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SYRIOUS**



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أهلاً وسهلاً بكم!
WELCOME!



**FOURTH REPORT
ON ILLEGAL PUSHBACKS OF REFUGEES FROM THE REPUBLIC OF CROATIA
IN THE PERIOD FROM JUNE 2017 TO FEBRUARY 2018**

Zagreb, 28 February 2018

**Fourth Report on Illegal Pushbacks of Refugees from the Republic of Croatia
in the period from June 2017 to February 2018.**

Perpetual Violence Against the Refugees: Introduction

All of the newly collected and here presented testimonies clearly show that the Croatian police remains perpetuating violent and illegal push backs of refugees despite warnings from non-governmental, intergovernmental, international organizations and initiatives, as well as the Ombudsman report¹. Testimonies as well as photo documentation of illegal and violent pushbacks along the border areas, as well as from the depths of the territory of the Republic of Croatia continue to come in. The media also regularly reports about the pushbacks² presenting voices of the non-governmental organizations and field activists. During 2017, the Center for Peace Studies and Are You Syrious? submitted as follows: two reports to the Ministry of the Interior for systematic illegal and violent pushbacks of refugees, a report to the Ombudsman, a letter to the Parliamentary Committee on National Security and Internal Affairs and the Committee on Human Rights and Rights of National Minorities, as well as criminal reports to the State Attorney's Office of the Republic of Croatia (DORH) (related to the Ministry of the Interior) (regarding the inability to seek asylum on the territory of the Republic of Croatia, as well as the specific case of the death of the Afghan girl, Madina). Most of those institutions responded superficially or provided no answers at all. The turnaround came in early 2018 when bodies and institutions of public authority took certain steps; for example, the State Attorney's Office launched investigation regarding the death of Afghan girl Madine Hosseini, and the Parliamentary Committee on Internal Politics and National Security convened a thematic session titled "The Denial of the International Protection in the Republic of Croatia". In this regard, a public announcement made by the Ombudsman to the State Attorney's Office was a key in revealing numerous irregularities and illegalities in the work of the Ministry of the Interior, with incalculable ramifications for the human rights protection in the Republic of Croatia, the European Union and for the refugee population, to which they relate. The Ombudsman report illuminates those procedures and trends that we have written about in our previous reports. From all these materials it is clear that there were no isolated and sporadic cases of illegal push backs as well as benign "deterrence", but that those are rather planned and systematic measures of deprivation of liberty without any legal basis, as well as the denial of access to the international protection (circumvention of the law and the denial of

¹ Cf. Report on the Violent and Illegal Pushbacks of Refugees from the Republic of Croatia, [1](#) i [2](#), [Report on a new wave of violence towards refugees on the borders of the Republic of Croatia](#) [Borderviolence](#), [Map](#), [Games of Violence](#), etc.

² [Example 1 – Barbara Matejčić for Tportal](#), [Example 2 –Ana Malbaša for Provjereno Nova Tv](#); [Example 3 –Emma Graham-Harrison for Guardian](#)

the right to an individual procedure with the help of the translator to reveal all the relevant circumstances and facts pertaining to that refugee) and violation of *non-refoulement* principles. All of these information can be confirmed by our organizations that documenting these occurrences and trends on a daily basis throughout the year 2017. Today, without any doubt, we submit that the Republic of Croatia denies access to asylum/international protection to the individuals and groups who approach or enter the country without legal documents in contrast to the legal regulations. It is unclear as to how people could have entered the territory of the Republic of Croatia in any other way, since the current visa regime and other European and Croatian restrictive refugee regulation mechanisms prohibit any other options besides the irregular entry. Persons who have had access to the international protection were only those who have exclusively in the last months been brought to Croatia from Turkey, Italy or Greece via EU programs.

This report focuses on the basic patterns and tendencies of the repressive and restrictive regime of migration control at the periphery of the European Union, in the period from the [end of May 2017](#), when we published our last report, to this day. We will support our claims through descriptions of specific cases. At the end of the report, our demands towards the competent institutions are presented.

Methodology

This report is the result of a lengthy collaboration between several organizations, collectives and initiatives: [Are You Syrious?](#) (AYS), [No name kitchen](#) (NNK), the [Center for Peace Studies](#) (CMS) and the [Welcome Initiative](#). All organizations organize daily support to refugees and migrants. During those daily contacts with refugees, their volunteers and activists are being constantly confronted with information and testimonies indicating illegal police practices who, when they can, document it. In coordination with the other organizations and initiatives and in co-operation with lawyers, CMS and AYS have also assisted in filing various court-related lawsuits related to their status or police conduct. NNK collects refugee testimonies every day on the ground. The purpose of this report is to primarily warn about the negative trends we have observed over the past period, claims of which are supported in a number of specific cases. Please note that the report does not contain all of the documented cases of unlawful conduct. Illegalities have been collected through: refugee testimonies, volunteer testimonies, insights into official documentation, collecting photographs and data on GPS locations, etc. Please note that all the data on GPS locations, as well as collected photographs and documentation, have been voluntarily given by refugees.

Systemic scheme of illegal pushback committed by the Croatian police: Trends, commands, orders, and numbers of illegal pushbacks

As stated in the [Ombudsman's report](#), there are two controversial police decrees, the exercise of which is consistent with the pushback trends recorded in the previous reports. The order of the Illegal Migration Service, that is, the Police Directorate of 25 November 2016, according to which all irregular migrants, nationals of Afro-Asiatic countries, who entered the Republic of Croatia illegally from the Republic of Serbia and were detained in the Police Administration of Zagreb (PUZ), are to be handed over to Police Station Tovarnik and handed over to the Chief Officer for further procedure. That order was further supplemented by the Police Directorate's order of 15 February 2017 on the treatment of irregular migrants found in the depths of the territory when all police administrations were ordered to transfer all irregular migrants to the police administration at the state border, with prior written notice, which is then responsible for determining the details and the circumstances of their entry and stay in Croatia. If a police administration who found irregular migrants in their jurisdiction considers that the transfer to the police station at the border would not be useful for strengthening the external border protection measures, the procedure can be conducted in accordance with the Foreigners Act, by that police administration.

If we look at UNHCR Serbia's weekly reports³, we can easily see the push-back trends being in accordance with the order of the Police Directorate issued on November 25, 2016. Moreover, the volunteers in the field have also noticed an increased number of pushbacks, but unfortunately also, the violence towards refugees after that date.

In fact, the number of push backs registered by UNHCR on 5, 6 and 7 December 2016 shows a massive increase: "Over 90 foreign nationals reported to have been collectively pushed back into Serbia without having been granted access to the procedures for asylum in Croatia"⁴. From that moment on, we see a constant and systematic behavior perpetrated by border police at the Serbo-Croatian border towards refugees.

This all suggests that the troublesome order of November 25, 2016 is one of the causes of the increased number of pushbacks, and the legality of the command itself is questioned. Additional suspicions in the lawfulness of the order are also exacerbated by the fact that the police refused to show the order itself to the Ombudsman. At the request of the CMS pursuant to the Law on Access to Information, the MUP requested additional time in accordance with the law to respond to the request and we did not

³ UNHCR Serbia, Serbia weekly reports

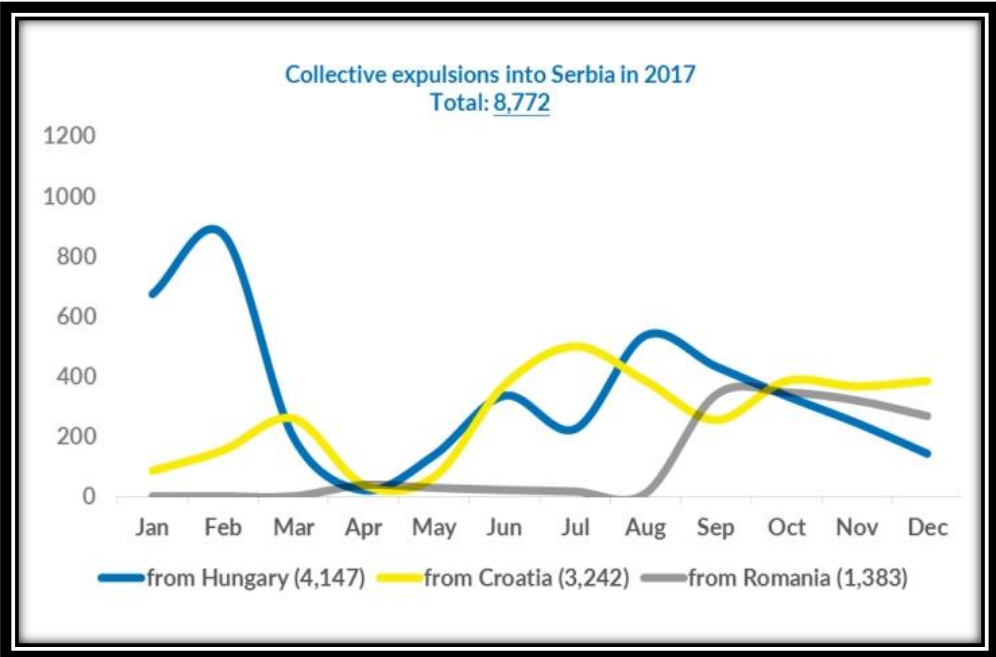
https://data2.unhcr.org/en/search?country=722&text=&type%5B%5D=document&partner=§or=&date_from=&date_to=&country_json=%7B%220%22%3A%22722%22%7D§or_json=%7B%220%22%3A%22%22%7D&apply=

⁴ UNHCR Serbia, update 5-7 December 2016 <https://data2.unhcr.org/en/documents/details/52765>

receive the text of the order at the time of writing this report. Our organizations did not have the other option but to bring the whole case before the Constitutional Court of the Republic of Croatia, in order for the Constitutional Court to review the constitutionality of the problematic order.

Confirmation of the change in Ministry of Interior's refugee policies towards refugees was also apparent from the statement by Interior Minister Davor Božinović who told HINA on 29 December 2017 "Legal entry into Croatia is the first and foremost condition for asylum". This statement is, in any case, inconsistent with the national and international legislation relating to the international protection.

UNHCR Serbia provided useful information regarding the year 2017.



Source: UNHCR - SNAPSHOT of December 2017 <https://data2.unhcr.org/en/documents/download/61524>

According to the UNHCR data, 3,242 persons were pushed back from Croatia in 2017, whereby UNHCR reports regularly that "many people said that they were denied access to the asylum system and that they were abused". A comparative chart shows that in 2017, Croatia became the country with the highest number of push backs in the region, convincingly ahead of Hungary, which became internationally known precisely because of the practice of inhumane treatment of refugees. In January 2017, for example, UNHCR recorded 85 illegal push backs from Croatia to Serbia, while in December 2017 384 push backs were recorded. **According to the UNHCR data, in January 2018 another 189 refugees were illegally pushed back from Croatia.** It should be emphasized that those are only the cases that UNHCR Serbia and their partners have been able to document, while the actual number of

deportations is assumed to be higher because some people did not want their cases to be recorded or their testimonies are shared with smaller organizations on the ground.

It should also be noted that these are the push backs from Croatia to Serbia, although in recent months there has been **a worrying number of testimonies of push backs from Croatia to Bosnia and Herzegovina and Montenegro**, with descriptions of violence very similar to what is described at the border with Serbia. Volunteers from AYS, as well as international organizations of NNK, during January 2018 in Bosnia and Herzegovina have talked to the people claiming that the Croatian police beat them, deprived them of their values, and forced them to take off their shoes and go back to Bosnia and Herzegovina via walking on inaccessible ground. Particularly concerning is the fact that some people, according to their own testimonies, **have been returned from Croatia to the locations close to the minefields**, mostly in the vicinity of Bihać and Velika Kladuša.

The data that the Ombudsman received from the Ministry of the Interior report about 1,116 persons who were sent back to Serbia via the so-called "excelerated" procedure in the period from February to November 2017. This figure differs from the UNHCR figures because the police does not track all pushbacks, like those directly at the border when pushes back people to Serbia without conducting the necessary procedures. That was the case with the Afghani girl Madina and her family, about whom there is no trace in the police records that they had been on the territory of the Republic of Croatia.

Since mid-February 2017, we have seen the trend of push backs of people from the depths of the territory of the Republic of Croatia, exclusively to Serbia through the Police Station Tovarnik (although some people testify that they did not enter the Republic of Croatia from Serbia) and prohibiting seeking asylum. Very quickly, and after repeated requests for support from refugees, volunteers and employees of organizations releasing this report were accompanying refugees to the police stations in Zagreb to ensure that they would be able to lodge an application for the international protection and thus were enabled in excercising their rights. At the beginning of September 2017, we noticed that despite our announcement of the arrival of persons who want to seek protection to the police station, the police would circumvent the system, and regardless of their explicit intention to seek asylum, would return them to Serbia. Between April and September, about two hundred people sought assistance from CMS and we went to the police with 144 of them. The trend observed during February 2018 is when organization AYS was contacted 9 times by multi-member families with young children and those in need of an urgent medical care, in a short period. In two cases, 18 people, which of whom 12 small children, were able to lodge their applications for international protection, thanks to the presence of the AYS volunteers on the ground and simultaneous communication with the Ministry of the Interior, UNHCR and HPC. However, in the other 7 cases the outcome was either uncertain (in 2

cases) or the entire families (in 5 cases), after trying to seek international protection in Croatia, were pushed back from the territory of Croatia to Serbia - there were at least 73 people, including at least 34 children. According to the testimonies of refugees some of whom have submitted medical records and photographs of visible signs of illness and / or pregnancy, among whom was a woman recovering from the cesarian section, pregnant women, a man with a serious leg deformation, a child with a heart and two children with disabilities. In two instances, the AYS's volunteers went to the field to ascertain on the spot whether the police would enable them to exercise their right to seek international protection. We have solid reasons to believe that just the physical presence of volunteers was a key factor in those families not being pushed back. One family told our volunteers that they had been pushed back eleven times before, and the pushback of the entire family had happened before the arrival of our volunteers and the night after their departure. In all these cases, the persons clearly stated that they wanted to seek asylum in the Republic of Croatia, about which we have promptly notified the Ministry of the Interior.

Experiences from the field

In addition to providing meals and other basic necessities, organizations on the Serbo-Croatian border as NNK are also collecting testimonies and experiences of push-backs, violent or not, perpetrated by the Croatian police. The Welcome Initiative! and AYS keep on being present at the Croatian- Serbian border paying periodical visits, and conducting interviews with refugees currently located in the border area. Despite limited collection of testimonies published in our reports, we are aware of much larger extent of the illegal and violent police push backs practice along the Croatian borders with Serbia and Bosnia.

Many refugees have not been provided with a translator, nor any documentation was given to them to notify an official procedure that was taking place. The people interviewed after the dangerous crossing of the Croatian-Serbian border experienced systematic verbal and physical abuse instead of ability to exercise their rights of access to international protection in one of the EU Member States. The violence occurs on Croatian territory along the border, as well as deep within the country.

As we documented in our previous reports, and according to the refugee testimonies, we believe that there is a distinct pattern as people experience systematic verbal and physical abuse that seems to follow a particular scheme. In fact, according to the refugees testimonies⁵, Croatian police usually

⁵ Testimonies regularly collected during 2017 in Šid, Serbia.

transfers them in police vehicles (cars, white vans) 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 within the border area between Tovarnik and Šid.

Physical violence is perpetrated in several ways: people experienced brutality testify that the Croatian police hit them with sticks and batons, they were hit, kicked or slapped, and even threatened with guns. One group of 12 people that included minors claimed the use of a gun shot in the air in order to scare them (Nov 11 2017). Cases of electric taser use were claimed, especially at the end of September 2017 (Aug 31, Sept 27, 28, 29), than again in November (Nov 12) and in January 2018 (Jan 30). The locations where violence occurred are repeatedly the same: Tovarnik area, near the highway border (Bajakovo border crossing), a closed room of Vinkovci's police station (numerous reports in Sept 8, Dec 12 and Jan 30), border areas (inside or outside police vans), and even Zagreb area, on the street, close to the Center for Asylum Seekers in Zagreb (Nov 30, Dec 4). Cases of violence have been testified also at the 1st and 6th police station of Zagreb⁶.

Refugees have been often deprived of their freedom of movement while being closed in the police stations for several hours (we have documented a case of a person detained inside the 1st Zagreb police station for 24 hours)⁷, without any water or food provided, sometimes being handcuffed too⁸. Beyond the harm and the insults, psychological violence and deception were testified by those who manage to reach Zagreb, too. Refugees who manage to reach Zagreb often go to the police station, sometimes even notifying their presence to the NGOs in the city, then find themselves again after 3 or 4 hours in Serbia. Police officers in fact pretended to start the formalization of the asylum application (personal data, photos, etc.), then they make people enter the car while explaining they would take them to the reception center. Once the door of the vehicle gets opened again, refugees realize they were taken back to the border to be pushed back to Serbia. Again.

The allegations made by the Ombudsman are particularly concerning, who, in dealing with some of the cases our organizations have warned about, found out that the thermovision camera videos went missing exactly at the time of presumed violence against refugees. Such selective disappearance of thermovision video documentation brings to a conclusion that the physical violence against refugees was deliberately concealed. Records have also disappeared in the event of the push back of Madina

⁶ Such cases have been regularly collected during 2017 in Šid, Serbia. They refer to the events occurred on Oct 23 and Nov 6 regarding 1st police station in Zagreb, and Nov 30 and Dec 4 regarding 6th police station in Zagreb.

⁷ This case has been documented in Šid, Serbia. The victim experienced the restriction of the freedom of movement on Nov 6 2017.

⁸ People interviewed (four, two underaged) declared that "they were kept inside the police station in Zagreb for 9-10 hours on Aug 29 2017. Police officers took their mobile phones and handcuffed them. Asylum seekers asked for food and water as they were very hungry but were only given water".

and her family. Although the police stated that they saw the family on the thermovision cameras in Serbia, they reported to the Ombudsman that these recordings were not in their archives.

Another practice has been testified by refugees: even when they were able to contact NGOs to notify their presence at the police station or at the official border crossing with an aim to seek international protection, they would still get pushed back to Serbia. The organizations officially requested information on those cases on several occasions, but the authorities would usually respond that there were no people in the police station at those moments⁹.

Police officers keep on telling to refugees that are attempting to seek asylum in Croatia: “no asylum”, “there’s no space in Porin anymore”, “the camp is full”¹⁰. They see that their access to Croatian asylum system is denied while they are being labelled as “terrorists” and “talibans”¹¹. Still, after these violent episodes, one person declared: “I don’t want to go to the doctor. I will try again. Violence at the border has become normal”. Many testimonies underline that people are beaten harder when they express the intention to seek asylum in Croatia multiple times, or when they speak fluent English language.

More recently, we are witnessing a route shift on the so called “Balkan Route”, branching off through Bosnia and Herzegovina. Activists and volunteers from No Name Kitchen were present at the border area, and according to the testimonies and interviews with refugees, it seems that the area of Velika Kladuša is the one where the highest number of push back perpetrated by the Croatian police takes place.

Institutional pressures against volunteers and organizations supporting refugees

On several occasions we have also noted various forms of pressure by the police against the volunteers and organizations supporting refugees rights and freedom of movement. This is particularly the case with those volunteers who accompanied refugees to police stations and also occasionally stay with

⁹ Testimony from the victim of a push back to Šid occurred on Aug 30: “One person managed to keep his phone, and called the Croatian Red Cross, explaining the situation, sending a geolocalization, asking for help. This organization apparently called the border police, who denied we were caught as refugees, and denied their presence. Another testimony from Aug 27 when three people were pushed back says: “We called the UHCR, ask them for help and sent their geolocalisation. But we think that when UNHCR called the police officers, the presence of refugees was denied”.

¹⁰ Testimonies from refugees in Šid.

¹¹ Testimony from the victim of a push back interviewed in Šid after the push back that occurred on Aug 29 2017: “They ordered him to go to Serbia and to not come again to Croatia: «No need for refugees, no feed refugees». When the person declared he had a friend in Europe and that he wanted to come to Europe, the police threw his mobile and told him that «Europe is not for refugees, you are a terrorist, you don’t come in Europe». Another testimony from Oct 3 2017: “They were brought back to Serbia in a closed car - five refugees in the back and two policemen in the front. They were dropped 25 km far away from Šid with police shouts “Go taliban, don’t come again”. He noticed three different kinds of the police officers: one with a black uniform, one without police uniform, and another one with just a T-shirt”.

them during the initial encounters of refugees and police officers to make sure refugees would be enabled access to the international protection. Thus, an AYS volunteer who had responded to a call for a help from a family and consequently headed to the location of the family, gave a call to the police and later was present during the initial contact between the police and the refugee family, was taken to an informal conversation at the Bajakovo police station. The volunteer stated that the police officers were cordial during the conversation, however the whole process lasted for six hours; and even though the interview itself lasted relatively shortly, the volunteer had to wait, initially with the officer guarding him. Also, during the first three hours, when the communication between the AYS office and the volunteer had stopped, the volunteer was not allowed to use the cell phone. The volunteer stressed that the police commented on the work of AYS stating informally that the organization claims about police violence are untruthfull.

By the middle of 2017, we had noticed the practice of volunteers being kept for hours in the police stations. Thus, one AYS volunteer spent eight hours in the 1st police station in Zagreb, where one police officer threatened her with persecution, for the reason of her accompanying refugees that arrived to Zagreb to the nearest police station.

The CMS volunteer who went to the Police Station with a group of refugees, was asked for her's mobile IMEI number by a police officer. When asked about the reasons of disclosing that number to the police, the police officer responed that the police did not know who they were dealing with hence the communications among the NGOs and activist are being surveillanced. The same officer said that there was a possibility that someone from the CMS was a smuggler which the volunteer rejected. CMS promptly reported the incident to the Police Directorate¹². It is noteworthy that the Head of the Police Directorate immediately gave a call to the CMS and noted that that was the unacceptable remark by the police officer, and that the police is aware of CMS's mandate in supporting refugees in exercising their rights.

NNK activists were falsely accused by the police for [organising a refugee protest](#) at the Croatian-Serbian border. It should be emphasized that in accordance with the European Convention on Human Rights, refugees have a full right to a protest, and even if the volunteers of the NNC organized a protest (which they did not), they would not violate any law. The police said they had an evidence of communication about the protest in social media. On our call to publicly announce the evidence that would charge the NNC, the police did not respond.

¹² CPS's e-mail correspondence CMS-a.

Finally, the Prime Minister Andrej Plenković, [in his response to the MP Pedja Grbin](#), regarding the police violence against refugees, stated that some non-governmental organizations facilitate the transfer of illegal migrants to the EU Member States. We consider this untrustworthy and deeply troubling statement of the Croatian Prime Minister was given for the purpose of undermining and criminalizing work of the human rights organizations. Namely, there is no single known human rights organization aiming to transfer irregular migrants to the EU Member States. It is clear that such organizations deal primarily with the protection of human rights of refugees by referring to domestic, European and international human rights law.

Conclusion

Our Fourth report on the illegal push backs of refugees, unfortunately shows not only the perpetual police violence but also the trend of denying the access to the international protection to refugees in the territory of Croatia continues. We continue to document the cases of police violence against refugees sporadically. Unfortunately, there has been a record of deaths of refugees in this reporting period. It is of a particular concern that there are growing indications that the police is covering up violence towards refugees. This was also confirmed by the Ombudsman's letter who found that the police were not able to submit the thermovision camera video documentation related to the alleged police violence towards refugees. Today, we can no longer speak of sporadic cases of police misconduct, but of the official government's policy towards refugees.

Based on our field experiences, this policy serves to completely disable access to the international protection for refugees who (attempt to) enter the territory of Croatia from neighboring countries in an irregular manner - since there is no legal way. These people are illegally pushed to Serbia, and Bosnia and Herzegovina, and often coupled with the violence. There is no valid excuse or a justified exception when it comes to the police violence against vulnerable groups, specifically against the refugee children. Obviously, the Republic of Croatia has decided to accept primarily, if not only, refugees coming to Croatia through the EU's relocation program (Greece, Italy) and resettlement (Turkey).

Once more it is important to stress that every person is entitled to seek asylum, according to the international humanitarian law and to the constitutional and legal regulations in Croatia. The application enters the procedure elsewhere and by other instances of the authorities, and not by the policeman at the border. Border police is not in charge of analyzing that asylum request.

These demands listed present collective efforts by the organizations who released this report.

To end the unlawful policing of our organizations

1. We are urging the Ministry of the Interior and the Police Directorate to immediately publicize and withdraw the command of November 25, 2016, as well as the order issued on February 15, 2017, generating unlawful treatment of refugees

2. We call the border police officers not to act by these commands since these could lead to the future criminal persecution

3. We call on the police trade unions to protect their members from executing unlawful commands.

4. We call upon the State Attorney's Office to conduct an impartial and effective investigation into the allegations made by the Ombudsman on illegal police conduct.

5. We call upon Prime Minister Plenković to clearly distance from this kind of the police conduct and to clearly establish a new direction for police action towards refugees that is within the framework of the domestic and international legislation.

6. We call on the Ministry of the Interiors' and police officers not to intimidate professionals and volunteers supporting refugees in exercising their rights, and not to spread inaccurate information on the work of refugee organizations on the basis of malicious and unfounded allegations, and arbitrary indications.

Appendix: Descriptions of individual cases

Since May 2017, different volunteers on the field in Šid have been documenting cases of pushbacks, mostly from the Croatian police, but there are also cases of Slovenian police and more in February of Bosnian police.

From May 2017 to the end of February 2018, they have witnessed 1198 cases of pushbacks and as a consequence as that many violations of human rights. Police violence has been permanently present, with a considerable reduction at the end of November, due to the pressure mediated by the death of a 6 years old girl after being push backed from the border in Tovarnik with her family. Here are some examples of taken reports of the people pushed back to the area of Sid in the last months.

1.

Five members of a family from Afghanistan, with three underage children and a mother who possessed documentation demonstrating their poor health, came to CMS Office on August 25, 2017 to seek asylum in Croatia. After they recieved all the information what this means, they confirmed their

intention to seek asylum. The person who was then in the office called 112 and asked what to do with these people. The Center advised her to go to the Trešnjevka Police Station, which is a 7-minute walk away from the CMS office, so they could lodge their application in the station. After a few days, the family contacted the CMS office from Serbia, explaining that despite them expressing intent for seeking asylum in Croatia, they have been returned to Serbia. CPS asked the Police Station to explain this case and received the following answer:

"To whom it may concern, regarding your inquiry of 31 August 2017 concerning the police treatment of foreign nationals whom you have sent to VII. Police Station, we inform you that on August 25, 2017, at the intersection of Ozaljska and Nehajska Street, five foreign nationals mentioned in your inquiry, without a document of identity, were found. During the conversation in English, it was found that the parties entered and stayed illegally in the Republic of Croatia, and because during the talk they did not express their intention to seek international protection in the Republic of Croatia, it was decided for them to return to Serbia within a deadline set for leaving the European Economic Space. "

2.

On December 21, 2017, a mother with six children and accompanied by an unknown person moved from Šid to the Republic of Croatia, to request international protection in the Republic of Croatia. After the family entered the country through the "green border", they waited for the police patrol that came to them soon. Mother and children asked for asylum. She was relieved to see police officers, as she expected to be taken to the closest police station to formalize the asylum request, as Croatian and European law guarantee it as a right. Instead, the police officers have ignored this request. Furthermore, the mother and her children were driven to the railroad and were ordered to walk back towards Serbia. The mother begged the police officers: " 'If you won't accept us, please let us stay here tonight. In this weather we are already tired and cold, the children are little,'" she said. "But they were inhuman"¹³.

While walking in the dark, tired and in the cold, the family saw the light and heard the sound of the train. Quickly they moved away from the train tracks, but the little daughter didn't succeed in running away. The train hit her, and the family immediately run back to Croatian border officials carrying the young girl's body, begging for an immediate medical assistance. Instead, the family has been ordered in to a van, transferring the body in the ambulance that arrived after some time. Her mother was not allowed to enter, and the ambulance drove away ignoring her desperate request of going with her child, wherever they were taking her.

¹³ <https://www.theguardian.com/world/2017/dec/08/they-treated-her-like-a-dog-tragedy-of-the-six-year-old-killed-at-croatian-border>

The whole family was deported to Serbia that night, without having any information of where the Madina body has been taken, or even a number to call¹⁴.

Croatian authorities keep on denying that the family “entered in the country before the death of the little girl, or that border police played any role in putting the six-year-old in the path of the train”. “We emphasise that treatment of the Croatian border police had not contributed in any way or caused the accident and the death of a child,” the interior ministry said in a statement, adding that its treatment of all migrants and refugees followed EU law.

Moreover, the Ministry of Interior claims that it has no key footage due to the so-called "technical difficulties." The new light was shed on Madina's death after the train driver who steered the train claimed to have seen people go from the direction of Tovarnik towards Šid on foot along the track.

Madina's family filed a criminal complaint for murder against an unknown perpetrator. The State Attorney's Office is currently conducting investigative actions about this complaint.

3.

On 11 January 2018 CMS has received a note from several foreign civil society organizations and activists that an individual from Syria who has passed through Bosnia and Herzegovina and allegedly experienced abuse and sexual exploitation – has been detained in the prison in city of Sinj in Croatia. Croatian NGO's officially requested on 15 January 2018 from the Ministry of the Interior more information on this case, while stressing the condition of the vulnerability of the particular person, and further perils if the person is to be returned to Bosnia and Herzegovina. Despite warnings and appeals, the very same person was returned to Bosnia and Herzegovina on 17 January 2018 based on the readmission agreements. At the time of reporting, the person was accommodated in the safe house in Bosnia and Herzegovina, and the UNHCR provides further support which only confirms the seriousness of the particular situation, that had been ignored by the Croatian institutions. Our partner organization from Bosnia and Herzegovina visited the person in the safe house, after he was returned. The person has confirmed that he asked for asylum while being in contact with the Croatian police. Despite his clear request for asylum, he was returned to Bosnia and Herzegovina.

4.

On 2 February 2018 AYS was contacted by a group of 8 members, including 6 children, of whom the youngest had only one year. They spent the whole night outdoors and were freezing and were frightened, desperately begged for help, repeating they had no food or water.

In this case, AYS was the only contact point they could turn to during the night. Specifically, as people arriving in the territory of Croatia usually have only SIM cards of Greek or Serbian mobile networks,

¹⁴ <https://helprefugees.org/madina-hussiny-killed-illegal-pushback/>

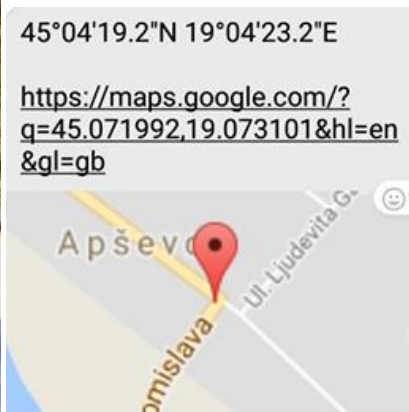
which are regularly without funds, they can use only applications like Messenger or WhatsApp because they depend on Internet accessibility. Also, if people do not have access to the Internet, it is impossible to contact them. This also means that their services of legal or other support from organizations such as UNHCR and the Croatian Legal Center (HPC) are unavailable because contact with them can only be achieved through ordinary telephone lines which are only open during the working hours. In this way, people are completely helpless in their attempts to contact organizations in moments when they are being threatened with a pushback.

In addition to this, in this case, the cell phone battery was almost empty. AYS explained that they could do nothing but notify UNHCR and HPC. Also, families have been made aware that these organizations will have to call and notify the police. The family agreed. They sent us a GPS location that was visible to be near Apševac, on the territory of the Republic of Croatia. AYS volunteers contacted the Ministry of Interior asking for help, as well as UNHCR and the Croatian Legal Center, to provide legal support to families. The family had to turn off the cellphone to save the battery until the morning when they were to be contacted by HPC. According to HPC, when they tried to contact them, the number of families was no longer available.

The response to which the Mol has referred to portal Index.hr states:

"On February 2, 2018, the Croatian Legal Center addressed a letter to Bajakovo border police station, citing information about a family allegedly located near Apševci. GPS coordinates of the alleged location were provided. Police officers were immediately referred to the location and after searching the wider area did not find the family. Furthermore, the information was immediately delivered to neighboring police stations to promptly conduct search measures. The Bajakovo border police station reported back via letter to Croatian Legal Center about all measures taken, as well as about the fact that the family in question was not found, but also that the search continued."

However, the family contacted AYS volunteers again and reported that the Croatian police had driven them back to Serbia. One family member told the organisation that the police had hit his mother and that they had to walk eight hours back to Šid.



5.

On 11 February 2018 at midnight, AYS was contacted by two families from the same group, two adults and five children, the youngest of whom had 5 months. They were near the village of Apševci in western Srijem, in the woods. They were freezing, scared, and tired. They wanted to seek international protection, but were afraid to do so on their own due to previous bad experiences with the Croatian police. According to them, during the previous 4 attempts, they were returned to Serbia and additionally testified to police brutality. Two AYS volunteers then went to Apševci to meet with the family and to contact the police together. At an agreed location in Apševci, volunteers arrived at 3am in the morning. There were no families, and their cell phone was now turned off. They searched unsuccessfully for the family until 8 in the morning. About 9 o'clock volunteers went to the Emergency Center in Otok and found out that at 4:30 in the morning the Emergency had received an unconscious woman who turned out to be one of the mothers. Because of her bad condition, she was transported to a hospital in Vinkovci. Also, in the hospital in Vinkovci they got information that the rest of the family has been pushed back by the police. Volunteers went to Police Station Bajakovo on the border between Croatia and Serbia, and the officer told them that the family was being questioned and that the process would last for some time. When asked how to contact with the family, the officers denied and explained that no one is allowed to stay at the border crossing. When asked if the family sought international protection, he replied that, according to his findings, they did not, although the family clearly stated in writing to AYS that they wanted international protection in the Republic of Croatia. At the same time, the AYS office in Zagreb sent emails with all relevant information about the family and their situation as well as screenshots of their messages stating that they want to seek asylum in the Republic of Croatia. Then, during a telephone conversation with the secretary of the Police Station Vukovar - Srijem the secretary stated that "the family had not yet expressed anything or wanted to seek asylum". On the same day, a response from Police Station Vukovar-Srijem was received, stating that the family had applied for asylum and were transported to Porin in Zagreb. The very next day, AYS was contacted by another two families in an equally difficult situation. To the same inquiry sent to the police, the police answered that the information on whether or not someone sought asylum is regarded as confidential personal information.

6.

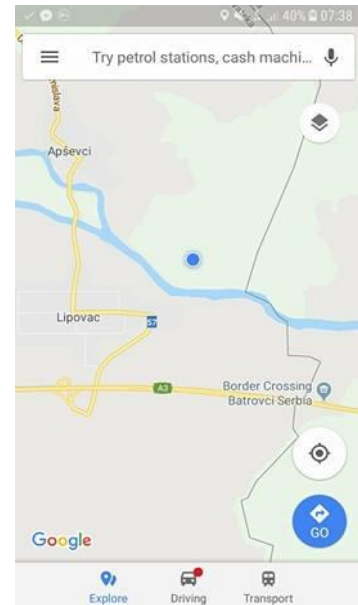
14 February 2018 AYS was contacted by two families who were together near Apševci and the Bosut River. There were altogether 11 persons, of which 7 were small children and one pregnant woman. From the information they gave us, it was clear that they were hungry, freezing, and more than anything frightened by the police who, according to their testimony, pushed them back 11 times before that night. Although we have briefly explained to them about the right to access to the international

protection system in the Republic of Croatia and the fact that expressing intent to international protection certainly includes contacting the police, the family has begged us not to notify the police. When the family finally agreed to go to UNHCR or HPC for help, the cell phone battery was almost depleted so they decided to wait until the morning. Early in the morning, our volunteer went to the location with instructions and intent to contact the emergency and the police. At about 9:20 AM on 14 February the AYS office sent an email with information about the situation, alongside the names of people, and a screenshot of a family messages saying they wanted to seek asylum in the Republic of Croatia, to Police Station Vukovar-Srijem and their spokespersons, to UNHCR and HPC. AYS asked them to report on what was the ultimate outcome of the situation, ie whether they had the opportunity to express their intent to seek international protection. The volunteer was stopped by the police and said he saw in the distance a group of people who could fit the description of this family. Our volunteer was taken in for an informal conversation at the Bajakovo police station where he saw the emergency vehicle and heard police officers talking to the family, after which he concluded that they were also on Bajakovo. After an hour we called the Vukovar-Srijem Spokesperson for Information, who told us that our email was sent to the relevant police administration. Afterwards, we sent another email at 14:34 and one tomorrow (15.2.) at about 12:00 o'clock, to the same addressess, in order to get the information. During 14 February we have also called all listed phone and mobile numbers listed on the Vukovar-Srijem web site to which no one has answered to. We have only recieved and answer on 15 February from Police Administration Vukovar-Srijem that stated: *"The Ministry of the Interior and the Croatian Police, in relation to all persons found on its territory on any grounds, conducts procedures according to the national and European legislation while respecting all the provisions on human rights protection. Further ways of conduct of the Ministry of the Interior's services depend on the relevant facts that are established during the proceedings in relation to each case individually. Equally, we draw attention to the importance of the protection of personal data of international protection applicants, since personal and other data collected during the procedure, and in particular the fact that the request for international protection was submitted, represent officially confidential data and must not, inter alia, be submitted or published to other non-participating bodies in proceedings."*

Informally, from the refugees in Porin, we have learned that they were taken to this shelter. In this case, as in the previous case, we believe that the presence of volunteers in the field, even in a situation where the volunteer had no opportunity to see the family, was crucial in them not having been illegally pushed to Serbia. It is a scandalous and defeating situation where volunteers are the only instance that helps refugees to exercise their guaranteed right and to do so in a very difficult way.

7.

On 18 February at 21: 09, AYS was contacted by a group of 20 people, including women and at least 3 children. Earlier, they contacted us on 16 February, but only with one short message from which it was not possible to ascertain what it was about, and again, on 17 February, when the AYS volunteers told them to contact the Croatian Legal Center for the purpose of obtaining legal support. On 18 February they were telling us that they have been in the woods in Croatia for two days, that they want to seek asylum, but were afraid of a possible push back. For this reason, AYS volunteers talked to the family for a long time, which, due to their fear of the police, did not want to send their location, and partly did not know how. The family sent their names to AYS. The location was sent on 19 February, when we informed the police about their location and intent to seek asylum. They repeated many times that they want asylum and that they feared pushbacks, while AYS repeatedly replied that they aren't able to come to their location. AYS sent emails to Police Administration Vukovar-Srijem, UNHCR and HPC, along with names, locations and screenshots in which the family wrote that they want to seek international protection in the Republic of Croatia. The email also stated that there were many children among them and a person who, according to his testimony and photographs, had an injured leg. Additionally, AYS called Police Administration Vukovar-Srijem, also related to the families from the case number 8, whose headquarters reconnected us to OKC, who said that if we have sent an email, it was forwarded to the competent police station. The family reported back later that day and told us that the Croatian police had forced them to walk back to Serbia.



8.

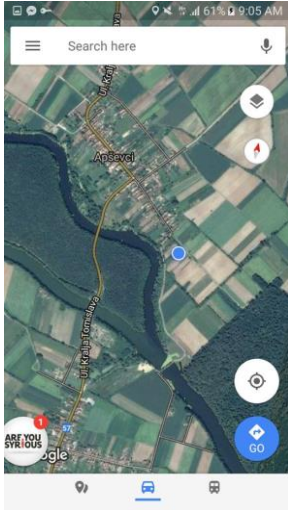
On 18 February at about the same time as the family for the 7. case, at 22:28 AYS was contacted by another group of 13 people¹⁵, including 8 children, and it could have been concluded from the message that the people in question were actually families. They said that they want to seek asylum in the Republic of Croatia and that they were very scared of the police. They said that one girl among them and the father of the family is "very ill" (father has, according to their testimony, an injured leg or legs, as it can be seen from photographs), also, there was one pregnant woman in the group. They sent their names and surnames. They also said that they were hungry and freezing, and as a proof they sent distressing photos from the woods. AYS also sent the Emergency Services number, for each case +385112, and explained that the Emergency has to call the police, but the family was constantly writing about how they are afraid of the police. After a period of explaining legal possibilities, communication was stopped until morning when they said they were frustrated and said they need urgent help and we could call the police (at 7:30 this message arrived). "We need help please please please. Our feet are freezin really please i can not it's too much cold." and "we nedd ambulance beacuse of she she has bybe she has pain she is not good thanks for you're help Let me know" The AYS office first called the Department of Emergency Medicine of the Municipality of Otok (032 300 501), which redirected us to 112, and we had to wait for them to connect us with the competent service in Slavonia. In order to facilitate emergency assistance, we send an email with geolocation and family information to the Department of Emergency Medicine of Vukovar-Srijem County and asked them to urgently intervieney and the Administration stated that they would take the email to the Emergency Service. The email was also forwarded to UNHCR and HPC.

AYS, in the same mail as in case number 7, contacted the MUP, UNHCR and HPC and sent family members' names, screenshots of their location, and a screenshot of the message in which the family states they want asylum. In the mail we quoted:

"They say they are fourteen, including eight children and a pregnant woman. They told us in the morning that they want us to let you know, and call for urgent help ... They say they need medical help very urgently ... (...) Please let us know whether the families are fine. "

In the same way as in case number 7, we call the Police Administration of Vukovar-Srijem. We didn't get any feedback from anyone. From 9.45am on 19 February all communication with the family had stopped. At the time of writing the report we are preparing an official inquiry to the Police Administration of Vukovar-Srijem and the Institute for Emergency Service of Vukovar-Srijem County.

¹⁵ The family itself stated that they are 14, although we had written 13 names when asked for them. Because of their testimony, we have stated this in the mail we sent to the MUP, HPC and UNHCR.



9.

On 20 February at 00:19 hours, AYS was contacted by a group of 10 people, mostly women and 5-children (1, 3, 3, 4, 17, 18, 22, 25, 28 and 60 years old). They said that they had been in the woods for two days, cold and in poor condition, and have had one child with special needs and one who was ill with them. They explicitly told us that they would like to apply for asylum in the Republic of Croatia and asked us to call Croatian Legal Center in their name, in order to get legal support, about which we sent an email at 8:26 to Ministry of Interior, UNHCR and HPC, attached to which were their names, photo, geolocation, and screenshots showing their intent to seek international protection in the Republic of Croatia. In the email, we noted that some of the small children were very sick and that one little child, as we understand it, has developmental difficulties. We urged them to check what has happened with the family, provide them with medical help and honour their rights, counting that the police would at least call the emergency, since we have emphasized that the people in question were women and small children, waiting in the snow. Also, around 11:00 we checked with the Department for Emergency Service of Vukovar-Srijem County (Municipality of Otok) on 032 300 501 about whether

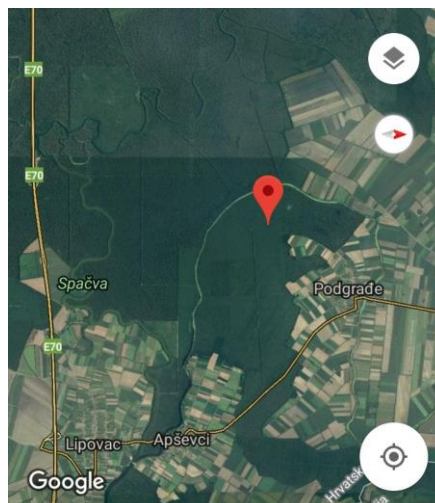
they have intervened or whether they have received someone who corresponds to the description and sent an email with all the necessary information. From the Emergency Service we get an answer at 12:30:

"To whom it may concern,

regarding the notifications you send regarding migrants, we inform you that HMS will go to the intervention only after receiving a call to HMS 194 or 112. We forwarded your notification to the relevant police department. "

Additionally, at 12:57, we have filed an official request for information on whether they have received someone who resembles persons from this case, with a description of the said situation, on the official form of the Bureau. We haven't received the answer yet.

According to the statement given by the family, with whom we are still in contact, at noon the police officers arrived to their location, and according to them, forcibly and cruelly drove them towards Serbia, despite the fact that the family allegedly and on the spot repeated their desire to seek asylum in Croatia. The family also stated that one man and one woman drove them in a vehicle to Serbia and did not call emergency assistance at any one time. The family is currently in one of the refugee camps in Serbia.

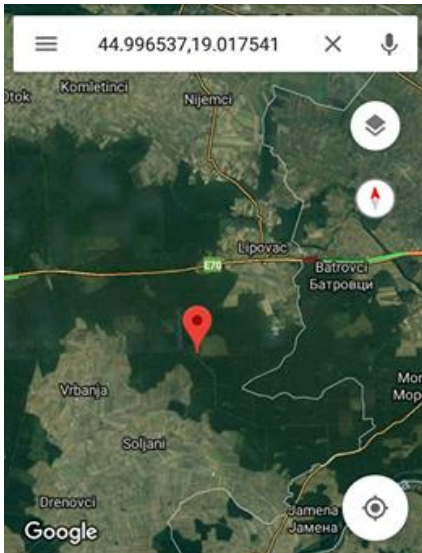


10.

21 February 2018 at 21:27 AYS was contacted by another group of people via voice message stating that they are in Croatia and in the presence of small children. The person states that they are in the territory of the Republic of Croatia. They were very cold and seeking help. To our message containing the emergency phone number and a request for their location, as well as information about legal aid and HPC contact, they responded in such a way that it was unclear whether they have understood the information (emoticon thumbs up). Communication had stopped until 04:07h when a female re-sent a voice message, namely two, in which we found out that she was in an unknown "dangerous" place with a small child and an elder. We were informed by the woman that the 6-month-old child was not breathing properly. She asked for help. It was cold and raining. AYS responded at 4:27 with Emergency Assistance number and a repeated request for location but was unsuccessful. After that, every contact with the family was lost.

11.

AYS was contacted by a family on 15 February who claimed to have been pushed back from the territory of the Republic of Croatia near Soljan, on Tuesday 13 February around 14:00. They say that there were 9 people - 3 men, 2 women and 4 children (aged 4 months, 2 years, 3 years and 5 years) in the group. They say there were two police cars - one with one policeman and one with two policemen, and later a police van was called. They recognized that it was Croatian police because of the colour of their clothes – blue uniforms. They also stated how a policeman had a EU flag band around his wrist. He stated that the officers were not violent but were instead kind. The family said they had repeatedly said „asylum“, but the police allegedly repeated „no english“. They escorted them to a police van and, according to family reports, drove for about 50 minutes and left them on the border with Serbia. Apparently, the policemen didn't say anything but had only asked, „Afghanistan?“, to which the refugees said „yes“. After they were released from the van, the police showed them the direction they needed to walk. The family noted that it was near Ilinci, at the Serbian border itself, and that it was the second time that they were pushed back by the Croatian police. They said that the first time the same thing had happened only on another location.



12.

On 16 February people contacted AYS about 22 o'clock saying they have been in the forest for 4 days. They were asking for the emergency services number which we gave them. We also sent them the number of UNHCR and HPC, but they do not work on Saturday. The group allegedly consists of 13 people, 8 of whom are children and one is a pregnant woman. In the morning, a minor from the group reported that they were pushed back and did not know where his mother was since he escaped when the police came. It is not clear from the message whether he was later deported or returned to Serbia by himself but he wrote that he is going to Belgrade via bus.

Location : <https://www.google.com/maps?q=45.065134%2C19.077657&hl=en&gl=au&shorturl=1>



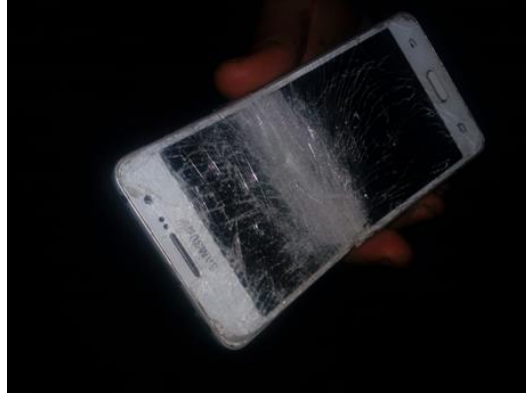
13.

On January 2 2018 a group of three men from Algeria crossed the Croatian-Serbian border by walking. They were caught by the police in the village of Banovci. There were seven policemen in a police van. Refugees expressed their intention to seek asylum, but the police did not let them formalize the request. Policemen were asking refugees to give them their mobile phones and money, while using physical violence. Policemen kicked refugees with their feet and with police sticks. In the end policemen took away 200 euros and two mobile phones (Samsung s7 and Samsung Mini). All this happened in the village of Banovci, while the push back occurred on a train rails Tovarnik - Sid.



14.

On January 18 2018 a group of four men (two of them were minors) from Afghanistan were walking through the wooden area near the Croatian-Serbian border. When entering to Croatia Croatian border police saw them and stopped them. They didn't show any intention to escape as they wanted to ask for asylum. But the police rejected it. One of them (minor) was accused by police to be a smuggler. Police took his phone and broke it in front of him and gave it back to him. One policeman kicked him in his nose with the leg while he was laying on the floor. He also punched him in his back. The brother (also minor) asked police why they were beating his brother. They reply beating him in the stomach and in his shoulder. After beating them they took from them 230 euros, 2 powerbanks and 2 mobiles. Moreover the police all the time was insulting them. Afterwards they were pushed back to Serbia.



Since January, we have witnessed greater collaboration between the border police of Serbia and Croatia. Illegitimately, the Croatian police passes the people found at the border in the act of crossing illegally to the Serbian police, who process a fast trial asking them to pay a fine in order to avoid of going to a prison for couple of days. As it is explained it two following reports.

15.

On January 17 2018 two men from Afghanistan tried to cross the Croatian-Serbian border hidden in a truck. At the scanner checking on the Croatian side of the border crossing Sid - Tovarnik they were caught by the Croatian police. The police first took a picture of two men inside of a truck. The interviewed person said that policemen checked his clothes but didn't let him to take his shoes that were in the truck. He asked for asylum but the police told him "Go back to Serbia!". He was taken to a small room at a border crossing where the police asked for his personal data filling some forms. They didn't give him any of these papers. After that, police put them in a police van and turned on the cold air conditioner. He was kept in a van for six or seven hours, from 4 AM to 11 AM. Around 11 AM Croatian police brought him directly to the Serbian border police. He was without the shoes and like that Serbian police drove him to the police station in Sid. There the police was asking him his personal information. He went to a court, where the judge asked him to pay a fine of 5000 dinar (50 euros) for an illegal border crossing. The fine which he already paid one time in July last year. How this time he didn't have enough money he was sent to a prison in Sremska Mitrovica where he was kept for five days. The other man who was with the interviewed person also went to a prison for a same period.

16.

On February 4 2018 a group of four people from Afghanistan passed Serbian border scanner control but they were detected by the Croatian border scanner control in Bajakovo border crossing. They were hidden in a truck. The interviewed man from Afghanistan described the encounter with the police in

these words: "They called me Taliban. I asked for asylum but they said no. This was the third time that I seeked asylum. I know if I come to Zagreb they won't give me [the possibility to ask for] asylum." Policemen kept them for eight hours in a police van. Policemen took their photos, their personal data, their mobiles but they didn't give them any paper. Croatian police pushed them back and directly gave them to Serbian police, who took them to a police station in Sid. In the police station they were asked for they personal data and were sent to a court. The judge said that they should pay 50 euro each for the illegal border crossing. The interviewed man payed for himself and for one minor. Two other people from their group went to a prison in Sremska Mitrovica.