



### Hrvatska započela masovno protjerivanje migranata u BiH

(ENG below)

Hrvatska policija ovoga je tjedna započela novu zabrinjavajuću praksu masovnog presretanja, zatvaranja i protjerivanja migranata u Bosnu i Hercegovinu, transportirajući ih autobusima do graničnih prijelaza, nakon čega ih predaju bosanskohercegovačkim vlastima.

Prema svjedočanstvima žrtava protjerivanja, a koja su jučer potvrdile i vlasti Unsko-Sanskog kantona, hrvatska policija migrante presreće duž čitavoga teritorija RH, nakon čega ih često neoznačenim vozilima sprovodi u policijske postaje. Opisane metode presretanja mogle bi sugerirati da se radi o provedbi [kompenzacijskih mjera](#) koje je početkom godine najavio ministar Božinović, a u sklopu kojih je 742 nekadašnjih policijskih službenika s graničnih prijelaza prema Sloveniji i Mađarskoj preraspoređeno u mobilne timove zadužene za presretanje migranata u blizini schengenskih granica RH.

*“Pored ceste zaustavio nas je kombi bez oznaka. Ljudi unutra nisu imali policijske uniforme, ali vidjeli smo da nose oružje i shvatili smo da su policajci. Strpali su nas u kombi i odveli u policijsku postaju. Svi smo se bojali jer nam nisu rekli što će se dogoditi, vikali su na nas na svojem jeziku i odbijali pričati engleski”, opisalo je nekoliko ljudi, dok druge grupe zaustavljene na udaljenijem teritoriju svjedoče da su ih presreli policajci u službenim vozilima.*

Žrtve odreda opisuju da su ih potom satima držali u podrumskim prostorijama nalik na zatvor bez pristupa hrani i vodi, nakon čega im policija izdaje Rješenje o protjerivanju u BiH. Brojne žrtve s kojima smo razgovarali žale se da su bili prisiljeni potpisati dokumente na jeziku koji nisu razumjeli, što je protivno članku 196. Zakona o strancima, na koji se Rješenja o protjerivanju pozivaju. Također, žrtve kažu da nisu dobili mogućnost ulaganja žalbe na postupak, što predviđa međunarodno pravo, ali i hrvatski Pravilnik o besplatnoj pravnoj pomoći u postupku protjerivanja i povratka stranaca.

*“Držali su nas u nekakvoj podrumskoj prostoriji bez ikakvog objašnjenja. Nismo znali što potpisujemo niti što će kasnije biti s nama. Tražili smo pomoć za djecu, barem mlijeko i pelene za najmanje, ali ni to nismo dobili. Jedan mladić je tražio da mu vrate naočale, ali samo su mu rekli “ne”. Žene i djeca su bili jako uplašeni, nisam znao što reći da ih smirim. Nakon što smo više puta izjavili da su nam djeca gladna, dobili smo kruh i vodu. Tamo smo dva dana spavali na podu prije nego što su nas prebacili u drugi objekt, u kojem je jednu prostoriju dijelilo mnogo ljudi”, rekao je jedan od članova zatočene obitelji.*

Nakon potpisivanja dokumenata, policijski službenici te skupine migranata, među kojima su i maloljetnici, žene i djeca, prebacuju u druge objekte detencijskoga tipa. Opisi trajanja puta i izgleda prostorija u kojima su bili zatvoreni, kao i dokumenti koje neki od njih imaju, ukazuju na mogućnost da se



## Border Violence Monitoring Network

radi o Prihvatnom centru za strance u Ježevu, te o Tranzitnim prihvatnim centrima Tovarnik i Trilj. Sva tri centra su već godinama predmet prijava organizacija civilnoga društva zbog sumnje na kršenje ljudskih prava, uključujući nemogućnost pravovremenog kontakta s odvjetnicima.

*“Policija nas je tamo tražila da platimo smještaj, hranu i prijevoz do granice, kao da smo bili u hotelu, a ne u zatvoru. Mi nismo tražili da nas tamo odvezu. Osjećamo se kao da su nas opljačkali”, požalio se jedan od muškaraca protjeranih u BiH.*

Njegovo svjedočanstvo potvrdili su i drugi, među kojima neki imaju dokumente koji potvrđuju da im je boravak u detenciji u Trilju naplaćen. Nakon nekoliko dana, a u nekim slučajevima i tjedana provedenih u tim centrima, hrvatska policija ljude masovno dovozi na granične prijelaze prema BiH, pri čemu je ovoga tjedna posebno aktivan prijelaz Slavonski Brod, gdje ih iskrcava iz autobusa i predaje bosanskohercegovačkim vlastima. Djelatnici Službe za poslove sa strancima i međunarodna organizacija IOM potom ih prebacuju u Unsko-sanski kanton: muškarce u notorni tranzitni centar Lipa, a obitelji u prihvatni centar Borići.

Takav oblik masovnih readmisija dokazano krši međunarodne pravne standarde, uključujući princip *non-refoulement*, što je potvrđeno u nedavnim presudama [talijanskog](#), [slovenskog](#) i [austrijskog](#) suda.

*“Talijansko iskustvo jasno je pokazalo da bilateralni sporazumi o readmisiji sa susjednim zemljama postaju alat za kršenje zajamčenih prava, uključujući pravo na traženje azila i na individualnu procjenu slučaja, što je u slučaju čovjeka lančano vraćenoga preko Slovenije i Hrvatske u Bosnu potvrdio sud u Rimu”, rekla je odvjetnica Anna Brambilla iz talijanske organizacije ASGI, koja je u suradnji s BVMN prva uspjela sudski osporiti takve readmisije.*

BVMN izražava veliku zabrinutost ovakvom novom praksom te poziva Ministarstvo unutarnjih poslova Republike Hrvatske da hitno rasvijetli slučaj, te osigura sva zakonom zajamčena prava, uključujući pravo na međunarodnu zaštitu, pristup žalbenom postupku, informacije o zakonom zajamčenim pravima, prevođenje u cijelom postupku i besplatnu pravnu pomoć svim osobama u pokretu koje se zateknu na području Republike Hrvatske.



### Croatia carries out mass deportations of people on the move to Bosnia and Herzegovina

This week, the Croatian police began a new and alarming practice of interception, detention and deportation of people on the move to Bosnia and Herzegovina en masse, transporting them by buses to the border crossings, where they are handed over to Bosnian authorities.

According to the testimonies of the victims of the expulsion, which were confirmed yesterday by the authorities of the Una-Sana Canton, the Croatian police intercept people on the move across the entire territory of the Republic of Croatia, after which they are often escorted to police stations in unmarked vehicles. The methods of interception described could imply the implementation of [compensatory measures](#) announced by the Croatian Minister of Interior earlier this year. In the context of these, 742 former police officers from the border crossing points with Slovenia and Hungary were reassigned to mobile teams tasked with intercepting people on the move in the territory near the Schengen border of the Republic of Croatia.

*“An unmarked van stopped us near the road. People inside didn’t have police uniforms, but we saw they had guns and we understood they were policemen. They put us inside the van and took us to the police station. We didn’t know what would happen to us and we were all very scared, they just kept yelling at us in their language and refused to speak English”, several people described.*

The victims describe that they were kept for hours in prison-like basement rooms without access to food and water, after which the authorities issued them a decision of deportation to Bosnia and Herzegovina. A number of victims we spoke with complained that they were forced to sign documents in a language they did not understand, which is against Article 196 of the Aliens Act, to which the expulsion decisions refer. Also, the victims say that they were not given the opportunity to file an appeal against the procedure, which is provided for in the Rulebook on free legal aid in the process of expulsion and return of foreigners, as well as in the international law.

*"They kept us in some kind of basement room without any explanation. We didn't know what we were signing or what would happen to us. We asked for help for the children, at least diapers and milk for the smallest ones, but we didn't get that either. A young man was asking for his glasses to be returned, but they just said “no”. The women and children were very scared, I didn't know what to say to calm them down. After we stated several times that our children were hungry, we got bread and water. We slept on the floor for two days, and then they transferred us to another facility, where many people were kept in the same room with us" said one of the members of the detained family.*

After signing the documents, police officers transferred these groups, including minors, women and children, to other detention facilities. The descriptions of the duration of the journey and the



## Border Violence Monitoring Network

appearance of the premises where they were confined indicate the possibility that they were taken to the Reception Center for Foreigners in Ježevo and the Transit Reception Center Tovarnik. Both centers have been the subject of complaints by civil society organizations for years due to suspected human rights violations, including the inability to contact lawyers.

*"The police there asked us to pay for accommodation, food and transport to the border, as if we were in a hotel and not in a prison. We didn't ask to be taken there. We feel as if we were robbed", complained one of the men expelled to Bosnia and Herzegovina.*

After several days, and in some cases even weeks, spent in these centers the Croatian police started bringing them en masse to the border crossing, where they are subsequently handed over to the Bosnian authorities through the formal process of readmission. Last week, Slavonski Brod border crossing became a prominent spot for mass readmissions.

These practices have proven to be a breach of the rule of law as demonstrated through the legal precedent set in national courts in [Italy](#), [Slovenia](#) and [Austria](#), which declare such types of bilateral readmissions illegal, and amounting to a violation of the international principle of *non-refoulement*.

*"The Italian experience allows us to state that the existence of bilateral readmission agreements with neighbouring countries is a tool that offers possibilities for a distorted use of transfer procedures precisely because of the systematic misapplication of the guarantees provided to protect the right to asylum and the right to an individual assessment of the entry conditions", stated Anna Brambilla, a lawyer from the Italian legal organisation ASGI that won the case against readmissions in the Court of Rome. The case was based on the testimony of a man chain-refouled from Italy, through Slovenia and Croatia to Bosnia, documented by the BVMN.*

These are cases where individuals were returned between EU Member States; bilaterally readmitting people on the move to countries outside of the EU is of even greater cause for concern, and constitutes an even higher risk of violation of the *non-refoulement* principle.

Following the readmissions from Croatia to Bosnia and Herzegovina, the agents of Bosnia's Service for Foreigner's Affairs and the international organization IOM then transfer the people to the Una-Sana Canton, near the Croatian border: the men are taken to the notorious Transit Center Lipa, and the families to the Reception Center Borići in Bihać.

BVMN expresses great concern about this new practice and calls on the Ministry of Interior of the Republic of Croatia to make an immediate clarification of the matter, and provide all rights guaranteed by law, including the right to international protection, access to appeals procedures, information regarding rights afforded by law, translation throughout proceedings and free legal assistance to all people on the move found in the territory of the Republic of Croatia.