



### Italian Court Ruling on Illegal Chain Pushback

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A new ruling issued by the [Court of Rome](#) has found that an asylum seeker was illegally pushed back from Italy, via Slovenia and Croatia, to Bosnia-Herzegovina. The case, which was filed by lawyers from the Italian legal association [ASGI](#), used [first hand testimony](#) from the Border Violence Monitoring Network's pushback database<sup>1</sup>. The evidence presented provided overwhelming proof that the applicant had been unlawfully removed from Italian territory, without adherence to international law on asylum. Crucially, under Article 10 (3) of the Italian Constitution, the court acknowledged the applicant's right to enter Italy immediately, and to full and proper access to the asylum system.

The incident heard before the court dates back to July 2020 and the chain pushback experienced by the applicant matches the accounts of many others violently expelled along this route. Having arrived in Trieste, Italy, the applicant was apprehended by Italian police in Piazza della Libertà and taken into detention, fingerprinted and forced to sign papers. These procedures were carried out under the false impression that he would be taken to a camp, but despite making clear and repeated requests for asylum, the applicant was forcibly driven to the border and expelled into Slovenia along with a group of other people.

In Slovenia, the applicant was detained by police and then transported to Croatia, where officers wearing black uniforms and masks carried out an extremely violent pushback. The group were attacked with batons and pepper spray, meanwhile the Croatian officers also used firearms and a police dog to intimidate them. After the applicant was pushed back to Bosnia-Herzegovina he was interviewed by [Fresh Response](#), a member of BVMN based in Sarajevo, who also cross-referenced his account with photos taken during the journey which proved he had been in Trieste.



*Photograph of the transit group in Italy, matched with aerial view of the location in Trieste (Source: [BVMN](#))*

The Court of Rome observed that the authorities in Italy had been in severe breach of international law, and that the applicant had been wrongly processed via the “informal readmissions” agreement between ITA-SLO. Furthermore, no individualised assessment of the applicant's asylum claim was made, and during the

<sup>1</sup> BVMN is a network of watchdog organisations active in Greece and the Western Balkans including No Name Kitchen, Rigardu, Are You Syrious, Mobile Info Team, Disinfo Collective, Josoor, [re:]ports Sarajevo, InfoKolpa, Centre for Peace Studies, Mare Liberum, Collective Aid and Fresh Response.

procedures there was no official notice given of removal, which according to the [legal team from ASGI](#) creates a “clear infringement of the right of defense and the right to lodge an effective remedy.” Among the other violations stated in the court ruling was the unlawful detention of the applicant, carried out without any order from the judicial authority. Furthermore, the subsequent chain pushback to Bosnia-Herzegovina represented a violation of the non-refoulement obligation, meaning the applicant was not protected from the risk of inhuman and degrading treatment, which has been proven to be a systematic part of Croatia’s policing of migration.

The fact that the applicant had to go through the process of asserting these rights, via a protracted court process, is also evidence of the lack of formal access to asylum and respect of fundamental rights. Legal remedies should not substitute adherence to asylum law, and the exhaustive process of bringing this case to the Court of Rome is patently not feasible for the majority of people facing pushbacks. The [challenges faced by the transit community](#) in Bosnia-Herzegovina are multiple, including lack of proper winterised shelter, risks of internal violence and the constant removal of personal possessions by police when they cross the border. Combined with the issues around court deadlines, legal aid and financial means, the options are very limited.

Within such a context, this latest ruling is particularly notable, and compliments other recent actions to bring accountability for perpetrators of illegal pushbacks. Network member [Centre for Peace Studies](#) has launched several criminal complaints against the Croatian police for their role in this violence, meanwhile in Slovenia, network member [InfoKolpa](#) supported another applicant's case at the administrative court in Ljubljana, proving that they too were pushed back illegally to Bosnia-Herzegovina. While these violations continue to this day, legal actions are key steps in forging justice for those facing these abuses, and could set important precedents for cases to come.

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