stir up the crowd, but to calm them down, and he would only have liked to speak with the police to tell them that they meant to harm, that they simply wanted to cross. This falls on deaf ears with the judge, in fact, she bombards the accused with ironically-toned, aggravated questions, accompanied by the muffled chuckling of the police officers. Without a doubt the questionable aspect of the testimony was the throwing of missiles, about which Ahmed H. states that he wasn't aiming for the police but at an acquaintance with whom he'd had a dispute. This is certainly the point where the judge "comes to the end of her tether".

Judge: But at that time there were no migrants in Hungary, where those three stones landed.

Interpreter: There were a lot of people between the police officers and the cordon. Which may not be clear in the footage.

Judge: Our eyesight must be bad then.

Interpreter: I didn't want to throw things at the police. My parents are sick, I have children. I didn't want anything but to continue on.

Judge: What was the distance between the fence and the cordon?

Interpreter: 30-40 metres, there were a lot of people in front of me, between myself and the fence.

Judge: In the footage there's no one between you, the fence and the police cordon. Fine, so you didn't mean to throw things at the police, is that right?

After the testimony is given the judge calls on one of the witnesses, to tell us how large the distance was between the fence and the cordon, at which the witness replies, five metres or less, another police officer announces that they thought it was two metres. The witnesses then agree in unison with the judge's order that it was in fact two metres.

Another break follows, much to our delight because the temperature and the atmosphere inside are equally unbearable. Once again we see the guards lead the accused to the secure room, and we catch the moment as the police officer holding the key exchanges a significant grin with one of

the witnesses. After half an hour we go back in – Ahmed is led past us and doesn't look at us, as though he doesn't want to see the looks on our faces. Broken, he stares ahead.

#### MORE VIDEO MATERIAL

A second projection follows which individuals have uploaded to YouTube from footage collected in various media. This time the quality isn't much better but at least there's sound, which doesn't help much, since there's a background noise of constant shouting. By no means is there any evidence from this footage that Ahmed H. was stirring up the crowd, nor can the alleged ultimatum be heard. Ahmed H. tries to speak with the police in English and Arabic, then with the crowd – an interesting aspect of the proceedings, that as we're watching the footage, the judge is receiving a translation of Ahmed H.'s words from the same police interpreter who was present at the "riot", and with whom after a while Ahmed H. refused to communicate.

Then the judge reads out what sorts of sentences could be heard from the accused's mouth according to analysts. We can confirm the following:

- *The interpreter did ask the crowd to go to the transit zone.*
- *Somebody in the crowd shouts that they will cross whatever happens, one of the witness's claims to recognise Ahmed H.'s voice.*
- *Ahmed H. tries to speak with the police officers, and tells them that the interpreter is lying, and tries to talk with them in English.*
- *Ahmed H. "makes signs", or gesticulates as he explains. Pointing towards Hungary.*
- *Ahmed H. says in English: "Please tell me what we should do!"*
- *Ahmed H. says: "No problem."*
- *Ahmed H. says: "We have children."*
- *Ahmed H. says: "Open!"*
- *Ahmed H. says: "Nobody throw anything."*
- *Ahmed H. says: "We love Hungarian police, we love Hungary."*
- *Ahmed H. says: "The problem is we have children and sick among us."*
- *Ahmed H. says: "We're losing our patience."*
- *A police officer informs Ahmed H. that the border is closed, that they should move to the right towards the transit zone, at which Ahmed H. asks where it is.*
- *Ahmed H. says to the crowd: "Wait, go back!"*
- *Other men shout at the police officers to open the gate.*

One amusing part of the projection is that the witnesses don't cease to play the spotting game: "That's you, there!", and similar sentences can be heard from the police officers' mouths, who are visibly becoming more and more light-hearted, and it doesn't quite get through to them as to why they are watching the video. The proceedings are brought to a close, the judge announces that the trial will be continued on 23 September, she notes that the travel expenses of the witnesses are of course refundable on the second floor.

The guards lead away a tearful Ahmed H. who will have to wait another three months in prison, making it more than a year in custody before his hearing will be brought to a close. Unfortunately, despite the fact that we weren't able to find any trace of the terror activities, and despite the fact that it was very clear that Ahmed H. was by no means the only leader among the crowd, or the most active and most violent, the police arrested him and ten others, among them Ahmed H.'s elderly sick parents.

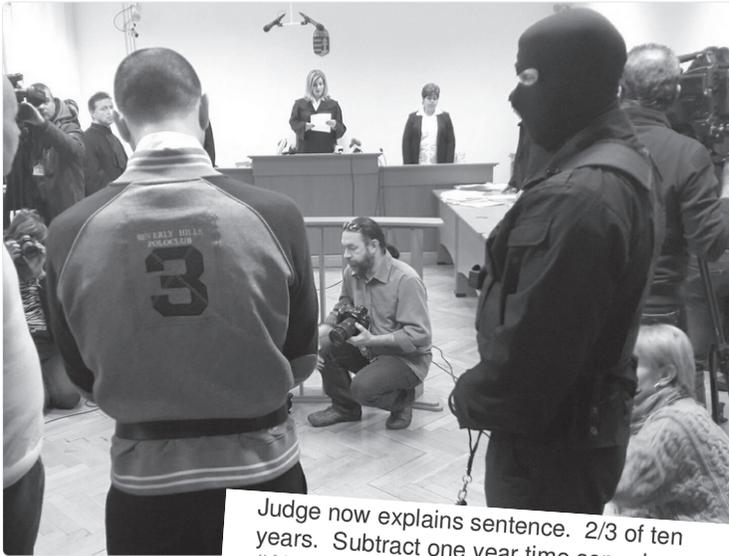
We can only hope that even though the judge visibly has an aversion to the accused, in the end she will be forced to give a favourable judgement thanks to a lack of evidence.



**Brian Ging**  
@brianging

Follow

Judge going through his possessions  
#Ahmedh : mobile phone, sim card, bank card



Judge now explains sentence. 2/3 of ten years. Subtract one year time served.  
#Ahmedh

5:05 AM - 30 Nov 2016 from



RETWEETS  
2

5:09 AM - 30 Nov 2016 from Szeged, Hungary

# THE #AHMED VERDICT. A TWITTER TRANSCRIPT

30/12/2016

**9:09PM** #AhmedH is brought in by hooded security personnel. On trial for „terrorism“- could face life in jail. #rozske11

#AhmedH #rozske11 starts with hearing a testimony of a policeman who already testified.

## #Police witnesses:

Police witness doesn't know what the accused did or if it's even him. #AhmedH #Rözske11

He is also not sure this time whether #AhmedH grabbed the fence or just someone who also had beard.

Judge to police officer: Do you remember what #AhmedH said through megaphone? (Key part of terrorism charge) Police: no.

Officer says he saw Ahmed H speaking into megaphone, on the Serbian side of the fence. #rozske11

Officer says a man was continually looking at how to break or open gate. Though he's not sure if it was Ahmed H. #rozske11

Officer says he then left to change into his protective riot gear. #rozske11.

Soon after this the fence was broken through by refugees.

Only thing officer remembers is that Ahmed H was calling „open the door“. Judge asks Ahmed if it was him. Ahmed stands to deny this.

**9:56PM** Ahmed then says if he used those words, they weren't aggressive #rozske11. Says there were many men with beards there.

Judge to police: is the accused the person you are talking about? Police: not sure, there is similarity.

Police: crowd seemed aggressive / he was 5 m from the fence / he saw #AhmedH speaking to a megaphone/does not remember what he said.

Prosecutor reiterates the testimonies that saying #AhmedH was giving ultimatum for the police to open the border within 5 min.

Lawyer asks court to hear other witnesses and his wife. He claims that there are two other policeman who would testify in favour of #AhmedH.

**10:04PM** Judge refuses request for new witnesses.

#### **#Prosecutor:**

**10:25PM** Prosecutor argues Ahmed H guilty of terrorism because he was throwing rocks at police #roszke11

Prosecutor insists #AhmedH is guilty of terrorism because of throwing stones. This is shame.

Prosecutor says Ahmed H had no reason to be at fence that day.

Prosecutor says Ahmed H keeps changing his story.

Prosecutor rejects the HRD NGOs accusation that the proceeding was not fair. Also highlights that police who defended the border were hurt.

Prosecutor claims that #AhmedH forced Hungary to do sg by committing violent attacks against in-

dividuals so the terrorism charge stands.

Prosecutor says Ahmed H was close to fence and police, was affected by tear gas.

Prosecutor: claims #AhmedH was the leader of the rioting crowd.

Prosecutor holds charges and asks to found #AhmedH guilty on terrorism and illegal entry. Says #AhmedH could have entered legally to #HUN

**10:59PM** Prosecutor: every evidence suggests #AhmedH guilty. He asks a cumulated sentence of prison and expulsion. 2 small child is a mitigating circumstance.

#AhmedH was deliberately throwing stones to police. saying that was obvious the border is closed, ppl should have know they cannot enter.

Long pause as the judge considers her notes. Seems to have to do with defense lawyer's examination of police witness.

#### **#Lawyer:**

Lawyer: Police testimonies show that #AhmedH tried to avoid the escalation of conflict and to have peace - claims the lawyer.

**11:10PM** Lawyer: Claim that Ahmed H had 9 passports dismissed by his lawyer. He was carrying all of the family members passports.

Lawyer: #AhmedH not a „radical“ #Muslim, though unclear why that would make him guilty of #terrorism

**11:12PM** Lawyer: #Ahmed was the only one speaking Arabic and English so he tried to mediate bw the crowd and the authorities.

**11:13PM** Lawyer: AhmedH never belonged to any radical group, wife is Catholic & kids go to a Christian school. #roszke11

**11:17PM** Lawyer: finds strange that only #AhmedH was brought to court. He reminds that prosecution shall be impartial.

Closing defence: state used teargas, violence. No evidence and in fact, #AhmedH facilitated between both sides.

**12:02PM** Lawyer asks the court to acquit #AhmedH of the terrorism charge. Illegal entry is admitted but asks to consider mitigating circumstances.

**#AhmedH:**

**12:20PM** #AhmedH: „when riots started someone asked me if

I speak English - I tried to calm people down“. #roszke11

#AhmedH: cannot remember that he shouted „open the door“ and wants to see the evidence. Adds that there were many men with beard present.

**12:32PM** #AhmedH: I entered illegally to #Hungary but I have never done anything wrong. I am not a terrorist. How can I alone be a threat to police?!

#AhmedH: „I ask the court not to confuse me for others. How can I be a terrorist if I tried to calm things down?“

**12:34PM** #AhmedH: „how could I threaten the police when they are armed? #Ahmedh

#Ahmedh voice breaking slightly with emotion it seems, recalling the day of the riot at Roszke.

#AhmedH: He tried to help his family during their fleeing from Syria/My family lost everything/ Wanted to take my parents to a German doctor.

Ahmed asks the court for the minimum prison which is fulfilled by the time he served in pre-trial.

**12:43PM** #AhmedH: not every Muslim who is praying is an extremist. Not every man with a beard

is a terrorist.

**12:45PM** #AhmedH I wish noone had lost any loved ones in terrorist attack. I wish #Hungarians all the best.

**12:48PM** #AhmedH final sentences: I am very sorry if I had broken any law and I am sorry for being charged with terrorism. I feel I am not guilty.

Strong statement of #AhmedH in #Hungary. The trial did not provide strong evidence and only contradictory testimonies so far.

**1:04PM** Ahmed H's lawyer asks for a psychological report on his client. #roszke11. he wants 2 more police witnesses who could speak for Ahmed H

Prosecutor makes final speech in trial of Ahmed H #roszke11

Prosecutorial diatribe completed after demanding 17.5 years in prison.

The defense lawyer stands to make a statement. #AhmedH

### #Protesters

Protesters are still in front of #szeged court as the #showtrial goes on for #ahmedh #roszke11

Protesters were not allowed to use megaphone in front of the #szeged court. Ironically it was one of evidence against #ahmedh

### #Verdict

**1:58PM** The trial resumes in 3 min. #Verdict is coming up in #AhmedH case who is charged with terrorism and illegal entry as a part of a mass riot.

**2:01PM** #AhmedH found guilty in illegal entry and acts of terror. The sentence is 10 years and expulsion for good from #Hungary.

Judgment #AhmedH case: guilty of border crossing, guilty act of terror. 10 years and expulsion

Judge spells out #AhmedH sentence. 10 yrs prison & expulsion from Hungary. Time already served counts. Earliest release 2/3 into sentence.

**2:07PM** A visibly upset #AhmedH and an injustice: 10 years prison sentence. #roszke11

Judge now explains sentence. 2/3 of ten years. Subtract one year time served. #Ahmedh

Judge found usage of megaphone and throwing solid object as the reason for #AhmedH sentence.

**2:11 PM** Ten years for #Ahmedh. Very poor level of evidence, poor reasoning. This reflects very badly on Hungarian law and democracy.

**2:14PM** He was using the megaphone and threw „solid objects“ three times directly towards the police.

Reasoning: the court was about to assess what #AhmedH did on the given day and not the others who were also present.

Prosecution asks 17.5 years prison for #AhmedH.

**2:26PM** #Protest outside court #Ahmedh

#Protest after the verdict inside #court house. Ironically police singles out one activist and accuses her of inciting it #AhmedH

**2:28PM** We are still protesting. This verdict is ridiculous free #AhmedH free #roszke11 PS : without megaphone cause that is terrorism.

**2:38 PM** #Ahmedh protesters of @MigSzolCsop being detained by police after protest.

Stand off in Szeged Court. Lead protestor taken away for questioning. They were chanting „fake trial“ at #Ahmedh Court.

Now that they are done with #AhmedH it's time to shut up the protesters. free #roszke11

**3:33PM** #AhmedH & defense lawyer confirm that they are appealing the sentence. Primarily disputes the terror charge.

**3:35PM** Judge refuses bail to #Ahmedh and orders his continued detention until the end of the appeal process due to „flight risk“ & sentence length.

Both sides have appealed- judge rejected bail- prison until appeal process ends. #AhmedH #roszke11

#Solidarity #supporters are released and will be fined for „illegal action“ (no further info by #police) #AhmedH #Roszke11

# TO BE SECURE.

## REFLECTIONS ON THE TRIAL OF AHMED H

On the 30th of November in Szeged, Hungary, Ahmed H. was sentenced to 10 years of prison and indefinite expulsion from Hungary. His conviction: terrorism. He was one of many refugees and migrants, who were in September 2015 stranded on the Horgoš-Röszke border crossing between Serbia and Hungary. On the 16th of the same month, he participated in protests against the erection of a razor-wire fence, which the Hungarian authorities completed the previous day. The erection of the fence was accompanied with new laws, prequalifying “illegal” border crossing into a major offence, punishable by several years of prison, depending on the circumstances of the crossing (with a weapon, through participation in mass riot, etc...).

Ahmed had a megaphone, with which he negotiated between the crowds and the police. At one point, the latter confronted the protesters with pepper spray, resulting in riots: throwing stones and other objects, attempts to open the border-gate by force. Eventually the police retreated several hundred meters, after which the migrants and refugees stormed through the border into Hungary. What followed was a horrifying sight of police brutality and indiscriminate beatings into the heterogeneous crowd, resulting in several arrests and injuries. Ahmed H. was arrested a couple of days later, at a train station, since he was identified as the leader of the riots.

While it is certainly interesting and important to understand all the details of the events as well as their jurisdictional implications (should he be rather trialed for participating in mass riot, did he throw 3 stones or less, did he throw stones at all, what precisely did he communicate through the megaphone, did he say that he “loves the Hungarian police”, did he attempt to calm the crowd, etc...), we (the authors of this text) are rather concerned with the political decision which delegated him to the role of the terrorist.

Orbán, the authoritarian leader of the Hungarian government, decided already in 2015 that all terrorists are migrants, ergo all migrants are potential terrorists. While his statement is obviously false (sadly, terrorism is a nonpartisan political tool), we nevertheless need to take it deadly serious. It is clearly a

sovereign decision (not an observation or opinion) and as such becomes a reality in which “migration management” is conducted.

When migration movements, with all their power of resisting state regulation and violence, were at their height, even Orbán was limited in his ambition. The first attempts of the state to restrict migration movements (e.g. forbidding boarding international trains in Keleti train station in Budapest) were impotent, confronted with the determination and will of the people to move on. Even Orbán's rhetoric at the time was one which, to some degree, included the notion of “humanitarianism” or “helping the vulnerable”.

Politicians, security experts and demographers were all shook by uncontrollable population flows breaching into the very core of the capitalist world-system. Heated discussions were commonplace, especially when it came to the biopolitical assessment of the value of a population. Are refugees a secret capital, skilled and easily exploitable, which would give Europe a lead on the merciless world market? If so, how to secure the most talented, skilled and educated, while pushing unskilled and unfitting labor away? Or are refugees a disturbing element for perceived homogenous societies? Are they bringing with them cultural demise, illnesses, chaos and violence to a harmonious and peaceful community of fellows? And once more, who is actually a true refugee and who just an “economical migrant”?

The decisions on who is worthy and who is not, are populations valuable or are they not, lie in the very essence of Western politics. Hungarians are experiencing an acceleration of this processes since 2010, when Orbán Viktor stormed the political scene, securing a 2/3 majority through the Fidesz-KDNP coalition. He was one of the first leaders in the EU to openly promote the so called “illiberal democratic” model of governance, or as we refer to it, the “authoritarian capitalist” model. What this model means is practically an interventionist state, utilizing brutal capitalist exploitation and safeguarding low levels of democratic participation.

While the government was busy achieving fiscal consolidation through devastating the public sector, they turned to racism and natural determinism to explain social inequality. The unemployed, the Roma and the homeless are lazy and idle, criminal and undisciplined, hence their poverty and misery. With this ideological trick, exploitation, inequality and brutal competition become “natural”, citizenship and political rights suddenly need to be earned. This logic, based on justifying exploitation, juxtaposes the law-abiding, diligent citizen to the idle but threatening parasite.

What to do when such ills are born out of the body of society? Clearly, Society needs to be defended! When we talk about securitization we should keep in mind that, although people's existential fears are being channeled into the field of the insecurity of bodily integrity, it is not the security of the ordinary citizen, which state apparatuses and institutions wish to protect, but rather the optimal social division of labor and its productive deployment: biological regulation of the social body. It is thus much more concerned with birth rates, illnesses, working hours, skills and powers of citizens, educational levels, aging of the population, idleness or employment, ethnic composition, mortality, etc.

The body of the refugee lies in a murky zone of indistinction between human rights (giving political form to the existence of the refugee), citizenship (being part of a political community) and his bare life (naked existence as human animal). Upon arrival on the shores of Europe, refugees are faced with different models of biological regulation, politicizing their bare life. While some may emphasize their strength and ability to contribute to Europe's high tech economy, others see in them a security threat for the native organic populations. It is certainly not a coincidence that discussions about the law and human rights were far outnumbered by more honest question, given the political balance in Europe: "What should we do with them?", "Are they dangerous?", "Are they useful and willing to work or are they lazy?"

Migrants are economically obsolete in most of Europe. There is no big industry in need of excessive amounts of surplus labor (that is anyway overaccumulated in Europe itself), especially not in a country like Hungary. Orbán recently stated that Hungary doesn't need a single migrant. Instead they need ethnic homogeneity and Hungarians in every workplace on the chain of production. Asylum procedures and integration programs, on the other hand, are lost money, especially when it is not returned in form of a scarce/needed skill or qualification. Once more, Hungary is struggling with massive poverty and inequality, which is harder and harder to contain, even though attempts of "cleaning the streets" have been made. Unemployed migrants would just add to, what Fidesz perceives as, mess and chaos.

Migrants are therefore dangerous, but not so much to the common citizen, as to the accumulation of capital, already burdened by constant reproducing surplus populations. The majority of them don't fit into high-tech post-industrial economies of northern and western Europe, while on the east and south they would just add to the sad colons of street dwellers. In the end it is all cold calculations by demographers and various experts, assessing health of

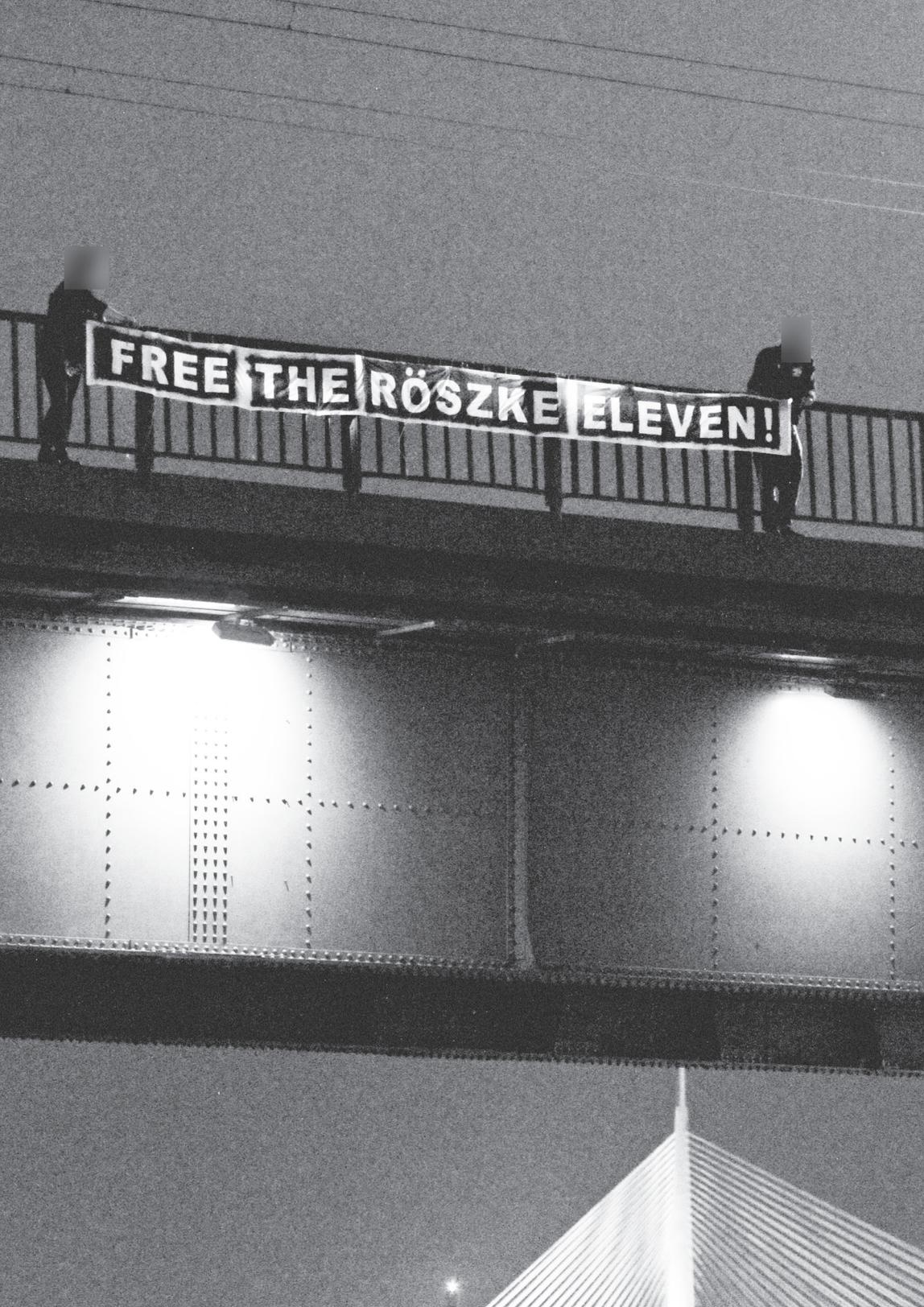
social bodies, strength and productivity of populations, “mixing-effects...” In the state of emergency in Hungary, recently expanded until September 2017, there is no mediation between state power and the naked life’s that confront it. Refugees and migrants are at the mercy of their punishers and captors, suspending every notion of right or law. Even in the court case of Ahmed H. one could clearly see how a single body was exposed to pure state power, with only virtual protection by existing laws and rights (and only on extra demand).

It is precisely this case that the government used as precedence, with the strong desire to establish firm connections between migrants and terrorists. Orbán’s words, with a short delay, become law. As he said that “all terrorist are migrants”, Ahmed’s destiny was already sealed. He came to be the starting point of the propaganda campaign, the justification of past and future action.

He protested, possibly even threw a couple of objects towards the police: this is the new terrorism. Just slight resistance and a will to confront power structures are enough, to provoke the state to unmask itself, to show the power of its sovereignty. If one might still think of this case as an exception, applying only for migrants, one must obviously be blind to the nature of show trials. As the final goal of Fidesz seems to be the elimination of the last traces of autonomy and democracy, show trials are useful experiments testing their hegemony, loyalty of officials and the workings of repressive apparatuses. If the experiments show to be running well, the exercise can be repeated, this time on somebody else.

Finally, Ahmed was constructed as a terrorist: the ultimate fear of the West, the threat lurking in the shadows and striking unexpectedly, unrecognizable since he is blending in with the population. As such he is effectively expelled from the political community, turned into an object which needs to be neutralized. Once more, he stands accused for all the rebellious and determined migrants, resisting selective migration and an existence of obsolescence. Now the “potential terrorists” will be all confined to containers on the “transit zone” between Hungary and Serbia, while there are millions being spent on reinforcing the border and equipping it with fresh new technology. The goal? Not even one person should enter Hungary. In the name of safety.

**FREE THE RÖSZKE ELEVEN!**



# THE THREAT OF DUBLIN-DEPORTATIONS, PSYCHOLOGICAL TORMENT AND VOLUNTARY RETURNS"

In Europe there are uncountable deterrence strategies to prevent refugees from entering the EU. Hungary uses imprisonment and harsh sentences, Germany and Austria work more subtle, with legislated hopelessness – their tool is named “voluntary return”:

The psychological torment the Rösztke 11 underwent will remain only partially graspable to all but the ones who were detained. They were arrested completely arbitrarily, in several cases because they were particularly vulnerable and could not move by themselves. They were thereafter exposed to the violence of the border guards and separated from their families, without knowing what is happening to them. They remained incarcerated for 9 month without having committed any crime, without knowing what exactly the charges against them are and for how much longer they will be imprisoned. All of this in a country, where they did not understand a word of the local language and while thinking they are in the EU, the so-called land of human rights and dignity.

Some of them, upon release from prison, were immediately put in a closed asylum detention centre, where the conditions are equally precarious as in the prison.

Once they were finally put in open camps and could flee Hungary, arriving in Germany, Austria or other EU countries, the migration authorities deployed further psychological pressure on them: Instead of finally feeling safe, the German and Austrian migration management in coordination with the IOM immediately started putting pressure on them, particularly on the ones from Iraq. They argued that according to the Dublin III regulations they will be sent back to Hungary – despite the unjust trial they went through, which came with an up to 6 years ban from Hungarian territory. What was offered to them – seemingly as the better alternative – was to instead “voluntarily” return to their war-torn home country, Iraq.

Two of the Rösztke 11 have by now return to Iraq “voluntarily”. G. made his

way to Europe because he was in need of a medical treatment due to several war injuries. When he finally arrived in Germany, he was kept waiting to receive medical help for months in vain. He had to await his Dublin decision. While waiting he was repeatedly told that he will be deported back to Hungary, although his legal options to stop the Dublin deportation were not bad at all. Constant physical pain and the threat of deportation put too much pressure on him. In the end the authorities reached their goal and he signed the voluntary return papers. *“I kept five years of false promises and my health became very bad. They didn’t give me the simplest treatment – where are the human rights, I cannot believe that this is Europe!”*, he summarized his experiences.

F. was among the last ones to be released from the closed asylum detention center in Hungary to travel on. In an interview conducted by members of the „Free the Rösztke11“ campaign shortly before he left for Iraq, F. stated: *„Of course I am afraid of going home. There is a war there. I might die there. But they told me they want to bring me back to Hungary. I would rather die than go back to Hungary. The psychological pressure I am under here is very bad. Whenever I see police I think they will come for me and catch me and put me into prison again. Now, they have brought me so far that I want to leave the EU to go back to Iraq. [...] In Hungary there is no humanity for refugees. They do not have mercy and they do not have respect for us. Shame on the European Union that they let Hungary be part. They should stop taking peoples fingerprints and stop sending people back to Hungary. I will go back to my country now. But for others, it is so shameful that they send people back to Hungary.”*

Further, noticing that the he will not be able to start the family reunification process anytime soon to get his wife and child to Europe led him to this decision. Instead of providing safety to people who often went through traumatic experiences of war and flight, the EU threatens them with deportations and makes legal and safe ways – such as the family reunification process – as inaccessible as possible.

That the EU profits from Hungary’s violent protection of the Schengen border is evident. Little critique is heard within the EU about human rights abuses and about implementations of new laws, which clearly breach EU law. And as soon as people arrive, Dublin deportations are announced, which makes the IOM sponsored “voluntary” return program seem like the better option. It is redundant to say that the responsibility to protect people seeking safety is lost thereby.

# THE SECOND LEVEL COURT HEARING AND VERDICT OF THE 10 RÖSZKE ACCUSED

3/2/2017

On February 28th 2017 the second level court hearing against ten of the Röske 11 – all but Ahmed H., who was sentenced to ten years of prison in a separate trial – was held in Szeged. The only person remaining in Hungarian custody and therefore present at the court hearing was Yamen A. The other nine people have left Hungary some month ago and claimed asylum in other European countries. Albeit two of them left Europe under the “voluntary return” act due to the immense pressure imposed on them and the threat to deport them back to Hungary under the Dublin Regulation.

## THE JUDGE AFFIRMES THE FIRST-INSTANCE VERDICT

The second level hearing was merely a revision of the first instance verdict, although some defence lawyers of the ten Röske accused appealed against the whole first instance trial, stating it had been full of flaws and that witnesses and evidence relevant to the cases had been rejected at first instance, and further that the verdict had barely contained a precise “description” of what the accused had actually committed. However, the second level judge endorsed the verdict of the first instance concerning the nine people who had already left Hungary and excluded any chance for a redress.

The nine affected apart from Yamen and Ahmed, who each had a year of their lives taken away (some even 14 months) by the Hungarian state, will not be considered for redemption. The systemic racism behind this denial of fundamental rights to refugees is salient.

This means that in Hungary, the simple presence (the “supportive attendance”, as the judge put it), of people seeking international protection at the Röske border crossing on the 16th of September 2015 – of the elderly, half blind women, of G. in his wheelchair, of F. on crouches, of K. holding his little daughters – is being punished with an at least one-year prison sentence.

## A REDUCTION OF YAMEN'S SENTENCE

Yamen had received a three years prison sentence in the first instance in 2016, as he was recognised speaking through a loudspeaker to the crowd. The judge detected some minor flaws in his prior verdict.

However, evidence that had been translated wrongfully in the first instance and used against Yamen was not revised. Although the lawyer asked for a precise re-translation and revision of important key-evidence, the judge dismissed this request, claiming that the court had no doubt of Yamen being the “leader of the mass riot”. The bare fact of him using a megaphone was sufficient prove.

Nonetheless, the judge reduced Yamen’s sentence form three years to two years in prison. He did not give a clear explanation apart from adjusting his punishment to the ones of the other nine accused.

The reduction to a two years sentence means that Yamen can be released on prohibition now, as he already served 2/3rd of this sentence. Yet this remains up to the authorities to grant. Further, there is the fear that he may be detained again and deported to Serbia; despite Yamen having claimed asylum in prison and in front of the judge again. Another fear is that Yaman will be put in a closed asylum detention camp. The Hungarian state announced that they plan changes in asylum law, which would mean that all asylum seekers get detained at the Serbian border until their asylum claim is fully processed. This rule is not yet in practice, but the systematic detaining of asylum seekers is already a common practice of the Hungarian state.

We demand the immediate release of Yaman A. and Ahmed H.!

SZABADSÁGOT  
YAMEN A-NAK!

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**„PEOPLE SHOULD KNOW ABOUT  
AND FEEL OUR SUFFERING OF THE  
PAST YEARS“.**

## **INTERVIEW WITH KAMEL AND B., HIS WIFE**

Austria, 24/2/2017

Finally! Kamel, one of the Rösztke 11, was the last one to be released from a closed camp in Hungary and was able to make his way to Austria. There, he could join his family again, from which he was separated for almost one and a half years. We are very happy about this news and continue to demand: Freedom for the last two of the Rösztke 11 who are still in prison, Yamen and Ahmed! Freedom for all other prisoners of the European border system! Freedom of Movement for All!

Kamel: „I was punished completely unjustified. I have not done anything and still they put me in prison. We left our country because we were fleeing death. I was seeking a future for my kids and family. And then I ended up in prison. I was separated from my family for one year and 4 month. It was very hard. People should know about and feel our suffering of the past years!“

**WHAT HAPPENED DURING THE PROTEST IN RÖSZKE IN SEPTEMBER 2015? WHY DO YOU THINK THEY TOOK YOU OUT OF THE CROWD?**

K.: „We were in the front, me and my family, in the first row. They said that there is a priority for families, that we should go in the first row with the children. So we went to the front, with my little daughters. But then the police started attacking. I was so afraid for my children, my family! they arrested many people and they separated women and men from each other. They said for investigation. This is how I got separated from my family.

B.: I was arrested as well and taken to prison for 3 days with the kids. There were only men there. I was very afraid and I did not know what was happening to my husband. After three days we were put in an open camp clo-

se to the Austrian border. I asked everyone about my husband. They said that they will investigate about my husband and then bring him to me. But nothing happened. I plead: „I just need to know where my husband is!“ I didn't have a phone and nothing. I was all by myself with my children. I asked people and the Red Cross to help me find my husband. I thought maybe he is dead. I went to Austria with my two children and finally, after two month of not knowing what is happening with my husband and whether he is still alive, I heard of him again.

K.: After two month in prison, without knowing what is going on, a law-er came to me. Through him I could finally contact my brother who got in contact with my wife. After 2 month! Then, all the accusations started to come in, about me throwing stones and hitting the police. I don't know why they picked me!

On this day, so many people were present. Also Journalists and organisations and the UNHCR. They had absolutely no proof that I did anything. Everyone saw this. There were so many cameras. We were only there in the front because they said that we should come forward because we are a family. It is all on camera: how the police open the gate and everyone was so happy. And then the police attacked us. I was gathering my children. I was holding them. How could I have done anything with my child in my arm? I was just so afraid for them. My daughter asked: Why baba, why are they attacking us? They attacked us with teargas and hit us. How can they accuse us of hitting them? we have not done anything! I was holding my daughter! And for that we were separated for one year and half and I was put in prison. We are refugees and we were put in prison. Why? We were fleeing war. What is this Europe? We fled from one death trap to the next!

#### **WHAT HAPPENED AFTERWARDS? WHAT HAPPENED IN PRISON?**

K.:It was the first time for me in prison. I have never done anything bad. It was very hard, psychologically, very hard. I am still tired. We were in prison with criminals, they were harassing us, stealing our blankets. We were in a room with a murderer, who got 25 years. And we, we did nothing.

B.: For me it was so much stress. first not knowing where he is and then knowing he is in prison for nothing and not knowing when he will be released. I tried to learn here. But it is difficult to concentrate on learning a new language with so much stress. But thank god, the kids are doing very well.

**WHAT HAPPENED IN THE COURT? HOW DID YOU EXPERIENCE THE COURT HEARINGS?**

K.: It was just slow and every two month our prison time was prolonged. And they didn't have one single evidence. Our lawyer put in so many requests for evidence being looked at, proof that we didn't do anything, but it was always rejected. They didn't have one single proof that we did anything.

**WHAT ARE YOUR PLANS FOR THE FUTURE?**

K: We came for the safety of our family and for the future of our children. Our lives were at risk. We are from Feluja, Iraq. It is ISIS territory. Now it is completely destroyed. 90% of the city is destroyed. Electricity, hospitals, schools, our house, everything destroyed.

I want a future for my children. I am grateful to be here. My children will have a future here. They go to school, they learn. My relatives fled to Kirkuk (Iraqi-Kurdistan). They are living in a refugee camp, they don't have a house and nothing, it is very very hard and tiring there. So I am glad to finally be here. Here we have a future!

متحدون ضد

الاضطهاد

الحرية للمتهمين

الآن!

## THE HUNGARIAN BORDER TODAY

Below is a testimony that was first published 19/2/2017 by Migszol Budapest. It tells of a refugees' experience crossing from Serbia into Hungary in January 2017, not far from the Röszke/Horgos border crossings, where a year and a half earlier, the Röszke 11 were arrested. The systematic violence that is repeatedly mirrored in testimonies is beyond belief. Accounts of beating, humiliation, taking people's clothes off, making them wet and letting them wait in the cold for hours, destroying money and mobile phones, chasing dogs on them – are returning themes in the accounts of refugees. There is an official transit point close to the Röszke/Horgos border crossing, where up until recently few people a day could officially apply for asylum in Hungary. A second one is closed at Kelebija/Tompa. These official entry points for refugees are used as an alibi to push people back in the most brutal ways. The Hungarian authorities argue that because people could legally ask for asylum at the two transit points, anyone who crosses irregularly loses the right to ask for protection. This is a breach of the Geneva Convention. In Serbia, thousands are stranded in deteriorating conditions; and the few people who are accepted to cross through the transit point are by now facing a waiting time of over a year. Besides, the decisions about who can cross at what time are highly obscure. Therefore, for most people the transit points are not an option.

Additionally, on the 28th of March, 2017, a new law was put into practice in Hungary, detaining all Asylum seekers in the containers at the transit zones until their asylum claims are fully processed. This means that people would be held prisoner for month. This is a clear breach of EU law. But the EU, unsurprisingly, remains inactive. The EU willingly accepts this kind of violence, abuse and deprivation of rights in order to keep its outer border shut.

## THE HELICOPTER

### **A refugee's testimony of what happened to them when crossing the Serbian-Hungarian border in January 2017**

“About one week ago, in January I crossed the Hungarian border. It was very cold that night but it wasn't snowing. We went before the snow. I was in a group of 42-45 people. There were 3 or 4 minors amongst us and 5 to 10 elderly people. It was after midnight when the fence got cut and we got through. We were still in the first jungle when we looked back and

saw a police car about one kilometre behind us, right in the spot where the fence has been cut. The police saw that. We carried on walking for about one hour, then we saw a main road in front of us. There was a lot of houses alongside it and people living there put their lights on to see who is passing by.

There was a jungle on the other side of the road. We saw police cars there, with their lights on. We saw them from quite far ahead. Policemen were walking through the jungle with their flashlights and we realised they were looking for us. Meanwhile a helicopter came as well. Somebody said we need to hide so we went to the only place we could do that, a field next to the road. They were looking for us for 20-25 minutes. A lot of them, 30-40 people. The helicopter flew above us and they saw us in its light. It flew around one more time to see if there was anyone else around and flew away.

5 minutes later the police came to us. We were all sitting. I thought that if I'll be in the middle of the group I won't get beaten as badly as people on the outside. I got up and moved to the middle. The policemen came to us and started shouting really loudly. Horrible screams and shouts that scared us. Every one of them had a stick and they went around hitting all the refugees not once, not twice but numerous times. They were kicking us in the same time. We were all sitting at that point and they kept hitting and kicking us for 15-20 minutes. Some of us got hit so bad that they kept crying very very loudly. They've been beaten so badly.

First they were hitting us all in the group, after they started doing it individually. You would think that they wouldn't hit the elderly and the minors but they hit them just as much. They didn't even bother to see who was older and who was younger, they just started hitting us right away. There was one man, he wasn't in our group, they caught him separately. They were beating him for 30 minutes. They were asking: "Where is the rest of your group?", and he didn't know. They grabbed him and smashed his head against the ground breaking his teeth. Blood was coming out of his ears and from his nose. His mouth was cut where the teeth broke. When they dropped us in Serbia he was done, he couldn't move. He just lied down on the ground. We carried him to the Horgos transit zone and they let him stay the night there.

The policemen were humiliating us and laughing at us. They were beating us and joking while doing it. They were saying: "Fuck you! Fuck Muslims! Muslims are animals". They put us all in a line and made us sit down. They were asking each of us where we were from. During this they were still hitting us. It didn't matter if you were in the beginning or in the middle of the

line. Whenever they felt like hitting you they would hit you. If one of us was sitting in a different way or if the line wasn't straight they would drag them out of the line they would beat them and push them back saying: "Sit straight!". In my whole life I've never been that scared. I've never been beaten this way and I've never seen anyone that was beaten this way. They've started searching through our belongings. They looked in our jackets. Threw our bags on the ground and used their legs to rummage through them, to see what we've got. They kicked everything out and said: "Pack your bags back up again!" They gave us only few seconds to do that, when somebody wasn't doing it fast enough they would hit them again saying: "Faster!" They made us take our clothes off during that time and they were still beating us.

Then they made us sit again and gave us our clothes back. They brought a police van around. There was a small sitting compartment inside and they made us sit in there. They took us to Horgos and got us out of the van. There was a police dog in front of the door and every time somebody would get out the dog would jump on them, barking and scaring them. They made us stand in a line again and one of the policemen held a can of tear gas. Then we saw a police car coming from the Serbian side so he didn't use it. The car stood at the border on the Serbian side.

They gave us a paper and asked which language we speak. The paper we were made to read aloud said: "We crossed the Hungarian border illegally. We now know that we can go legally through a transit zone", and "if we experienced any violence we can report that", but there was no number or information how we can do that. They were filming us as we were reading. Afterwards they deported us. The sun had risen when we entered into Serbia. That's how long they'd spent with us. The Serbian police didn't ask us if we got beaten. In the early days they used to ask us but now they don't anymore. They pointed us in the direction of Horgos. We tried to speak to them but they just told us to go. Nobody asks us. Nobody wants to listen to us."

This and other testimonies can be found on the Migszol website:  
[www.migszol.com/border-violence](http://www.migszol.com/border-violence)

FREE THE RÖSZKE EL

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**SCHMITZ**

**SCHMITZ**





cartoon of Yamen's trial

# THE PEOPLE AGAINST HUNGARY A DISOBEDIENT ROLE PLAY

*In the frame of a flash mob, a slightly simplified version of this play was held in Budapest in February 2017 on the day of Yamen A.'s final court hearing. It is based on the statement "The Terror Is The State" by the campaign from January 2017.*

*We invite everyone to use it for their political practice, solidarity actions, and to adapt it to other cases and topics...*

## *Characters*

\* \* \* \*

**JUDGE.** Intelligent, calm. Old left intellectual.

**THE PEOPLE.** Angry, demanding, hungry for justice, united in their struggle.

**ANNOUNCER.** Introduces the procedure.

**ASSISTANT.** Reads the testimonies of the victims of the State of Hungary, whom the latter keeps in captivity or expelled to other European countries.

**STATE OF HUNGARY.** Cold, arrogant, self-righteous. White.

**THE E.U.** [being absent]

## *Set*

\* \* \* \*

**REDEMPTION.** In a Europe where at times of capitalist crisis the states' response had been a cruel repression against its peoples and especially those who seek protection and security, the people of Europe have finally stood up against their emperors.

In a square in Budapest, a crowd has gathered. In an improvised court procedure, the people have decided to bring about justice over the victims of state repression and a capitalist society. Today, they bring to court the State of Hungary. Hungary is being accused of holding migrants in captivity and being a racist offender, and imposing terror and fear on its population.

Hungary's partner in crime, the E.U., could not be brought to court today. Yet the People of Europe are fiercely awaiting the procedure. They sit around the court while dusk is coming. A projector has been turned on. Soft voices in the background.

*Play*  
\* \* \* \*

**ANNOUNCER**

"People of Budapest and Europe! Hear, hear! We have gathered here to put the Hungarian state on trial for its criminal deeds! In 2015, this state has violently and arbitrarily imprisoned eleven people who were seeking safety for themselves and their families. It accused them with outrageous and unjustified charges of terrorism and mass riot in absurd, spectacular show trials. We have thus come together here today to put the state itself on trial and pass judgment on its actions. As this state has made a spectacle of the judgment of others we will make a spectacle of the revelation of its criminal deeds! Come here and join us now. We will hear testimonies, review the evidence and decide whether it is the people or the state who is at fault."

**JUDGE**

"Silence in the courtroom!" [*Glances over their glasses.*]

"Good evening everyone.

In the name of the people, we have gathered to proclaim the final verdict against the accused Hungarian state... To my right, you find a delegate of the people of Hungary and the world.... To my left, you find the accused, the State of Hungary. My dear attendees – and absentees, as I dare say the E.U. will soon know what we have decided here today – we have come together today for a very severe matter. Human lives are under threat. People are held in captivity."

[pause].

"Dear People, now please express your concerns. What are your accusations?"

**THE PEOPLE**

"In the year of 2010, the accused party, the Hungarian state, has chosen to follow the politics of the fanatic Fidesz sect. This *political party* which uses corruption and brute force to devastate the social, economical and political fabric of the Hungarian society, was allowed to *govern* the State of Hungary.

Your Honour, while we find little that the accused has said or done about issues such as housing, education, health and social programs, there is a sheer infinite possession it has in prosecuting political opposition and minorities, police brutality and complex and expensive nationalistic commemorations.

The accused has taken specific interest in the rising numbers of people arriving in Europe to seek asylum in 2015, responding with erecting a high-tech razor wire fence and restricting asylum and border crossing legislation. The accused claims to protect native European Christian population (not including the poor, the homeless, the working class, LGBTQ people, people with disabilities, Roma, etc...) *from uncontrollable migrant crowds,*"

[*The Delegate expresses irony in their voice*].

"On the 16th of September, 2015, several hundred migrants protested against the border closure, demanding open borders. As we all here in this court room know, the accused responded with water cannons, tear gas and violence to smash the crowd. And we also know that these refugees were naturally some of us, the people. The state of Hungary has thus imposed an attack on all of us.

But all this, your honour, is just general talk. Why we are standing here today, is because the State of Hungary has committed a serious crime on that day and continues to do so ever since. On that very day, it brought eleven people under its control and holds them in captivity. One of them is an elderly, half-blind woman, another one is a young man in a wheelchair..."

## **STATE OF HUNGARY**

[*interrupts, points at the delegate.*] "Your Honour, what a scandalous accusation! Objection! I am *protecting*, protecting the people of Hungary against these *dangerous individuals*..."

## **JUDGE**

"Defendant! It is not your turn yet! Be silent!" [*Pause. Towards the delegate:*] "Go ahead, please."

## **THE PEOPLE**

"... well, as we can even witness here today, the accused is not ashamed and publicly justifies itself, claiming the Eleven had made themselves guilty of *mass riot, illegal border crossing* and one of them with *terrorism*. The Eleven were held in several prisons or detention centers. Ten of them had their trials in July 2016, while the terrorism case got its epilogue in November the same year. In a court procedure this state held, all of them were found guilty. Nine people are already free, while the accused is still imprisoning Yamen A., who is in Asylum detention after a two-year prison sentence, and Ahmed H., locked up in prison, facing ten years in jail.

Not only has the State of Hungary *committed* these serious crimes! No! It also seems proud of it! And – your honour, dear audience, listen to me! – as I have pointed out, it also justifies its crimes by saying the people it took arbitrarily on that day and whom it threw in a jail cell – have done a crime and not the other way round! This is devastating! We demand a harsh punishment! We demand justice!”

### **JUDGE**

“Okay, my dear delegate. Thank you.

Defendant,” [*turns towards the state of Hungary*] “what is it that you have to say to this?”

### **STATE OF HUNGARY**

[*gets up from its chair, looks at the judge*].

“Your Honour. I am not guilty. I am protecting native European populations from uncontrollable migrant crowds, which are uncivilized and pose a security threat, as well as a cultural threat to our healthy nation. When I speak about *native populations*” [*turns towards the audience with an arrogant and angry gesture*], “I mean wealthy, white passport holders, since we also have internal aliens, such as Roma, homeless, communists, the poor and the sexually perverted. Those I do not want to protect!

Since I don’t regard illegal migrants as fully human and part of the political community, I don’t see them as possessing any rights. That’s why law and other conventions don’t apply for them, allowing me to use violence, detention and other means to eliminate them. When the time comes, we will do the same with our internal enemies! Thanks also to Trump, who liberated us from any common sense and political responsibility.” [*speaks with a triumphant voice*]. “The world will be a better place for us, the wealthy and the powerful.”

### **JUDGE**

“Well, thank you, State of Hungary, for your, uhm... *informative*... statement. We will now hear the testimonies of the victims of the defendant. We will start hearing about Yamen, who is held in asylum detention after he has been convicted in February 2017.”

### **ASSISTANT**

[*gets up, takes a paper, reads*].

“Yamen A., 21, from Syria, was forced to interrupt his university studies of psychology and leave his home because he refused military service so that he could avoid participation in the war. On the 16th of September, 2015, he reached Rösztke, Hungary, where thousands of refugees were stopped by the freshly constructed,

militarised fence, hoping to finally reach a safe country. On the second day of waiting, a peaceful protest started. The Hungarian authorities deployed the special forces of the Counter Terrorism Centre (TEK). Water cannons and tear gas were used through the fence against the crowd including children, women, elderly, international press and Serbian ambulance crew. A lot of people got severely injured. Yamen was among those who helped an injured ambulance crew, he also spoke a few minutes on a loudspeaker telling the crowd to remain calm, and later thanking Hungary for letting them pass, as at some point the police moved back, a gate opened and people believed they were being allowed to pass. Yamen is a student who just wanted to peacefully continue his studies in a country where there is no war! He spent 18 months in isolation imprisoned in the “Szegez II. Objektum” instead and is now held in asylum detention.”

#### **JUDGE**

“I see. Thank you for reading this. Hungary, may we learn from you why you did this to this young man who came to Europe to seek safety?”

#### **STATE OF HUNGARY**

“This individual has been present at the border that day. This means, through his *supportive attendance* of the event he has made himself guilty... and I had to punish him with a year of prison just for that.

But also, I was able to identify him as the *leader of the mass riot*. Why? That was very easy to see: He held a megaphone. This made him the leader, very clearly.”

#### **JUDGE**

“But Hungary, you have not even taken into account what the young man has said through that very megaphone. As we just heard, he did not say anything that could justify your accusation of him being a leader of a mass riot.”

#### **STATE OF HUNGARY**

“He held a megaphone, that is sufficient proof! My court sentenced him! I make the rules!”

#### **JUDGE**

“Oh indeed, we have all had a taste of those very rules you have made... But we shall now gather more evidence. Hamada from Syria was captured by Hungary, too. Assistant, please let us know about him. Read his testimony to us.”

## **ASSISTANT**

*[reads another paper].*

„We were too many arrested, so the Hungarian police separated us. Some were released, we were put into prison. The policeman were talking to us very badly, calling us terrorists. We were put into one room, which was controlled every 5 minutes.

We did receive help from lawyers, but the judge was merciless. They didn't want to release us, even though there was no evidence. The only witnesses who were allowed were policemen, yet none of them could identify us.

The lawyers wanted to present video material, but the judge refused. In the end, most of us we were only convicted of illegally crossing the border, for which they sentenced me with 1 year and 2 months of prison. In prison we were 23 hours inside, with only one hour of outside recreation. The prison manager told me we should be thankful to be here, to get food, since it's better than in Syria. Some other policeman told me, that we shouldn't receive food or money, we should just go back to our country.

The policeman were telling us they don't like us. They said that they are working for 12 hours and earn 300 Euros, while we will go to Germany and get even more without working. They told me that refugees are terrorists, that we are terrorists.

I just want to live a normal live, in a safe place. Like everybody.

In Germany I applied for asylum. The office told me that my fingerprints were taken in another EU country and that maybe they will send me there. I can't imagine it... I want to stay in Germany.”

## **JUDGE**

“Thank you. Now, dear court assistant, please read to us Kamel's testimony, whom Hungary held in prison and in a closed camp for 16 months.”

## **ASSISTANT**

*[again takes another paper and reads.]*

„I was punished completely unjustifiably. I have not done anything and still they put me in prison. We left our country because we were fleeing death. I was seeking a future for my kids and family. And then I ended up in prison. I was separated from my family for one year and 4 months. It was very hard. People should know about and feel our suffering of the past years...

We were in the front, me and my family, in the first row. They said that there is a priority for families, that we should go in the first row with the children. So we went to the front, with my little daughters. But then the police started attacking. I was so afraid for my children, my family! they arrested many people and they separated women and men from each other. They said for investigation.

This is how I got separated from my family. After two months in prison, without knowing what is going on, a lawyer came to me. Through him I could finally contact my brother who got in contact with my wife. After 2 months! Then, all the accusations started to come in, about me throwing stones and hitting the police. I don't know why they picked me!

On this day, so many people were present. Also journalists and organisations and the UNHCR. They had absolutely no proof that I did anything. Everyone saw this. There were so many cameras. We were only there in the front because they said that we should come forward because we are a family. It is all on camera: how the police open the gate and everyone was so happy. And then the police attacked us. I was gathering my children. I was holding them. How could I have done anything with my child in my arm? I was just so afraid for them. My daughter asked: Why Baba, why are they attacking us? They attacked us with tear gas and hit us. How can they accuse us of hitting them? we have not done anything! I was holding my daughter! And for that we were separated for one year and half and I was put in prison.

We are refugees and we were put in prison. Why? We were fleeing war. What is this Europe? We fled from one death trap to the next! This was the first time for me in prison. I have never done anything bad. It was very hard, psychologically, very hard. I am still tired. We were in prison with criminals, they were harassing us, stealing our blankets. We were in a room with a murderer, who got 25 years. And we, we did nothing.

The court hearings were just slow and every two month our prison time was prolonged. And they didn't have one single piece of evidence. Our lawyer put in so many requests for evidence to be looked at, proof that we didn't do anything, but it was always rejected. They didn't have any proof that we did anything!"

[sits down.]

[a moment of silence.]

### **JUDGE**

"Thank you for reading, and let us appreciate that Kamel and the others have shared their stories with us. Let us now acknowledge this by finding justice in this matter."

[pause.]

"People, is there more from your side to say about the accused? What about the fact that the accused has decided to hold a Syrian man in prison for ten years, although he has not done a crime, as is obvious, to be frank...?"

## THE PEOPLE

Yes. This is a crazy story, but unfortunately, it is true. Ahmed H., who is a Syrian who has lived in Cyprus for many years, where he has a family with his Cyprian wife, came to help his family from Syria when they made their journey towards Europe. On that day at the Röszke border crossing, he, too, spoke through a megaphone to the police. There is video evidence showing that he tried to establish communication between the waiting refugees and the police officers. This evidence was not allowed to be shown in court, your Honour.

He has been caught by the Hungarian police, too. He has been charged with terrorism. He is accused not only of being the leader of a mass riot, but also of having thrown three stones. This, in the eyes of Hungary, makes him a terrorist. Therefore, Hungary has decided to lock him up for ten years.

Hungary has not allowed any journalist or activist to speak before the court. The only witnesses allowed were policemen. Hungarian policemen.”

## STATE OF HUNGARY

“He deserves it! And he is an Arab and a muslim! That’s enough proof for me, no doubt whatsoever! There is no need to see the video footage, I already know that he is a criminal and a terrorist. He has done a pilgrimage to Mecca! That is enough evidence for me that he is an Islamist and a terrorist! Guilty! Guilty!...”

## JUDGE

“Enough!”

*[Glares at the State of Hungary. Clears their throat and turns towards the audience, straightens themselves].*

“I am letting you know that we, the court, have commissioned an expert opinion on the activities of Hungary with other dubious groups.

Well. As our in-depth investigations have shown, the Hungarian state is part of a highly suspicious organisation – the European Union.

I reckon it would be very insightful to have the E.U. here today, under oath... but well...” *[sighs]*.

“The European Union is previously known for organised crime in the form of global exploitation, military interventions and the construction of deadly borders, building on a long European tradition of enslavement, colonialism and ruthless exploitation. This makes the membership of the Hungarian state in the E.U. a significant indicator for its tendency towards crime.

From expert medical reports, which we have also commissioned, we are able to state that the accused was in full awareness of its

actions. The medical records show that the Hungarian State can be described as paranoid, narcissistic and showing strong symptoms of racism and hatred against freedom and equality...”

### **STATE OF HUNGARY**

[*contemptuously*] “Pah! *Freedom and equality!* Don’t make me laugh...”

### **JUDGE**

“... the defendant also shows a significant insensitivity towards the suffering of humans. This diagnosis leads us to the conclusion that it is very likely that the crimes will be repeated in the future.”

[*looks into their papers.*]

“I see that we have here a testimony of the border violence that Hungary repeatedly applies to people. Please, dear court assistant, read it for us.”

### **ASSISTANT**

[*gets up again, takes another paper and starts reading.*]

“There were around 15 policemen with trained dogs, heat-sensors and handguns. They saw us in the light. They rounded us up, and released dogs on us. Then, without asking any questions first, the police officers started kicking and beating us. Afterwards they searched each of us, checking pockets and backpacks, destroying money and smartphones. Money was shredded in front of our faces, smartphones smashed on the ground. Policemen took out batteries and SIM cards from each phone and destroyed them separately.

Then they collected all the warm clothing we had: jackets, gloves, hats, scarves, shoes and socks, leaving us only in light jumpers and trousers. Every person who wore more than one pair of trousers was told to take them off.

Meanwhile, one more police car came. Newly arrived officers joined the rest. They hit one of my friends with a stick, severely cutting his head. Then they ordered all of us to sit in a line, with our legs spread, hands on our knees and bowed heads, and started pouring the water they had found in the bags on our heads and clothes.

After that they ordered one man to stand up with his hands behind his back. One of the police officers grabbed him by his collar, threw him on the ground and put a gun against his head. When the victim started crying and begging for mercy the officer took his gun away while another policeman put his leg on the man’s neck and held him down so others could kick him.

Then everyone had the dogs released on them again. When we were trying to back off to escape the dogs, police officers were on the other side of us, kicking us back towards the dogs. This was repeated several times. In the meantime, some policemen were

drinking tea in the car observing us and laughing at us.”

### **THE PEOPLE**

“According to testimonies, according to the evidences, it is obvious that the trials and treatment of the Rösztke Eleven, the violence at the border and the oppression of citizens were a conscious crime! Knowing the global political context of inequality and war, the Hungarian state could have chosen to acknowledge human life as life.

My *dear* State of Hungary, you could have chosen to respect the integrity of the human body. You could have chosen to at least respect the international legal frameworks you have signed. But in full awareness you chose *not* to do that, but instead to follow an agenda of oppression. Oppression of us, the people.

Your Honour, we, the people, will no longer tolerate this behaviour. We will take our lives in our own hands. We will take care of one another, act in solidarity and respect. But we also demand justice! We demand justice for the detainees!”

### **JUDGE**

*[looks very serious, takes a deep breath.]*

“Yes, now, about the punishment. What will we charge you for, Hungary? You yourself have used the term terrorism in your justification of holding Ahmed H. in prison. What is terror whatsoever, Hungary?” *[looks the State of Hungary in the eye.]*

“We can consider terrorism as any organised attempt to spread fear, to injure and intimidate populations, to tear apart the society, to oppress popular democracy.

Not only the testimonies have shown that the actions of the state have taken years and years of the victims’ life. Also it has targeted and effected society as such.

So I come to the conclusion that he defendant can be held accountable for several reasons: It is to be held accountable because of our medical diagnosis that violence against migrants and the society is like to be repeated in the future.

It is to be held accountable because it rejected the permanent voices of protest, dissent and criticism.

It is to be held accountable because in full consciousness it continued with the show trials, the imprisonments, the violence at the border, the repression of democracy.

Thus, according to the crime book, we find the Hungarian state *guilty* of terrorism!”

### **ANNOUNCER**

“So what now, people?” *[starts walking along the court room, while the attendees remain silent].*

“What do we do if we find the highest instance guilty of terrorism? If *we* think, *they* do wrong and harmful things? What would be the best punishment?” [*faces the audience.*]

“The people should decide about the treatment of their governments and the E.U. .... So, people of Hungary, it takes your voice and your actions to let them know your opinion.

It is up to *you*, people of this society! It is up to the movements of social and political change. It is up to everyone in this country. *The fate of this government is in your hands.* What shall we do?”

\* \* \*

*The End*



## RELATED COURT CASES

### GREECE: FREEDOM FOR MAHMOUD A.!

Posted 13/2/2017. Mixed with earlier info about the case

On Thursday 8th of February, Mahmoud A. was brought for his interrogation with the prosecutor in Kilkis in Northern Greece. He is accused of having organized a demonstration in the refugee camp Idomeni at the Greek-Macedonian Border on 10th of April last year. The prosecutor is trying to hold him accountable for the events of this day, where the Macedonian Military and Greek border police was attacking the protesting refugees and migrants with tear-gas, rubber bullets and stun grenades. He is therefore accused of having spread a leaflet that is calling for the action, suborning people to illegally passing the borders and being a threat for national security.

On 10th of February 2016, a time where more than 10 000 people were stuck in Idomeni, hundreds of refugees went to a demonstration at the border fence. A small delegation of five refugees went to the border police before in order to discuss if they could cross Macedonian territory, claiming they neither wanted food or money, but just to cross the border. After their demand was denied by the border police a demonstration erupted. The Macedonian military answered with tear gas, rubber bullets and stun grenades, attacking the protesting refugees, many of them children. Hundreds of people had been injured by the attack of the Macedonian military. On Friday 3rd of February Mahmoud A. got arrested in the asylum center of Thessaloniki when he came to attend the interview for his asylum application. He was brought to the police station of Thessaloniki and did not know why he has been arrested or for how long he will have to remain imprisoned. On Thursday, the 8th of February about 30 activists of different nationalities gathered in front of the court in Kilkis in the early morning hours to wait for the decision of the prosecutor for four hours. After six days of tireless efforts by supporters and the group solidarity lawyers from Thessaloniki and Kilkis, it was decided that Mahmoud will be released from prison

without restrictions until his trial will begin. He was joyfully welcomed by his friends and supporters.

Although this decision is a small success, it is not a time to celebrate. The accusations that are brought up against Mahmoud are still a well planned move of the government against refugees that dare to speak out against the mistreatment and cruelty that people forced to migrate have faced in Idomeni and are still facing on a daily base all over Europe. Furthermore it is not clear, which influence this trial will have on Mahmoud's relocation procedure. No matter the outcome of the trial it is already clear that he will be forced to stay in the trap called Greece like many others for an even longer period of time while having to await his trial. Due to the insufficiency and unwillingness of the Greek and EU administration the implementation of court procedures as well as asylum and relocation applications already force thousands of people to be stuck in a limbo of waiting in unacceptable living conditions.

It is clear that this trial is not an attempt to really find those responsible for hundreds of injured and traumatized. It is a political campaign against those that are not willing to silently accept the inhumane treatment they are exposed to in Greece and other countries of Europe on a daily base. It is aiming to scare and mute people that are exposing and fighting the injustice they are facing on a daily base, using the cover of a so called "system of justice".

It is not acceptable that those who are the victims of the EU's border policy are now held responsible for the violence and cruelty that are needed to implement it.

We will keep updating on the case of Mahmoud A. and are happy to see him free and reunited with his friends again. If you are interested in supporting this campaign and our work, write an email to [antirep-thessaloniki@riseup.net](mailto:antirep-thessaloniki@riseup.net).

**WE ARE STANDING AGAINST ALL BORDERS AND THOSE WHO KEEP THEM UP.**

**NO REPRESSION WILL KEEP US FROM SUPPORTING EVERYONE WHO IS FIGHTING FOR EQUALITY AND LIBERATION!**

# OUR STRENGTH IS SOLIDARITY. LUXEMBOURG: AN INTERVIEW WITH THE ACCUSED REFUGEES WHO WERE PART OF THE MARCH FOR FREEDOM 2014 TO BRUSSELS

YOU HAVE BEEN PART OF THE "MARCH FOR FREEDOM" IN 2014, PLEASE INTRODUCE YOURSELVES AND TELL US WHY YOU JOINED THE MARCH.

F/Y: Many different people and groups joined the March for Freedom. Mainly self-organized migrants and refugees, as for example those who squatted the Oranienplatz and the Gerhart Hauptmann school in Berlin. Also from Bavaria many refugees joined, as there had been protest marches the years before. Activists from Amsterdam were part of it as well as Sans-Papiers groups from Italy, Belgium and France. The Mobilisation had been decentralized and European wide, so additionally many individuals joined. A lot of Refugees, migrants and people from whole Europe were in solidarity and joined parts of the March. People in difficult situations took great efforts in order to protest against the asylum politics of the EU. One day, we even had three horses with us! We wanted to bring our anger to the places where all these racist and repressive migration- and asylum laws are decided. Therefore, we had actions in Strasbourg, Luxemburg und Brussels.

That's why among the accused are three refugees who applied for asylum with and without residence permit status and three of us are EU-citizens. We joined the March, because we have the right to protest. We wanted to fight against the current asylum politics, against FRONTEX, the Dublin-System and the European border regime. We wanted to demonstrate that we don't bow to their borders. The illegalisation of migration is organized European wide. That's why the fight for the freedom of movement has to be internationally connected as well. That's what brought us together.

WHAT ARE YOU ACCUSED OF IN THE TRIAL IN LUXEMBOURG? WHAT HAPPENED THERE?

F/Y: We spent two days in Luxemburg with the March4Freedom. We knew

MARSCH FÜR DIE FREIHEIT  
**MARCHE POUR LA LIBERTÉ**  
MARCH FOR FREEDOM

STRASBOURG - BRUSSELS  
MAY & JUNE 2014

Bewegungsfreiheit & Bleiberecht für alle

- ★ **Liberté de circulation & de résidence pour tous et toutes**  
Freedom of movement & residency for all

Stopp der Verhaftungen & Abschiebungen von Geflüchteten und Migrant\*innen

- ★ **Fin aux détentions & expulsions de réfugié\*es et migrant\*es**  
Stop detention & deportation of refugees and migrants

Abschaffung von Dublin III, Frontex, Eurosur & Fingerabdrücken

- ★ **Abolition de Dublin III, Frontex, Eurosur & des empreintes digitales**  
Abolish Dublin III, Frontex, Eurosur & Fingerprinting

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that at the day of our departure a conference of the EU ministers of interior takes place. They discussed the „fight against illegal immigration“. We went in front of the building and shouted „Stop Deportation“. When some of us tried to enter the building for demanding our right to speak as affected people, the police acted with violence. Later, when we gathered outside again to continue our manifestation, the police assaulted us again. This time they also arrested thirteen people. The police escalated the situation. They used batons, teargas and dogs. One of us was injured by a dog. The police was unable to cope with the situation. They used the teargas aimlessly and even injured their own people. Now they accuse us for this situation.

We are accused of having been part of an armed and planned insurgence. In addition, we individually are blamed for bodily injuries, insulting state officials and for resisting against executive officers as well as for damaging property. Many of us were injured. We are still bewildered and shocked from the police violence at that time and about the extent of repression. The March4Freedom has been a peaceful event; we clearly communicated our demands via leaflets and online. In no other place we experienced confrontations with the police.

**DO YOU HAVE THE IMPRESSION THAT THEY TREAT YOU DIFFERENTLY BECAUSE YOU ARE REFUGEES?**

Y: In the police station they beat me and insulted me in a racist way. I got injured on my head, my arm and shoulder. They denounced me to be racist – funnily enough! I had the feeling to have no rights although I fought for my rights. They did what they wanted. Do I not have the right to say my opinion as a refugee? I joined many manifestations. I never have been violent. The accusations „armed rebellion“ and „bodily injury“ are unbelievable to me. Being imprisoned for fighting for freedom is equally unbelievable to me It is terrible, because I don't understand what happens in Luxemburg. At the police station they didn't want to arrange an interpreter for me. Is there no right to demonstrate in Luxemburg?

We announced very early that we need an interpreter for the hearing. The day of the hearing in November 2016 no interpreter was present. They had two years time to prepare this trial. Why are they unable to manage this?

**THERE ARE MANY TRIALS AGAINST REFUGEES WHO FIGHT FOR THEIR FREEDOM OF MOVEMENT RIGHT NOW, ALSO BEYOND GERMANY. DO YOU SPOT SEE CORRELATIONS BETWEEN YOU AND OTHER CASES?**

F/Y: The March for Freedom took place in a different legal and political situ-

ation than those that have lead to the humanitarian Corridor on the Balkan route in 2015. But we think, that especially the European wide protests of refugee-self-organisations since 2012 for example in Germany, the Netherlands, Austria, Italy, France, Spain, Greece and other places contributed a lot to the fact that so many people in Europe took notice of all those who fled via the Balkan route in 2015 and therefore supported them.

The demands stay the same: Abolition of the Dublin-system. Stop deportations. Shut down Frontex. Abolition of the Lager-system. Fight racism and all other forms of suppression of refugees. The EU-border regime is organized centrally. That is why we have to transnationalize or fights against isolation, borders and imperial wars. Our strength is solidarity and we fight for our basic and human rights. Hopefully, the people in power inside the EU will understand this. Our protests will continue, even if the situation changes or become worse. The resistance of the disenfranchised really makes the powerful angry. Therefore they increase pressure and repression against us. The worst problem is that within this euphoria around the Welcome-culture the repression against self-organized protests is forgotten. Therefore we receive only little attention for our and for other trials.

**THIS INTERVIEW IS PART OF A BROCHURE ABOUT THE „RÖSZKE 11“. DO YOU HAVE A MESSAGE FOR THEM?**

F/Y: Our thoughts and our solidarity are with the people in prison and all who are affected by repression and of course with their families as well. Prison cannot silence the demands for freedom of movement. Even 10 or 20 years later, the demands remain the same. If protests for the freedom of movement are attacked in the same was as terrorism is, we wonder, do you not see a difference between the fight for freedom and terrorism? Crossing national borders is not terrorism! Solidarity greetings to Ahmed, Yamen, Kamel and Farouk.

**WHAT KIND OF SUPPORT IS IMPORTANT FOR YOU RIGHT NOW?**

F/Y: Well, we need money. Trials in Luxemburg are even more expensive than in Germany! Please donate here:

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# THE RÖSZKE 11 SOLIDARITY CAMPAIGN

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March 2017