

# Annual Torture Report 2022



Border Violence Monitoring Network

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The Border Violence Monitoring Network (BVMN) is a coalition of NGOs and collectives that monitor and document illegal pushbacks and police violence along the European Union's (EU's) external borders. Since the formulation of the Network in 2017, our monitoring and documentation activities have increased and expanded to encompass the Western Balkans, Greece and Turkey, as well as frequently documenting chain-pushbacks from Central European States, such as Italy and Slovenia.

The 2022 Annual Torture Report is the fourth consecutive annual report published by BVMN detailing the mass proliferation of torture and inhuman treatment during pushbacks at or within European borders. The testimonies within this report are directly collected by BVMN's member organisations and show how the continued violation of fundamental rights and the use of extreme cruelty has become a hallmark of border management policies. Despite growing public awareness and direct calls for action for change by both the United Nations (UN), European Parliament and the domestic court systems, in 2022 countries across the EU have continued to act with (almost) complete impunity. This impunity has been matched with a continued restriction of civil society space and the ongoing criminalisation of refugee assistance. As a consequence, organisations working to document and uncover grave violations of international law have become targets of government harassment.

In 2022, BVMN's field-based member organisations collected a total of 134 testimonies of pushbacks from Croatia, recalling the ill-treatment and abuse of an estimated 1,267 people. BVMN's analysis shows that in 2022, 80% of all pushbacks from Croatia involved at least one type of torture, inhuman or degrading treatment. Of increasing concern is the high number of minors involved and impacted by these types of abuse, with at least 41% of pushback testimonies indicating that at least one minor was present.

Whilst the single country focus of the 2022 Annual Torture Report provides a detailed analysis of the violence used by Croatian authorities, evidence collected by our field-based member organisations also show how multiple other countries, including Greece, Slovenia, Hungary, North Macedonia, Italy and Bosnia and Herzegovina, are also using pushbacks to illegally expel migrants and refugees across international borders. In addition to the culpability of State-led policies, we also recognise the impact of externalisation and border management policies implemented or financed by the European Union that directly contribute to the mass proliferation of human rights violations carried out against people on the move.

## DATA COLLECTION

The Border Violence Monitoring Network, through its field-based member organisations, document pushbacks and other attributed human rights violations enacted by State authorities against people on the move. The testimonies and data on pushbacks are collected by independent voluntary field experts using a standardised recording framework that recognises the importance of both hard data (timings, dates, locations, officer and vehicle descriptions, photos of injuries, medical reports, and other corroborating evidence) and qualitative narrative accounts of the pushback incidents.

BVMN's independent field experts are trained on how to conduct semi-structured interviews with respondents in precarious situations who are typically retelling highly traumatic events. The interview methodology has been designed to protect anonymity and avoid re-traumatisation. Suggestive or leading questions are avoided, with some questions rephrased through the interview to ensure a clear and substantiated narrative. Throughout the interview, questionable remarks or judgements by the respondent can be respectfully challenged and can lead to the report being discredited and not included in our database.

The implementation of a shared standardised recording framework across all locations and organisations within the Network, allow BVMN to identify patterns of physical, structural, and psychological violations, and to identify various locations and perpetrators involved within pushbacks.

## DATA ANALYSIS

For this report, BVMN's extensive evidentiary database of pushback testimonies was systematically analysed to identify patterns of abuse and misconduct carried out across the country of focus. Once a pattern of abuse and misconduct was identified, a summary of incidents that highlighted the specific typology of violence was produced and analysed against existing domestic and international legal mechanisms to identify if a case for misconduct could be made. These summaries are included within this report.

Across all testimonies, BVMN's field-based member organisations seek to gather evidence that would enable the identification of persons responsible for carrying out pushbacks and/or other human rights violations. This is achieved through analysing descriptive information provided by the respondent such as the description of clothing, uniforms, or equipment, and assessing this against known information about police or border force divisions across Europe.

Whilst Croatian border police are officially responsible for monitoring and controlling the State's borders, they are known to receive assistance from other police directorates including the Intervention Police, Special Police, Regular Police, and the Criminal Police. This complex network of State actors involved in border control measures is reflected in the testimonies collected from pushback survivors.

Testimonies from pushback survivors, collected by BVMN's field-based member organisations, have evidenced the involvement of the following police units in pushbacks:

## **GRANICNA POLICIJA (BORDER POLICE)**

The Border Directorate (Uprava za granicu) is the division within the Croatian police force formally responsible for the surveillance and security of national borders and the control of movement across them. The Croatian border police carry out their role by monitoring border crossings, setting up checkpoints, conducting border patrols with police dogs or conducting surveillance. The Border Directorate is known to be trained to use security technology such as thermal cameras and heartbeat sensors to control movement through Croatian territory.

Croatian border police typically wear sky-blue collared police shirts when representing their work publicly. While on patrol, they wear dark blue jumpsuits or black/blue police coats. The uniform and role of border police closely resemble those of regular police officers, who may also wear similar coloured uniforms, however, you can often distinguish border police by the words "Granicna Policija" displayed on their uniforms. These units have the authority to carry firearms and use police dogs in their operations. Testimonies collected from pushback survivors have routinely described uniforms consistent with the Croatian border police, and therefore have provided evidence of their involvement in pushbacks:

In March 2022 <sup>1</sup>, BVMN member organisation Blindspots documented a pushback of eight people from Croatia to Bosnia. The respondent explained that on 2nd March, the transit group was apprehended by people wearing blue uniforms with "Granicna Policija" written on the back. The description provided by the respondents is consistent with

1 Border Violence Monitoring Network. (2022). "The driver drove extra badly so that we threw up. Every 15 minutes they turned on the air conditioning for 5 minutes with cold air. That was very cold!" Reported by Blindspots. Available at: [borderviolence.eu/testimonies/march-2-2022-0000-close-to-village-of-cetingrad/](https://borderviolence.eu/testimonies/march-2-2022-0000-close-to-village-of-cetingrad/)

the uniform of the Croatian border police. Shortly after, seven other officers arrived wearing uniforms and ski masks matching those worn by the Croatian Intervention Police. The group was reportedly put into a white van with no windows. Inside the van there were already seven people inside. The group was reportedly not allowed to drink, eat, or use the toilet. The respondent described the journey length as approximately four hours and described the driving as “extra bad”, reportedly causing several people inside the van to vomit.

**TEMELJNA POLICIJA  
(REGULAR POLICE) AND  
KRIMINALISTIČKE POLICIJE  
(CRIMINAL POLICE)**

The Regular Police (Temeljna Policija) is the division of Croatian officers with the primary responsibility to prevent criminal offences and apprehended perpetrators. The Criminal Police (Kriminalističke Policije) combat all forms of crime and often conduct measures to search, investigate and apprehend the perpetrators of criminal offences. Regular Police and Criminal Police can be identified by their dark blue uniform with “Policija” insignia on their lapel or on the back of their jacket. Testimonies collected from pushback survivors have routinely described uniforms consistent with the Regular or Criminal Police, and therefore have provided evidence of their involvement in pushbacks:

In March 2022, No Name Kitchen collected a testimony<sup>2</sup> reporting a pushback from Croatia to Bosnia. The respondent described how upon reaching the village of Polojski Varoš in Croatia, they called the police to inform them of their desire to seek asylum. Shortly after making the phone call a large white transport van arrived with a police emblem on the side. Two officers got out of the vehicle reportedly wearing dark blue uniforms with “police” written on the back, a description that corresponds to that of the Croatian Regular Police or Criminal Police. The family again expressed that they wanted to seek asylum and the police told them it would be no problem and asked them to load into the van. After approximately 10 minutes the van stopped, and the officers opened the rear doors. There were now seven officers all dressed in dark blue uniforms. Those officers told the family to exit the vehicle and go back across the border to Bosnia. The respondent knew the exact location of the pushback, a mountain in Pašin Potok, on the Croatian border. He stated that the family had been pushed back over this area of the border nearly 30 times.

**INTERVENTNA JEDINICA  
POLICIJE (CROATIAN  
INTERVENTION POLICE) AND  
EKIPA ZA POSEBNE ZADACE  
(TEAM FOR SPECIAL TASKS)**

Croatian Intervention Police (Interventna Jedinica Policije, often abbreviated to IJP) are the division of police trained and equipped to carry out counter-terrorist interventions, perform high-risk arrests, respond to hostage situations, kidnappings and other crisis situations or carry out large scale public order interventions. Across Croatia, all 20 police departments in Croatia, including the City of Zagreb, have their own intervention unit, which is managed by a commander subordinate to the National Police Directorate.

Intervention police units from across Croatia’s different police departments are periodically deployed to border regions. Testimonies collected from pushback survivors have routinely described uniforms

<sup>2</sup> Border Violence Monitoring Network. (2022). “They [the police] act like we are their enemy. We tell them please give us stay, we have a child that is one year, we have a woman that has asthma problems and they say ‘I don’t care, go back to Bosnia.’” Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/february-1-2022-0930-pasin-potok-croatia/](https://borderviolence.eu/testimonies/february-1-2022-0930-pasin-potok-croatia/)

consistent with the Croatian Intervention Police and therefore have provided evidence of their involvement in pushbacks:

In November <sup>3</sup>, No Name Kitchen documented a pushback from Croatia to Bosnia involving an 18-year-old man who stated that this was his 20th attempt to cross the Bosnian-Croatian border. This time, the transit group consisted of 6 men between 18 and 50 years old. At around 8am in the morning of the 11th of November, the group was apprehended in a forest area close to Vijelo Brelo, Croatia, by at least 3 officers wearing blue and black uniforms with the inscription of the Interventna Jednica Policija. Based on the description provided of the officer's uniform, BVMN assesses that they were likely apprehended by the Croatian Intervention Police. The transit group was kept in the forest area until 5pm that day. The respondent assumes that the reason for this time frame was that the official camps and support systems of IOM (International Organisation of Migration) in Croatia are not attainable anymore after 5pm. During that time the group was not allowed to eat or drink and the officers took their phones so they "can not take photos or videos, and we can not call IOM". At 5pm the group was forced into a police van and driven to a pushback site known to the respondent as being "about 15 km and two hours walking away from Velika Kladuša". The respondent explained that during the drive "There was no oxygen in the car. I felt like I can not breath."

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The Croatian Intervention Police also have a subunit called the Ekipa za Posebne Zadace, otherwise known as the EPZ, or the "Team for Special Tasks". The EPZ appear to have an exaggerated presence along the borders, in apprehension and in pushback operations. Similar to their colleagues within the wider Intervention Police teams, they dress in dark blue or black uniforms and utilise black ski masks frequently. Testimonies collected from pushback survivors have routinely identified EPZ officers or described uniforms consistent with the EPZ and therefore have provided evidence of their involvement in pushbacks:

In December <sup>4</sup>, No Name Kitchen documented a pushback from Croatia to Bosnia involving an two men, a 21 year-old and his 34-year old brother, who has a walking disability for 14 years, and was using a crutch. In the night from the 2nd to the 3rd December at the riverside, the two brothers encountered six officers. The respondent described the uniforms of four of the officers as black on the outside, and blue on the inside. Additionally, they wore black ski masks to hide their faces. Based on this description, it can be assumed that these officers were part of the Croatian Intervention Police (Interventna Jednica Policija / IJP). They were also accompanied by two dogs. There were two other officers, who were wearing military uniforms and black ski-masks. According to this description, it can be assumed that they were part of the Ekipa za Posebne Zadace (EPZ), a subunit of the IJP. The 6 officers came by two vans. The officers stopped the two brothers. Describing the behaviour of the officers the responded explained that they started to beat him, first with their hands, then with sticks. The respondent pleaded with them to not beat

3 Border Violence Monitoring Network. (2022). "We were not allowed to eat and drink from 8am til 5pm. And they took our phones.". Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/november-11-2022-1730-near-velika-kladusa/](https://borderviolence.eu/testimonies/november-11-2022-1730-near-velika-kladusa/)

4 Border Violence Monitoring Network. (2022). ""I think I die, I die, the river was too much fast and cold, me and my brother die!" Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/december-2-2022-2300-koranski-lug-croatia-at-the-shore-of-the-river-korana/](https://borderviolence.eu/testimonies/december-2-2022-2300-koranski-lug-croatia-at-the-shore-of-the-river-korana/)

his brother, also because of his walking disability. The respondent explained “Always when I said something, they beat me harder”. They beat him seven times on the thorax, and afterwards on the head. *“I could not speak, I cried too much. It was the first time in my life, I see people like that. They treated me like an animal.”* Afterwards they were also beating his brother with sticks.



## EXCESSIVE AND DISPROPORTIONATE FORCE

As outlined by Nils Melzer, the UN Special Rapporteur on Torture, pushbacks “routinely involve the threat or use of unnecessary, excessive, or otherwise arbitrary force”<sup>5</sup>. The unnecessary, excessive, or otherwise arbitrary use of force by law enforcement is incompatible with the absolute prohibition of cruel, inhuman, or degrading treatment, especially where such force intentionally and purposefully inflicts pain or suffering on powerless individuals, who are unable to escape or resist<sup>6</sup>.

Furthermore, the use of force generally cannot be regarded as lawful, necessary or proportionate if it is used as a form of retaliation and humiliation<sup>7</sup> or as a method to prevent persons from entering a State’s territory<sup>8</sup>. The use of force must always fulfil a “necessity” and proportionality requirement. If the use of force has not been made strictly necessary by the person’s conduct, it will be seen to diminish human dignity and is in principle an infringement upon the prohibition of torture<sup>9</sup>. The obligation of State parties is both to refrain from the unnecessary use of force and to ensure effective investigation of allegations of ill-treatment and violence.

Testimonies collected by BVMN’s field-based organisations routinely depict police officers brutally attacking transit groups with police batons, improvised weapons such as tree branches or metal rods, or through kicks and punches. These attacks often involve multiple officers and are carried out over a prolonged period against individuals or groups who are already detained, handcuffed or compliant. The severity of violence carried out by State authorities against people on the move is supported by the continued impunity for perpetrators and the ongoing concealment of these crimes.

## USE OF ELECTRIC DISCHARGE WEAPONS (EDWS)

Electric Discharge Weapons (EDW) are a form of “less lethal weapons” designed to inflict pain or suffering as a means of repelling or otherwise coercing the targeted persons.<sup>10</sup> Like the use of force, the use of EDWs must adhere to the principles of necessity and proportionality, and in the view of the European Committee for the Prevention of Torture (CPT), should only be used in situations where there is a real and immediate threat to life or risk of serious injury<sup>11</sup>.

Recognising the evidence of EDWs being used to threaten, debase, or intentionally harm, the Committee for the Prevention of Torture has affirmed that, by their very nature, EDWs lend themselves to misuse<sup>12</sup>. To date, across multiple reporting locations, BVMN’s field-based member organisations have collected testimonies recalling police officers punitively using electric discharge weapons to intentionally inflict pain and suffering in situations where the victim is compliant, and on some occasions, already in handcuffs.

5 United Nations Human Rights Council. (2018). Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A/HRC/37/50. Available at: [www.ohchr.org/Documents/Issues/Torture/A\\_HRC\\_37\\_50\\_EN.pdf](http://www.ohchr.org/Documents/Issues/Torture/A_HRC_37_50_EN.pdf)

6 *ibid*

7 *ibid*

8 *ibid*

9 See: *Bouyid v. Belgium*. App no. 23380/09 (ECHR 2015)

10 UN General Assembly. (2017). Extra-custodial use of Force and the Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A72/178. Available at: [documents-dds-ny.un.org/doc/UNDOC/GEN/N17/223/15/PDF/N1722315.pdf?OpenElement](http://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/223/15/PDF/N1722315.pdf?OpenElement)

In situations where an EDW has been used, the CPT states a post-incident procedure should be initiated to review and report on its use. EDWs should be equipped with a memory chip that records the time, duration and intensity of any use, and CPT recommends that this data be stored and made accessible for review by the competent authorities.

#### **FORCED UNDRRESSING**

Recognising the potential to create feelings of anguish and humiliation, the use of forced undressing has been viewed as a debasing policing tactic with the potential to be in direct variation with the principles of the prohibition of inhuman and degrading treatment and have been deemed a violation of ECHR Article 3<sup>13</sup>.

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Testimonies collected by BVMN's field-based member organisations have shown the systematic use of forced undressing and the theft or destruction of clothing during pushbacks. BVMN attests that forced undressing, especially selective or punitive forced undressing for an extended period, or of individuals or minors in front of larger groups would constitute a cruel act with the intention to humiliate and intimidate victims and thus amounts to torture or ill-treatment.

BVMN is additionally concerned with testimonies that depict police officers forcibly undressing and destroying the clothes of transit groups during adverse weather conditions, potentially endangering their physical health, and exposing them to the risk of hypothermia.

#### **THREATS OR VIOLENCE WITH A FIREARM**

The threat or use of excessive force with a firearm is prohibited under international law. According to the UN Special Rapporteur on Torture, any use of "an otherwise permissible weapon, irrespective of its lethal or less lethal design, in order to intentionally and purposefully inflict pain or suffering on a powerless person, always amounts to an aggravated form of cruel, inhuman or degrading treatment or punishment or even torture."<sup>14</sup>

Additionally, this treatment incorporates psychological harm since it has been established that ECHR Article 3 incorporates either physical or mental suffering. Hence, mock executions with a firearm or discharging a firearm directly at an individual should only be understood as a clear and sustained violation.

Testimonies collected by BVMN's field teams in 2022 have demonstrated that authorities have used firearms as a tool of violence or to threaten or invoke fear amongst people on the move during pushbacks. Similar to other typologies of violence, BVMN is concerned about the use of firearms in the presence of unaccompanied children or minors as evidenced in various testimonies. BVMN asserts that such use of firearms is a technique often used by authorities as a method of torture or inhumane treatment, which has caused physical and psychological harm to people on the move.

#### **INHUMAN TREATMENT INSIDE A POLICE VEHICLE**

Across all years of reporting, BVMN has documented treatment, detention or transportation inside police vehicles that we assert is in direct variance with international standards developed by the Council of Europe, the European Committee for the Prevention of Torture and the UN. In view of the Council of Europe, "unacceptable conditions

11 CPT. (2010). 20th General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). CPT/Inf (2010) 28. Available at: [rm.coe.int/1680696a87#:~:text=In%20the%20report%2C%20the%20CPT,line%20with%20the%20Committee's%20standards.](https://rm.coe.int/1680696a87#:~:text=In%20the%20report%2C%20the%20CPT,line%20with%20the%20Committee's%20standards.)

12 *ibid.*

13 Valašinas v. Lithuania. App no.44558/98. (ECHR 2001).

14 UN General Assembly. (2017). Extra-custodial User of Force and the Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/72/178. Available: [www.ohchr.org/en/documents/report-use-of-force](https://www.ohchr.org/en/documents/report-use-of-force).

during transfers of prisoners may amount to inhuman or degrading treatment or punishment<sup>15</sup>. These include transport in extremely cramped conditions<sup>16</sup> or lack of heating, ventilation, or sufficient safety measures such as safety belts and could be considered aggravating factors leading to breach of the ECHR<sup>17</sup>.

If persons are transported for long periods of time, the CPT states that “arrangements should be made to allow detainees to have access to sanitary facilities or to satisfy the needs of nature in conditions offering sufficient privacy, hygiene and dignity. When travelling by road, this implies the organisation of regular stops”<sup>18</sup>.

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Testimonies collected by BVMN’s field-based members also evidence the use of unofficial or improvised vehicles such as freezer trucks or vans to detain and transport people on the move which we assert is in breach of international standards. Further to this, an analysis of pushback testimonies shows how police overheat vehicles, overcrowd or drive recklessly and thus we conclude this policy is both deliberate and premeditated.

## INHUMAN TREATMENT INSIDE A DETENTION FACILITY

International human rights standards mandate that detention facilities should be of an appropriate state of repair, cleanliness and be of a reasonable size for the number of people they are used to accommodate<sup>19</sup>. Furthermore, to ensure detainees are not subjected to inhuman conditions, detention facilities should have sufficient access to daylight, heating, ventilation, electricity, or water, as well as suitable bedding or clothing<sup>20</sup>. Whilst the direct conditions of detention facilities may amount to torture or inhuman treatment, the United Nations Special Rapporteur on Torture<sup>21</sup> has affirmed that detention itself can also amount to torture when it is based solely on migration status and “intentionally imposed or perpetuated for such purposes as deterring, intimidating or punishing irregular migrants”.

Across all years of reporting, BVMN’s field-based member organisations have documented evidence that clearly demonstrates how people on the move are being routinely subjected to detention during pushbacks, and how the treatment, conditions or purpose of detention may amount to inhuman treatment.

- 15 Council of Europe. (2019). Parliamentary Assembly, Resolution 2266: Protecting Human Rights During Transfers of Prisoners. Available: [pace.coe.int/pdf/5d053242f448b9748c80ffce2273423870aeefb03326667a8259ffe25682ae848428feba12/resolution%202266.pdf](https://pace.coe.int/pdf/5d053242f448b9748c80ffce2273423870aeefb03326667a8259ffe25682ae848428feba12/resolution%202266.pdf)
- 16 Council of Europe. (2019). Parliamentary Assembly, Resolution 2266: Protecting Human Rights During Transfers of Prisoners. Available: [pace.coe.int/pdf/5d053242f448b9748c80ffce2273423870aeefb03326667a8259ffe25682ae848428feba12/resolution%202266.pdf](https://pace.coe.int/pdf/5d053242f448b9748c80ffce2273423870aeefb03326667a8259ffe25682ae848428feba12/resolution%202266.pdf)
- 17 Vlasov v. Russia, App no. 78146/01. (ECHR 2008); Voicu v. Romania, Third Section, App no.22015/10, (ECHR, 2014)
- 18 See: [rm.coe.int/16808b631d](https://rm.coe.int/16808b631d) and in Greece: Visit 2013, § 150, Greece: Visit 2009, § 153, United Kingdom: Visit 2005 (November), § 23, Lithuania: Visit 2000, § 118
- 19 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. (2018). Training Manual on the Prohibition of Torture and Inhuman and Degrading Treatment and Punishment. Available: [rm.coe.int/training-manual-prohibiton-torture-eng/1680933627](https://rm.coe.int/training-manual-prohibiton-torture-eng/1680933627)
- 20 Modărcă v. Moldova [Fourth Section], § 63-69, App no. 14437/05, (ECHR 2007). Available: [hudoc.echr.coe.int/eng?i=001-80535](https://hudoc.echr.coe.int/eng?i=001-80535)
- 21 United Nations Human Rights Council. (2018). Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/37/50. Available: [www.ohchr.org/Documents/Issues/Torture/A\\_HRC\\_37\\_50\\_EN.pdf](https://www.ohchr.org/Documents/Issues/Torture/A_HRC_37_50_EN.pdf) Anzhelo Georgiev and Others v. Bulgaria [Fourth Section], § 66,

# Examples of Torture and Inhuman Treatment During Pushbacks

## Excessive and Disproportionate Force

In 2022, the Border Violence Monitoring Network identified a clear pattern of systematic ill-treatment during pushbacks from Croatia, with 52% of testimonies recalling evidence of excessive and disproportionate force perpetrated by State authorities that we assert would infringe Article 3 of the European Convention on Human Rights<sup>22</sup>. As the testimonies reveal, violence is applied in an indiscriminate manner even in the presence of children. An analysis of testimonies show that 46% of transit groups subjected to excessive and disproportionate force by Croatian authorities contained a minor. Testimonies from Croatia, recall various forms of violence, including kicking, punching, water submersion as well as the use of police dogs to attack or debase. The use of force with the purpose of retaliation and humiliation has been seen to amount to a violation of ECHR Article 3<sup>23</sup>, and thus testimonial evidence shows the Croatian authorities are acting in direct variance with international law. Furthermore, the ECHR requires States to not only refrain from unnecessary use of force but also mandates States to protect individuals from such use of force and to effectively investigate allegations of ill-treatment and violence<sup>24</sup>. As such BVMN further affirms the Croatian State is failing to adhere to the principles set out under the European Convention of Human Rights by failing to initiate investigations based on evidence of the mass proliferation of torture carried out against people on the move. The two testimonies within this section were documented by No Name Kitchen.

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### INCIDENT A

On February 9th, 2022, a 43-year-old man was pushed back from Croatia to Bosnia and Herzegovina<sup>25</sup>. The man was travelling by himself, as he recalls having split up from the group he was initially travelling with. He described that his leg was in critical condition after an estimated three hours of walking and that he had less energy than the other men and had thus decided not to stay with the transit group.

After several hours of walking, five men in dark blue uniforms in a smaller car and a large van stopped and apprehended him. The respondent remembered badges on the dark blue uniforms and that the men had small firearms. The description of their uniforms corresponds to that of the uniforms worn by Croatian border police.

The respondent stated that he was first patted down and had to hand over all his personal belongings (phone, power bank and backpack). After being interrogated about his journey and the whereabouts of his friends, the respondent recalls that the officers started to become physically violent. He explained how he was kicked on the thigh, knee, and lower leg, by the officers who were wearing steel-toed shoes. He further added that he was beaten on his shoulders, arms, and upper body with fists and a large tree branch that the officers used as an improvised baton.

22 Application no. 51284/09, ECHR (2014). Available: [hudoc.echr.coe.int/fre?i=001146567](https://hudoc.echr.coe.int/fre?i=001146567)

23 *Cestaro v. Italy* [GC], § 170-190, App no. 6884/11, ECHR (2015). Available: [hudoc.echr.coe.int/eng?i=001-153901](https://hudoc.echr.coe.int/eng?i=001-153901); and *Bartasaghi Gallo and Others v. Italy*, § 114 and 117 Application nos. 12131/13 and 43390/13, ECHR (2017). Available (FR): [hudoc.echr.coe.int/eng?i=001-174443](https://hudoc.echr.coe.int/eng?i=001-174443)

24 Council of Europe. (2014). *Effective Investigation of Ill-Treatment: Guidelines on European Standards*. Available: [rm.coe.int/16806f11a3](https://rm.coe.int/16806f11a3)

25 Border Violence Monitoring Network. (2022). "I'm scared for this, for the wood, maybe they will kill me". Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/february-9-2022-1600-kobiljak-croatia/](https://borderviolence.eu/testimonies/february-9-2022-1600-kobiljak-croatia/)

The respondent described being asked again and again about the location of his friends, and being beaten again after each of his answers: “*Sir, I’m alone*”, “*You are a liar, where are your friends?*” the officers responded. The officers took turns attacking him. Based on the evidence provided, the excessive and disproportionate force used consecutively by multiple officers was a punitive tactic used intentionally to inflict suffering and extract information.

The respondent estimated that he was asked to go into the van after about 10 minutes. There he was put in a cube-shaped box with bars “like prison”, while the other officers searched the nearby area and communicated via radios. The respondent did not understand what was being said. He asked the respondent again where the friends were and then hit him with the branch through the bars. The respondent estimated that 20 minutes passed before the car ride continued.

The respondent stated that the following car ride felt like 10 minutes. When the van reached the pushback location, a patrol car was already on the scene. He reported that it was still daylight. According to his time information, he reached the pushback location between approximately 3.30 and 4pm. The respondent was reluctant to leave the van because he was very afraid of being beaten again, he stated that he feared for his life: “*I’m scared for this, for the wood, maybe they will kill me*”.

One of the men then reportedly shouted at him to return to Bosnia immediately. He jumped out of the van and ran on his socks as fast as he could in the direction indicated. He described that while he was running, he was hit again from behind with the branch.

#### INCIDENT B

On the 27th of November the respondent, a 22 year old young man, was pushed back from Croatia to Bosnia<sup>26</sup> with a group of four more people, all of whom were badly injured during the pushbacks. On the 26th of November, the transit group left Velika Kladuša at around 5 pm and walked towards the Croatian border for one hour.

After going through the crossing point, they walked for around five hours through the forest and the mountains. As the respondent states, five hours later, around 8 to 10 pm, when they reached the top of a mountain, they started to hear a loud noise, looked up and saw what he identifies as a drone with a camera over their heads. They realised that they had been spotted.

A few minutes after being spotted by the drone, six people wearing black and sky-blue uniforms and weapons on their jackets approached the group. The respondents identify these people as police officers. From the moment they arrived, the respondent recalls that the officers started acting very violently towards the people on the move.

“*They told us to sit down and then they started beating us continuously, they kicked us, they punched*”. The respondent himself declares that he had difficulties breathing, for they were punching him on his chest. All the members were beaten and hit, up to the point they could not look at the police officers, because they were scared.

At this point, the police officers started beating them with the wooden branches they found around the forest. The respondent reports that

26 Border Violence Monitoring Network. (2022). “Kicked and hit with wooden sticks for more than 2 hours”. Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/november-27-2022-0500-near-sturlic-bosnia-and-herzegovina-croatia/](https://borderviolence.eu/testimonies/november-27-2022-0500-near-sturlic-bosnia-and-herzegovina-croatia/)

they were kicked and hit with these wooden sticks for more than two hours, including on their heads, on their chests, and all over their bodies. In the meantime, the police officers also took all their belongings: mobile phones, chargers, power banks, money and even some clothes. *“They left us with one trouser and one shirt”*.

After these two hours, the transit group members saw the authorities calling someone, and they assumed they were calling for other police officers. Then, they were taken down to an off-road, being pushed, where they saw seven more people, identified as police officers as well, approaching. Reportedly, 10 minutes later a police van appeared, called by the respondent “the deport van”, a white van with a Croatian sticker on it and fenced windows.

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Once they were out of the van, the police officers (five of them) started kicking them again, pushing them and telling them to go back to Bosnia, from where they came. At this point, the transit group members started running towards the Bosnian territory, it was as the respondent remembers at around 5am the next morning.

As the respondent declares, their situation was really bad when coming back, as during the pushback all of them were injured: the respondent’s hand was broken and it hurt, another member of the group was bleeding from his mouth and coughing blood, the third member had his head injured because of being hit with branches, and the rest of the group was complaining of having pain in their chest.

## CONCLUSION

The incidents exemplify the type of physical violence people on the move are subjected to by Croatian authorities. These are just two of at least 29 testimonies collected by BVMN member throughout 2022 of people experiencing excessive and disproportionate force, whilst also recognising that a high number of pushbacks are never documented.

People on the move are in extremely vulnerable situations, often exhausted from their transit and without access to legal or physical protection. They are frequently stripped of their belongings and sometimes clothing, before being exposed to excessive violence, often for prolonged periods of time, as in the cases described above. We affirm that both in the cases above and those in the BVMN database, there is no indication of imminent danger that would justify the use of force as strictly necessary.

Instances of prolonged beating with wooden sticks and officers taking turns beating in combination with verbal harassment suggest that violence is inflicted with the purpose of humiliation and intimidation. This clearly exceeds the threshold of prohibited ill-treatment and thus we assert would constitute a breach of Article 3, ECHR.

Additionally, the consequences from excessive and disproportionate force can be dangerous, especially as pushback survivors often find themselves without personal belongings and access to medical care, immediately after their experience. Beyond the physical effects, such experiences can cause severe psychological afflictions in the long term.

## Use of Electric Discharge Weapons

The Border Violence Monitoring Network has consistently documented the punitive and abusive use of Electric Discharge Weapons (EDWs) across all countries of reporting. EDWs are used to avoid lethal outcomes, yet they are “designed to inflict pain or suffering as a means of repelling or otherwise coercing the targeted persons.” As such, the Committee Against Torture (CAT) warns of the risk of cruel, inhuman or degrading treatment or punishment associated with their use. Since 2019, BVMN has presented evidence of the Croatian police using EDWs as a punitive and coercive policing tactic against compliant persons in situations where there is no risk to life or injury to justify its use. While evidence of their use has been more widespread between 2019 and 2021 we continue to see electric discharge weapons being used by Croatian border police, along with other brutal forms of violence during pushbacks. The testimony within this section was documented by No Name Kitchen.

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### **INCIDENT A**

On the 3rd August 2022<sup>27</sup> the respondent and his two friends attempted to cross the Croatian border. The group left Polije at 11pm and some hours later they crossed the Croatian border. After a few kilometres, the respondent reported that he and his friend were spotted by three officers. According to the respondent, the officers were wearing black uniforms and balaclavas, which matches the description of Croatian Intervention Police uniform. According to the respondent, the officers directly ran after them and, without asking anything, started to beat him.

The respondent described being struck on the back of the head by an officer with a baton. Then, the same officer reportedly used an electric discharge weapon, described as a taser, on his legs and feet. After this, the respondent lost balance and fell on the ground. At this point, the officers dropped the weapons and reportedly started beating him with their bare hands on his chest, legs and face. He was staying in a foetal position trying to protect his face. Eventually, the respondent reported that he ended up losing consciousness.

When he regained consciousness, he was alone in the same place where he originally fell. The respondent reported that officers had taken his phone. Describing the heightened and lasting fear following the attack by the officers, the respondent explained that he didn't want to move forward toward Croatia anymore because he was afraid to come across the police once again. Despite being very confused, the respondent managed to find his way back to Velika Kladuša in Bosnia without his smartphone, and then back to the squat he had left the day before.

### **CONCLUSION**

This incident illustrates the brutality the Croatian authorities employ to deter people from its borders and push them back into Bosnian or Serbian territory. The impact of the Electric Discharge Weapon significantly impaired the man's ability to move and find a place of safety after being pushed back, further exposing him to the risk of harm. BVMN is extremely concerned with evidence that Croatian police are leaving persons unconscious and unattended following a violent attack with batons and electric discharge weapons, and in direct variance with international standards, fail to provide medical attention or after-care.

27 Border Violence Monitoring Network. (2022). “Without asking anything, they started to beat him”. Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/story-of-a-violence-pushback/](https://borderviolence.eu/testimonies/story-of-a-violence-pushback/)

## Forced Undressing

BVMN's field-based member organisations have continued to document the use of forced undressing as a degrading and humiliating practice used by Croatian authorities against people on the move. In 2022, 13% of pushback testimonies from Croatia recalled the use of forced undressings. A further examination of testimonies shows how in 2022, 39% of transit groups subjected to forced undressings by Croatian authorities contained minors. Across many of these incidents, men, women, and children are stripped completely naked often in freezing temperatures or as part of a larger and excessively violent attack. In line with ECHR judgments in which the court recognised cases of forced undressing have left people "with feelings of anguish and inferiority capable of humiliating and debasing" them, BVMN maintains that this inhuman practice reflects a policy of internationally inflicting humiliation and suffering and is incompatible with both domestic and international law. The testimonies within this section were documented by Blindspots and No Name Kitchen.

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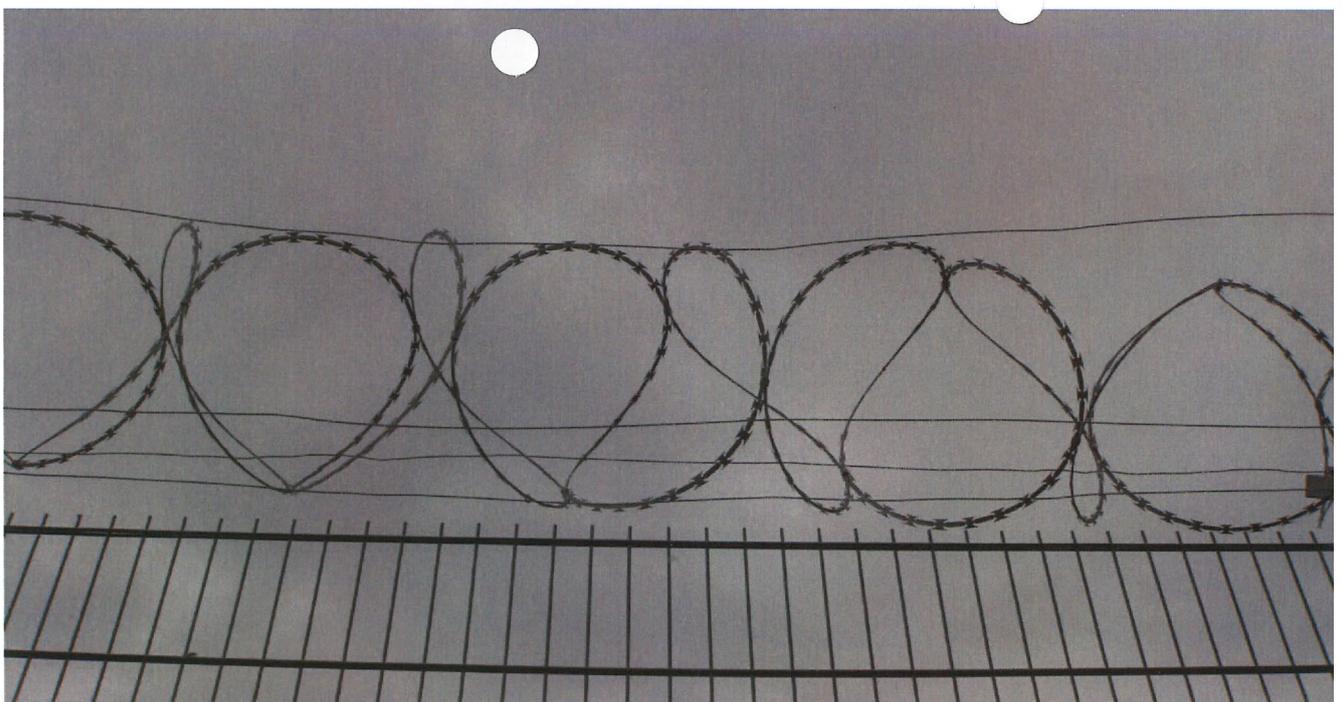
### INCIDENT A

On Friday, May 15th, 2022, a group of 19 people were pushed back from Croatia to Bosnia<sup>28</sup>. The respondent interviewed by Blindspots, a BVMN member organisation, recalled how the group set off from Velika Kladusa to Croatia at 3 am on May 10th. As the group crossed a bridge over the Kupa River on May 13th, they were startled by two abrupt warning shots. The respondent described how two people with guns reportedly emerged from a hiding place at the end of the bridge: one was wearing a dark blue uniform with the inscription "Policija", the other was wearing light blue trousers and a dark blue top. The respondent further explained that these 2 people had parked their cars (a grey civilian car and a white car with the inscription "Policija" on blue stripes on the sides) at the end of the bridge.

The respondent described one of the men yelling, "Police, get down." The interviewee stated that the group was forced to completely undress and lie on their stomachs on the floor. The officers pressed some members of the group to the ground with their shoes. As soon as one of the people lying on the ground looked up, they shouted: "Look down." The respondent added that flashlights were used to examine first the pockets, then also the naked bodies of the group. The respondent further described how one of the officers took pictures with his personal cell phone. Then, they reportedly began to beat the legs, backs, and heads of the group with batons.

The respondent explained that he could hear the fivefold repetition of the words "India and Bangladesh" during a telephone conversation involving one of the 2 officers. After what seemed to the respondent like an hour and a half of lying on the ground, reinforcements arrived in two white vans with barred front windows and a windowless rear. Two men were sitting in the front of the car but did not get out. The respondent described how the group was then allowed to get dressed again and was distributed among the two vans by the officers, who were armed with batons, pistols, and knives. In the process, some of the group was hit on the back of the head. During what seemed to the respondent like a 3 hour and a half drive in the overheated, poorly oxygenated car, 3 people threw up. The respondent explained that then, the group was asked to get out of the van by men in dark blue

28 Border Violence Monitoring Network. (2022). "Men in uniform take private footage of nineteen completely naked, abused and wounded people seeking protection". Reported by Blindspots. Available at: [borderviolence.eu/testimonies/completely-undressed-abused-and-wounded-by-punches-and-kicks-nineteen-people-seeking-for-shelter-are-forced-to-lie-on-the-floor-for-1-5-hours-while-croatian-police-officers-take-private-pictures-of/](https://borderviolence.eu/testimonies/completely-undressed-abused-and-wounded-by-punches-and-kicks-nineteen-people-seeking-for-shelter-are-forced-to-lie-on-the-floor-for-1-5-hours-while-croatian-police-officers-take-private-pictures-of/)



uniforms. They were now on the Croatian-Bosnian border near the Bosnian town of Vrnograč. The group in the other van was apparently taken to another location. The respondent described how upon leaving the van they were kicked and shouted to “Go Bosnia!”. After about 4 hours of walking, the group reached the bus stop of Velika Kladusa and was found injured and given emergency care by an aid organisation based there.

#### INCIDENT B

The respondent, a 24-year-old man, was travelling with three of his friends<sup>29</sup>. The group left Velika Kladuša, BiH and walked for 10 days through Croatia until they reached the Slovenia border. The respondent explained that during this journey, they reached a Croatian river, in which they had found the dead body of a person believed to have died a few weeks before whilst attempting a similar crossing. The respondent described the experience of having to cross that river as very troubling and partially retraumatizing to him and his friends. He stated that the last time they crossed this river a close friend of his started bleeding from his nose and mouth from the shock of seeing the dead body in the water.

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After reaching the Slovenian border the group walked for another two days where they were apprehended an estimated 10km from the Italian border. Based on the description of the uniforms and the circumstances of the apprehension, it is believed that the group was apprehended by Slovenian police officers doing traffic controls. The group asked for asylum and were taken to a police station. At the station, the police examined their phones and maps-applications and explained to the group that they did not believe their will to claim asylum because the maps on their phones showed saved locations in Trieste. Due to his deteriorating health whilst at the police station the respondent was examined by a doctor. The respondent explained that the doctor told the police officers not to send him out of the country because his health status was very precarious and it could mean a risk to his life.

The group was detained overnight and the next morning was driven to the Croatian-Slovenian border and handed over to Croatian authorities in their vehicle. Describing the experience, the respondent explained that he and his friends suffered a lot in the back of the van, unable to breathe properly and feeling the pain of their injuries strongly due to the increased amount of movements the van made. The group was not allowed to leave the van during this time to use the toilet, drink water or eat something.

After an estimated eight hours of driving, they arrived at a Croatian City. Together with eight other men, from three different nationalities, the group of now 12 people was placed split into three vans and driven to close to the Bosnian border.

After being extracted from the vans the group was forced by the officers to undress down to their underwear and take off their shoes. They were also forced to hand over all of their belongings, including power banks, phones, chargers, backpacks and the small amount of food they had left. The group was left at the green border having been forcibly undressed wearing nothing but their underwear.

29 Border Violence Monitoring Network. (2022). “The doctor said to the Slovenian police: don't deport this man, he will die. But they did not care. They sent me back”. Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/january-15-2022-0000-25-km-from-velika-kladusa/](https://borderviolence.eu/testimonies/january-15-2022-0000-25-km-from-velika-kladusa/)

The officers then proceeded to use extreme violence against the group. The respondent described how the officers beat them with sticks and their fists. Even when the respondent was laying on the ground, they did not stop beating and kicking. The officers broke several fingers and hands. The respondent was beaten on his upper back which later created a big hematoma. Even though the respondent himself was severely injured, he described the form of violence used against the other men as being even more violent and brutal. *“They just did not stop beating them. Too much beating.”*

The group walked over the border into Bosnia and Herzegovina, walking through the night without shoes or clothes until they reached Velika Kladaša. The respondent described their complete sense of desperation due to the combination of cold and pain from his several injuries and the fear for his life. The respondent’s vital signs were so bad that once they reached Miral camp he was referred to the Intensive Care Unit of the hospital. *“We could not stop. If we stop we die”*

## CONCLUSION

BVMN affirms that the Croatian authorities continued, systematic and habitual use of forced undressings during pushbacks is an unnecessary tactic designed to intentionally humiliate and debase people on the move. In 2022, testimonies collected by BVMN’s field-based member organisations have evidenced how Croatian police have used forced undressing against groups of unaccompanied minors and how this tactic is often accompanied by acts of violence or extensive body searches. BVMN recognises both the physical and psychological impacts of being forcibly undressed during a pushback. Furthermore, we affirm that forced nudity, especially amongst mixed-gender groups or groups containing minors, is a cruel tactic that could cause intense feelings of humiliation. We conclude that in no situation is the use of forced undressing or the destruction of clothing a necessary action and therefore we conclude that the Croatian authorities are acting in direct contravention of both domestic, European and international law.

### Threats or Violence with a Firearm

BVMN asserts the use of firearms by authorities to threaten or inflict violence at people-on-the-move has been routinely applied in pushbacks. In 2022, BVMN member organisations found 15% of pushback testimonies reported the use of threats or violence of firearms by authorities in Croatia. Furthermore, BVMN has identified 50% of these testimonies have included the presence of minors or children. In such instances, respondents have reported to have experienced authorities using firearms as an act of intimidation that would often result in psychological and physical harm. BVMN contends such actions would amount to torture or inhuman treatment, and regarded as breach of international law under Article 3 of the ECHR. The testimonies within this section were documented by an Anonymous Partner and No Name Kitchen.

## INCIDENT A

On 7 and 8 December 2022, four people were pushed back from Croatia to Bosnia and Herzegovina<sup>30</sup>. The respondent, aged 30, stated they were close to Pivare, Croatia, and the Sava river when they met four Croatian police officers, dressed in uniforms, who were carrying

guns and batons. The Croatian police officers were speaking in Croatian, and had two cars with them.

The police officers started to beat the respondent for around 20 minutes. The respondent described the police officers had used their fists to punch them in the belly, their feet to kick their legs and knees, until the respondent laid on the ground. The violence by the police officers against the respondent continued with the use of their fists, batons and kicking on different parts of the body such as their legs, thorax and belly, as well as knuckling the respondent's throat. The respondent further stated a police officer then proceeded to place a gun onto his forehead for several seconds, and the police officer beat his nose from the outside with the gun until the respondent felt his nose bone had broken.

After these incidents, the respondent recalled the police officers had commanded him to take off his jacket, shoes, socks and pants, and to hand these over to them. The respondent was also commanded to give his mobile phone, power bank, and €400.

After the incident and when the respondent provided his testimony to a BVMN member organisation, he said the broken nose had still caused a lot of pain. The respondent has also described he had still suffered pain from the physical violence exercised by the police officers on his torso and legs.

#### INCIDENT B

On 3 June 2022, a group of 20 people were pushed back from Croatia to Bosnia and Herzegovina<sup>31</sup>. On 7 March 2022, the three respondents, said the group, including two pregnant women and a minor, had left Bihać, Bosnia and Herzegovina, and had crossed the border by foot around 8 or 9pm. The respondent further described the group as continuing to walk into the forest of Plješevica mountain before dividing into two groups and diverted direction.

The first respondent said they stopped to rest for two or three minutes until they were intervened by the police officers who were flashing lights at them. The respondent described there were nine male police officers, all wearing black balaclava masks and were wearing black uniforms. The police officers took their phones and pushed the group to the ground, and forced them to sit in the middle of the forest. The respondent then said they were taken to a different spot and were placed behind a police van, which was described to be a white van with 'policija' written on its side.

The first respondent mentioned there was forced undressing by the police officer, in which they were undressed completely and strip searched. The two pregnant women and a minor were searched and frisked, and felt extremely disturbed. The group were then forcibly loaded into one van, which included the other group that had been separated early.

The respondent recalled they were forced out of the van after the police officer drove for 45 minutes, and had their backpacks confiscated by the police officers. One police officer kept a dog on a leash in one hand and a gun in the other hand. Another police officer had a big shotgun, which was said to be similar to a 44 caliber. One person from the group, who the respondent had described to be religious, had asked the

30 Border Violence Monitoring Network. (2022). "They put metal sticks far inside my nostrils, turned and extended them harshly". Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/27272-2/](https://borderviolence.eu/testimonies/27272-2/)

31 Border Violence Monitoring Network. (2022). "Cuban people, we are raised to be afraid of the media. But this is not Cuba, we can't keep quiet. We are not afraid, we have nothing to lose.". Reported by Anonymous Partner. Available at: [borderviolence.eu/testimonies/march-6-2022-2300-close-to-the-una-river-in-the-proximity-of-lohovo-bosnia-and-herzegovina/](https://borderviolence.eu/testimonies/march-6-2022-2300-close-to-the-una-river-in-the-proximity-of-lohovo-bosnia-and-herzegovina/)

police officers for some icons of saints inside his backpack. A police officer responded by pointing their shotgun to the individual's temple. The respondent said they had told this individual to "calm down" to prevent the police officer's threat to escalate further. All of the respondents described feeling traumatised by the entire ordeal.

## CONCLUSION

The above-mentioned testimonies provide evidence on the consistent use of firearms by Croatian authorities as a form of threat or violence at people-on-the-move during pushbacks. In these two testimonies, Croatian authorities have relied on the use of firearms as forms of mock executions to perpetuate further disproportionate use of violence. BVMN have found these techniques have been consistently employed by authorities to intimidate and invoke fear to people-on-the-move. In the incidents above, Croatian authorities have used guns to point against an individual's temple to provoke fear, and to beat with physical force. Therefore, it is conclusive to state such treatments on the use of firearms could amount to inhuman or degrading treatment under Article 3 of the ECHR.

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### Inhuman Treatment Inside Police Vehicles

Vehicles often play an important role in carrying out a pushback. They are used to drive people back into the border zone or across a border or to and from a detention location. From the testimony database, we can infer that most pushback incidents in 2022 involved vehicles. More than a means of transportation, vehicles are also sites where people on the move are subjected to violence and degrading treatment. This can involve overcrowding, reckless driving causing physical harm as well as deliberate violence. In 2022, 40% of testimonies recalled the use of inhuman treatment in police vehicles and 50% of these groups included minors. Sometimes, people are also held in vehicles for several hours and prohibited to leave, while being denied food, water and access to toilets.

## INCIDENT A

The respondents, a 28 year old male and 29 year old female couple, were travelling with 7 other people as they crossed the border into Croatia on October 1<sup>32</sup>. Travelling through the night, the group crossed the Sava river and walked towards the village of Rajić. The following morning the respondents reported that they met Croatian officers who did not detain them. The respondents asked the officers for the "7-days paper" (an expulsion document leaving migrants 7 days to leave Croatia, which allows them to move freely through the country in this period), but the officers reportedly told them that the EU ordered Croatia to stop issuing these papers, and that they do not need the paper in order to move on.

The group continued walking until the train station of Rajić, but were intercepted by two officers in blue uniforms inside the station. The respondents identified them as regular police officers from pictures and their own experience. The respondents believe that the officers saw them in the CCTV cameras of the train station. After being apprehended, the officers reportedly searched the men and the bags, and

32 Border Violence Monitoring Network. (2022). "The police tricked us". Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/october-3-2022-0000-close-to-stabandza/](https://borderviolence.eu/testimonies/october-3-2022-0000-close-to-stabandza/)

took all of the group's mobile phone. They eventually called for reinforcement and three other officers in the same uniforms arrived shortly after with a white van without windows, but with a blue "police" inscription on it as described by the respondents. Inside the van there were two benches, one on each side. The respondents mentioned that they felt tricked by the police when they learned that they can neither move on, nor receive the "7-days paper".

The female respondent recounted that it was very dark inside the van, and that the nine passengers were squeezed together and could not breathe well. The respondents mentioned that they were apprehended at around 5:30 pm, but they had to wait for a long time before the van started driving. They did not remember for how long exactly, but given the fact that the distance between the point of apprehension and the point of pushback is less than 150km, they must have been detained in the van for several hours (the pushback only happened around midnight).

The respondents reported that during the waiting time they were not allowed to leave the van nor to go to the toilet. They furthermore did not receive any food or water. The respondents described one of the police officers as an approximately 22 year old police officer with short, blond hair. They mentioned that this officer is known for his bad behaviour towards people-on-the-move, as they had heard from others who had been treated badly by this particular officer. He happened to be the driver of the van. Due to his reportedly reckless driving style all the passengers were falling over each other and started feeling sick. The respondents furthermore remembered that he was whistling while leading the group to the van, which made them feel humiliated.

According to the respondents, the officers left them at the border around midnight (during the night Oct 2-Oct 3) and the group received back their phones, then walked for another 6km on the Bosnian side to the village of Zboriste. They did not have warm jackets and were freezing.

#### INCIDENT B

On Friday 8th April, a group of three, including a minor were pushed back from Croatia to Bosnia and Herzegovina<sup>33</sup>. The respondents reported that they left Velika Kladusa on the 9th of April, crossing the Croatian-Bosnian border near the town of Bogovolja.

The respondent described that the stretch of the forest they crossed was full of land-mines and therefore this route was particularly difficult. After crossing into Croatia, the group waited until the morning and called a phone number, which they think is from the International Organization for Migration (IOM), expressing their intention to seek asylum. They explained that they sent proof to the IOM that a minor was travelling with them, provided their location and waited for about one hour on the side of the road, but was told it was only in the power of the police to decide how to act.

The respondents described seeing a big van, reportedly from the police, which they allegedly saw being used in pushbacks before: *"When we saw the big car of the inch we understood that we were going to be deported again"*. The respondents explained that the people from the van were wearing dark blue uniforms, inline with the known uniform of the Croatian police.

33 Border Violence Monitoring Network. (2022). "They stopped everywhere in the sun, lot of people felt bad. It was a bad situation, even right now I'm not feeling good from that. It's very bad". Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/april-8-2022-1600-not-farfrom-melinovac/](https://borderviolence.eu/testimonies/april-8-2022-1600-not-farfrom-melinovac/)

Speaking with the officers, the group repeatedly requested asylum. At around 10am, the officers forced the three men to enter the back of the van. The respondent explained *“They brought us in the car, they didn’t say nothing. There was another family inside, in very bad conditions, a Cuban family.”* In total 11 people were crammed into the back of the van in complete darkness. The respondents described the driving as crazy, with frequent bends and sudden braking. The respondent explained how due to lack of oxygen, two people fainted and many others vomited. *“It was a bad car, close car, we were in there for 7 hours”*. The officers also often stopped the car in the sun. The respondents understood this as an attempt to purposefully overheat the passenger compartment. *“They stopped everywhere in the sun, lot of people felt bad. It was a bad situation, even right now I’m not feeling good from that. It’s very bad”*.

The respondents stated that after what seemed like 7 hours of driving, the officers stopped the van and told the group to return to Bosnia. They were pushed back far away from where they were apprehended, somewhere near Bihac. Their phones were returned to the three respondent at the time of pushback. *“We had luck for that. They didn’t take us mobiles or money. Every time we go they take everything from us, it’s a big problem for us. We have always to spend lot of money”*. At the pushback location, they met another newly expelled family who originally came from Nepal. They explained that the family had been stripped of everything, telephones, backpacks and were even stripped of their clothes. *“They had anything”*. After re-crossing the Bosnian-Croatian border, they reached Bihac where they called a number, supposedly IOM. A car picked them up and took them to Lipa.

## CONCLUSION

The testimonies collected by BVMN’s field-based member organisations shed light on the pervasive use of vehicles during pushbacks, highlighting the alarming frequency with which they serve as sites of torture, violence, and abuse. The testimonies of pushbacks from Croatia reveal a distressing pattern of incidents involving overcrowding, reckless driving causing physical harm, deliberate violence, and the targeting of minors. BVMN affirms that the clear and continued use of torture or inhuman treatment in police vehicles must be viewed as a deliberate tactic and places the Croatian authorities in direct contravention of international, European, and domestic torture prevention standards.

### Inhuman Treatment inside a Detention Facility

In 2022, testimonies show how the use of violence, abuse, or inhuman treatment in detention is an ubiquitous experience among pushback survivors. BVMN’s analysis showed that in 2022 in 84% of detention cases during pushbacks, people on the move were exposed to abuse that we assert would amount to torture or inhuman treatment. Across these testimonies, pushback survivors recall police violence, neglect, and the denial of access to basic facilities or medical care. As reported in previous years, testimonies have evidenced how people on the move are detained in both formal detention facilities such as police stations and the Trilj and Tovarnik detention centres but also in informal and inadequate facilities such as the notorious garage near Korenica police station. We affirm that the unlawful and arbitrary detention of people on the move in Croatia and the continued violation of the core and fundamental rights standards during detention shows a consistent

breach of Article 3 of the European Convention on Human Rights. Further to this, we also affirm that the evidence of the destruction of mobile phones, persons being transported at night, and the denial of any contact with lawyers, NGOs or other protection mechanisms shows that the Croatian authorities are deliberately taking steps to conceal these violations. The two testimonies within this section were documented by No Name Kitchen.

#### INCIDENT A

On Wednesday 20th April 2022, three men aged 29, 36, and 38 were pushed back from Croatia to Bosnia and Herzegovina<sup>34</sup>. The group of three walked to the border and crossed it during the night, reaching the town of Glina by walking on foot through the forest. Their intention was to take a bus from Glina to Zagreb. The respondent mentioned that he had multiple cuts on his hands after their journey through the dark forest.

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At 6 am on Wednesday the 20th April, they arrived at the bus station in Glina and bought a bus ticket. When they got on the bus, they realised that the bus did not leave and quickly found out that it was because the driver called the police on them. Two officers arrived between 6.30 and 7 am and were soon joined by four more. The officers were described as policemen who wore dark blue uniforms and the description provided by the respondent suggests that they were members of the Croatian police.

When the officers arrived, the three men were forced to get off the bus. The respondent described how the officer screamed at him as he was the first to get off the bus. One officer stood in front of the respondent and kned him in the stomach. The respondent continued to explain that another officer came from behind and kicked him on his legs repeatedly. This outburst of violence was ended by a female officer hitting the respondent on the back of the head. Recalling the continued impact of the attack, the respondents recalled that two days after the kicking and beating he was still struggling to walk and suffered intense pain in the area of the lower abdomen and in his genitals.

The respondent described how the three of them were trying to express their wish to claim asylum, but that they were being ignored. They were all strip-searched and the officers took all of their belongings. The officers took his documents (including his passport, military card and the Bosnian police papers), money, credit cards, cigarettes, and a lighter. Then they also broke the screens, cameras, and phone chargers of their phones.

Describing their experience being detained, the respondent recalled how all three men were taken to a 'sort of container' close to the bus station. Whilst the respondent was unable to provide further details, it is possible that this 'container' was a shipping container used as an informal detention space used to hold people on the move outside any recognised or regulated detention space. On the floor of the container there was 30 cm of cold water, meaning that for the three hours they were detained they had to stand cold water coming above their ankles and couldn't sit on the floor. The respondents explain that after they were taken out of the container and driven for about an hour near to the Croatian border town of Maljevac where they were pushed back to Bosnia.

34 Border Violence Monitoring Network. (2022). "After the search and the physical violence, the policemen forced the three men to enter a container. On the ground of it were 30 cm of cold water." Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/april-20-2022-0640-glina-croatia/](https://borderviolence.eu/testimonies/april-20-2022-0640-glina-croatia/)



#### INCIDENT B

On Thursday, the 31st of March 2022, a group of 25 people were pushed back from Croatia to Bosnia<sup>35</sup>. According to the respondent, 4 or 5 persons in this group were minors, including one aged 13 years old. The others were 20 to 40 years old. All were male.

The respondent explained that they were first seen near the river Mreznica, near the Croatian city of Potok, “by a man, in a tree, who was carrying a rifle” who shouted at them to stop. The group started running, but the respondent thought that this man must have called the police, because the group was apprehended only a few minutes later by 20 officers, wearing blue uniforms and carrying batons and guns.

The officers forced the group to walk in a line to an area where they had parked two vans and five or six smaller cars. Under direct threats of violence, the police forced the group to walk silently with their hands on their hands.

The respondent explained how the group was forced into two vans and after what seemed like a 20 to 25-minute-long journey, they arrived at what he described as a police station. At the police station, the officers took their money, their phones, and their bags (containing all their personal belongings). To make sure they did not have any other personal belongings, they were also forcibly undressed to their underwear. The respondent explained this was “very humiliating”, “what they do is fucking horrible, is very bad”, “they fucking make laugh of it”, “all were laughing”. Whilst at the police station, they had their photos taken and their personal information (name, surname, age, country of origin) written down.

All 25 people were put into one cell, where they had to stay for the entire night. At 10 am, they were all forced to enter a van, and were driven back to the Bosnian border, near Velika Kladuša. The respondent

35 Border Violence Monitoring Network. (2022). “What they do is fucking horrible, is very bad.” Reported by No Name Kitchen. Available at: [borderviolence.eu/testimonies/march-31-2022-1000-border-near-velika-kladusa/](https://borderviolence.eu/testimonies/march-31-2022-1000-border-near-velika-kladusa/)

did not know the precise location because his phone was stolen by the officers so he could not geolocate the pushback site. He said that when they arrived at the border, they were forced to get off the van one by one where they were attacked by 7 officers waiting in a line. As each of the group left the van they were beaten by the police with batons and attacked by several police dogs.

Describing the severity of the attack, the respondent explained: “One officer starts beating you, and you go to another, another, another and they keep beating you, and the dogs were running after you”. The officers were hitting the head and the back: “All in my back, I had bruises and blood coming out”.

At the time of the interview, the respondent still had a long scar from this event between the right ear and the right eye. Before, during and after his detention, the respondent informed several times the people in uniform that he was in Croatia to ask for asylum: “Please give us asylum, we want to stay here [...]”, but the group was pushed back to Bosnia.

**CONCLUSION**

The above testimonies are two testimonies collected by BVMNs field-based member organisations evidencing the use of detention during a pushback from Croatia. The aforementioned examples show how Croatian authorities are subjecting people on the move to arbitrary and often incommunicado detention in both formal and informal detention spaces, whilst making a deliberate effort to conceal these human rights violations. Despite growing pressure from the international community, evidence shows that the Croatian state is continuing to detain minors and perpetuate detention practices that are in variance with international standards.

**OVERALL TORTURE STATISTICS**

.....●	134	<b>TOTAL NUMBER OF TESTIMONIES</b> In 2022, 134 testimonies of pushbacks from Croatia were recorded, involving 1267 people
.....●	108	<b>TORTURE OR INHUMAN TREATMENT</b> In 2022, 80% of testimonies contained one or more forms of torture or inhuman treatment
.....●	58	<b>MINORS INVOLVED</b> In 2022, 43% of testimonies recalled the presence of minors

# Concealment of Pushbacks by Croatian Authorities

BVMN affirms that, while violence continues to be extensively documented<sup>36</sup>, Croatian authorities are taking active efforts to conceal the human rights violations committed by law enforcement officers against people on the move. Practices including but not limited to, the use of secret detention sites, destruction of phones, denial of legal support, and obstruction of the work of ombudspersons, actively contribute to the concealment of torture and inhuman treatment against people on the move and further drive impunity.

## INCOMMUNICADO DETENTION AS A TACTIC TO CONCEAL PUSHBACKS

As outlined in this report, BVMN is increasingly concerned with the utilisation of incommunicado detention in pushbacks. These improvised and secret locations<sup>37</sup>, such as containers, vehicles, and abandoned buildings, frequently serve as sites for serious human rights violations, including torture and inhuman treatment. Away from public scrutiny and lacking independent oversight or the ability to communicate with the outside world, people on the move illegally detained in such locations are highly susceptible to inhuman treatment at the hands of Croatian authorities.

Throughout all reporting years, BVMN's field-based member organisations have documented the use of secret and incommunicado detention as a precursor to heightened levels of violence and the illicit pushback of people on the move. Consequently, we assert that the use of secret or incommunicado detention serves as a tool to facilitate the torture or mistreatment of individuals in transit, ensuring that their



abuse and loss of liberty remain concealed from any independent safeguards or monitoring activities.

**DESTRUCTION OF PHONES  
AS A TACTIC TO CONCEAL  
PUSHBACKS**

BVMN has also documented how the confiscation and or destruction of phones (along with other personal property) is a common practice by Croatian border guards during pushbacks. Between 2021 and 2022, 92% of Croatian pushback testimonies collected by BVMN mention destroying or stealing personal belongings, including mobile phones.

BVMN recognised the confiscation or destruction of phones as a deliberate practice utilised by the Croatian authorities to stop victims documenting their pushbacks or geolocating their whereabouts. Furthermore, we also recognise how the destruction of phones also stops pushback victims being able to contact lawyers, monitoring bodies or NGO representatives. The United Nations Committee on Enforced Disappearances<sup>38</sup> has also further recognised the destruction of phones during pushbacks as a tactic that may conceal the whereabouts of pushback victims and thus contribute to the enforced disappearance of people on the move.

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**OBSTRUCTION OF THE WORK  
OF THE OMBUDSPERSON**

Beyond preventing the documentation of pushbacks, Croatian authorities have also made active efforts to restrict the investigations and scrutiny of their border practices by independent monitoring mechanisms. On multiple occasions, the Croatian Ombudsperson has criticised the Ministry of Internal Affairs for obstructing their work. The 2018, 2020 and 2021 report on the work of the NPM mention multiple occasions upon which the Ombudsperson was denied access to information specifically regarding the treatment of migrants and case data during unannounced visits to certain police stations, preventing the Ombudsperson to effectively fulfil their mandate. Active obstruction and or disregard of the National Preventative Mechanisms inhibits an important accountability mechanism, prevents active investigation and further contributes to the concealment of torture and inhuman treatment.

# Failure to Investigate Evidence of Pushbacks and Torture

Since 2016, the persistent line of the Croatian government when confronted with evidence of violent pushbacks being carried out by Croatian police is to deny any human rights violations have been committed. This consistent denial of pushbacks is often underscored by the Ministry of Interior attempting to refute evidence as being fabricated or insubstantial, despite multiple organisations, monitoring bodies and media outlets consistently, credibly and independently documenting these abuses.

For instance, following the tragic loss of the Hussiny family, whose 6 year old daughter, Madina, died after being pushed back from Croatia to Serbia in 2017, Croatian authorities denied that the Hussiny family had set foot on Croatian soil prior to Madina's death.

In response to reports published by Amnesty International and Human Rights Watch in 2019 regarding violent pushbacks at the Croatian border, the Minister of Interior stated that the reports did not contain 'sufficient information needed for criminal investigation', and that the allegations were based on 'fabricated stories'.

Following the publication of video footage of Croatian police carrying out violent pushbacks in 2018, the Minister of Interior continued to refuse to acknowledge any responsibility for pushbacks taking place, claiming that the 2018 footage showed local activists impersonating police officers and subjecting people on the move to injuries to undermine the Croatian police. Further videos were released in 2020 by Der Spiegel and the footage was again dismissed by the Croatian government who claimed that the images were 'taken by asylum seekers themselves' and were 'produced somewhere outside of Croatia'.

In April 2021, The Guardian published an article reporting an incident sexual assault at knife point by a Croatian police officer towards a woman who was part of a pushback group. Following these allegations, the Minister of Interior said that there would be an investigation but preliminary checks had not found any interaction with 'females from the population of illegal migrants'. Within his statement, the Minister of Interior stated that the Croatian border police saved 'the lives of hundreds of migrants' and referred to the accusations the police being violent as 'commonplace without a single [piece of] evidence', and referred to injuries being obtained by 'accident or in mutual physical conflicts'. Similarly, in a response to a previous article published by the Guardian in 2020, the Minister of Interior's statement criticised the 'lack of objectiveness' of the article due to the 'violence among the migrants in Bosnia and Herzegovina' not being mentioned, nor was there any reference to the 'many lives of migrants which have been saved by the Croatian police'.

In October 2021, a joint investigation led by Lighthouse Reports, published video footage of a violent pushback by Croatian police at the Bosnia Herzegovina border, along with interviews of whistleblowers from the Croatian Intervention Police who reported that these actions were ‘part of a national operation’. In response to this report, the Croatian government confirmed that those responsible were members of the Croatian police force, and three officers were given suspended sentences — but for wearing their uniforms incorrectly. In January 2022, these police officers returned to work in their previous positions.

In 2019, then President, Kolinda Grabar Kitavorić during an interview on Swiss TV station SRF gave a rare admittance to pushbacks happening, but questioned how they could be illegal as ‘we’re talking about illegal people, people that are entering Croatia illegally, and the police is returning them back to Bosnia’. The president also said in the interview that ‘Croatian is protecting the EU from illegal migration’, implying that the pushbacks are justified in order to restrict migration into Europe.