

**D**♥**BRODOŠLI!**  
أهلاً و سهلاً بكم!  
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**ARE YOU**  
**SYRi**IOUS

**THE SECOND REPORT ON UNLAWFUL AND FORCED PUSH BACKS OF  
REFUGEES FROM THE REPUBLIC OF CROATIA**

Zagreb, 7 March 2017

On several occasions in January and February, activists of Are You Syrious? and the Welcome! Initiative stayed in Serbia (in Belgrade, Šid and other places) with the aim of documenting cases of police violence against refugees who were denied access to the asylum system, of which we were informed by the refugees residing on the territory of Serbia. In this regard, on 24 January 2017 we published and presented to the public the Report on Unlawful and Forced Push Backs of Refugees from the Republic of Croatia. The report was followed by a complaint to the Ministry of the Interior submitted on 26 January, and a complaint to the Ombudswoman. At the invitation of the Ministry of the Interior, a meeting was held with the Police Directorate, other services of the Ministry of the Interior and NGOs engaged mainly in providing direct support to refugees in Croatia.

As the coordinator of the Welcome! Initiative, the Centre for Peace Studies presented two requests to the Police Directorate at the meeting: the first referred to enabling civilian monitoring of the border and border police conduct towards refugees, while the second referred to organizing the return to Croatia of refugees who reported violent treatment of Croatian police and prevention of access to the asylum system, whose identity and location are known to the Welcome! Initiative and Are You Syrious?. The second request was rejected at the meeting, with the reasoning that the mechanism of international legal assistance was activated between the Republic of Croatia and the Republic of Serbia to examine those allegations. The first request, civilian monitoring of the borders, was rejected later, at the meeting held between the Police Directorate, Are You Syrious? and the Welcome! Initiative (on 8 February 2017), for security reasons. The Directorate offered a visit to border crossings with police supervision.

The complaint to the Ministry of the Interior submitted by the Welcome! Initiative and AYS? resulted in a criminal investigation. After the expiry of the statutory period of 30 days and after additional five business days, the Police Directorate informed us that they have conducted checks in order to determine the merits of the complaints and alleged unprofessional and unlawful conduct of Croatian police officers. In a response to the submitted complaint, the Police Directorate responded to individual cases and, for three of six cases, said that the authorities issued a Decision on Return with a 30-day deadline for leaving the European Economic Area (EEA) to foreigners who have illegally entered the territory of the Republic of Croatia. Given that they all had 30 days to leave the EEA, the question is why the police pushed them back to the border area or to the territory of the Republic of Serbia the same or the following day.

In the aforementioned response, the Police Directorate claimed that they were unable to confirm the allegations from the complaint about police refusal to register the migrants' intentions to seek international protection in the Republic of Croatia. However, the testimonies we obtained from refugees speak to the contrary. In addition, the stays of several of them in police stations in Croatia, confirmed by the Police Directorate, speak in favour of the claim that intentions to seek asylum have indeed been expressed.

Following an unsatisfactory official response by the Ministry of the Interior which states that the checks conducted up to that point had not found unprofessional or unlawful conduct of

police officials towards migrants, the Welcome! Initiative and Are You Syrious? lodged a criminal complaint.

Complaints about police violence against refugees and police preventing access to the asylum system continue to pour in. During a subsequent stay in Belgrade (11 to 12 February 2017 and 2 to 4 March 2017), we talked to twenty-five (25) refugees and documented their testimonies. To our knowledge, people of different age groups, including minors, mostly from Afghanistan and Pakistan are pushed back from Croatian territory. Many of these pushed-back people have on several occasions been in Croatia (in different locations). While in Croatia, some of them explicitly sought international protection or asylum. Some claim that police officers prohibited them from speaking and they were unable to claim asylum, even though they wanted to.

We would like to isolate and present several cases. The first refers to a group of 10 young men (citizens of Pakistan) who expressed intentions to seek asylum in a police station, after which police officers took their fingerprints and photographed them. After that, instead of taking them to the Reception Centre for Asylum Seekers, they took them to the Croatia-Serbia border and told them to return to Serbia. Another case involves two citizens of Pakistan who were prevented from entering Croatia despite having visas for the pre-Schengen zone. The police also asked them to sign “papers” stating that they are not in possession of valid visas and that they lack funds to enter Croatia. The two of them said that they refused to sign the papers because they were untrue and that a police officer signed the papers for them.

The refugees we talked to were found on Croatian territory both near the border and deep within Croatian territory. In conversation, we found out that they came into contact with Croatian police in various locations while on Croatian territory. After being arrested in various locations (in the woods, along the highway, etc.), most were not taken to police stations despite expressing intention to seek asylum, but were instead taken near the border with Serbia and forced to return. The people we talked to were pushed-back from the Republic of Croatia sometime in the month preceding to the interviews, while several interviewees stated that they arrived to Belgrade a day or two prior to the interview. In most cases, the persons we talked to travelled in larger groups (ranging from 10 to even 40 people).

The testimonies collected in the last series of interviews document the following:

- Overstepping authority (e.g. one interviewee claimed that a police officer told him “no asylum here”, another that the police said this was Croatia and not Afghanistan and that he should return to Serbia, while a third one said he yelled “asylum asylum” to which a police officer responded “no asylum”);
- Signing documents in Croatian or another language the refugees are unable to understand, a a police officer signing documents when a refugee refused to sign them;
- Generally, these signed documents are not given to the them, which prevents us from documenting their cases and submitting complaints;
- Expulsions despite them explicitly seeking asylum / international protection in Croatia;

- Violent behavior of police officers (they reported being beaten by batons and fists, being prevented from speaking, forced to take off their shoes and stand or kneel in the snow, police officers putting snow on their necks and shoes, police lining themselves as to face each other in the so-called tunnel formation through which the refugees were forced to pass while being beaten:
  - In conversation with two groups of refugees we found out that a larger number (one group said six) police officers formed a “passage” through which they had to pass one by one while the police beat them with batons;
  - Refugees talked about being pushed, the police kicking different parts of their bodies, hitting them with fists on the face and with batons on the abdomen, thighs and other body parts, and undressing them (e.g. one of the people we talked to said they they were forced to take off their shoes and jackets);
  - One of the refugees talked about a combination of mental and physical violence – he said that the police would tell him and the group of young men with him to turn to one side, after which they would hit them on the other side of the face; some of the refugees were provoked to fight the police, which they refused because they expected it would lead to more beatings; in some of the stories, the refugees were thrown on the floor and beaten by Croatian police, with two police officers beating a refugee and a third one making sure that the refugee would not escape – due to the injuries sustained, one of the refugees could not eat for a week;
  - Refugees also report being accused of smuggling and then beaten, etc.;
- Seizure of valuables and personal belongings, e.g. money, destruction or confiscation of mobile phones, destruction of SIM cards from mobile phones, etc.

As we have documented in the first report, according to refugee testimonies, Croatian police usually transfers them in police vehicles to secluded places along the border with Serbia and more precisely, according to some statements, to the railway line and the old railway facility located in the border area between Tovarnik and Šid. According to the testimonies, the police sometimes tells the refugees that they are going to the place where they can initiate the asylum process or the place where they will be accommodated during the next period in which the authorities will determine if their claim for asylum is justified. However, the police instead takes them to the border and forces them to walk back to Serbia.

All of this points to a pattern of repeated inadmissible actions – preventing access to international protection, violent behavior often followed by seizure of property, return and expulsion to the border area. In addition to that, despite warnings from non-governmental and international organizations as well as the media, all of this leads to the conclusion that violent and unlawful expulsion of refugees by Croatian police has not stopped. We therefore call upon the competent institutions to investigate these complaints as soon as possible and to stop any illegal and unprofessional conduct towards those who are most vulnerable and in need of protection.

Are You Syrious? and the Welcome! Initiative