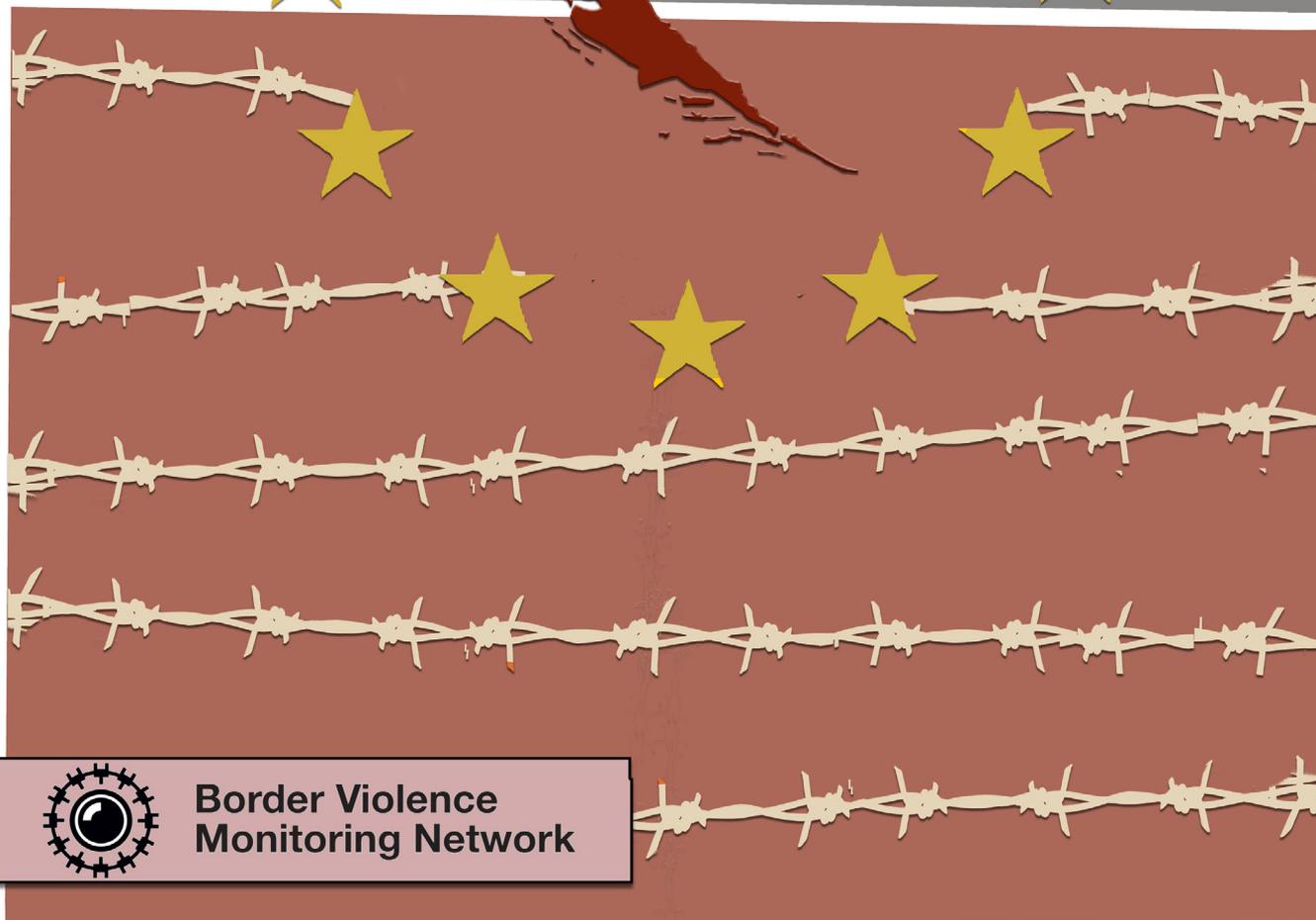


TORTURE AND CRUEL, INHUMANE, OR DEGRADING TREATMENT
OF REFUGEES AND MIGRANTS IN CROATIA IN 2019



**Border Violence
Monitoring Network**

Executive Summary

The Border Violence Monitoring Network has been working to document illegal pushbacks and police violence along the EU's external borders in the Western Balkans since the formal closure of the route in 2017. While the existence of systematic illegal pushbacks along the Croatian and Hungarian borders with Serbia and Bosnia is evidenced extensively, this report focuses on the increasing violence that is applied to refugees and migrants under the framework of the Croatian case. By analyzing data on violent pushbacks across Croatian borders in the course of 2019, the report demonstrates how the systematic violence by Croatian authorities constitutes clear and purposeful cases of torture or cruel, inhumane and degrading treatment. More than 80% of our case reports collected in 2019 contained one or, in most cases, multiple features of violence indicating either torture or cruel, inhumane and degrading treatment. Focusing on six patterns of abuse and misconduct by Croatian authorities identified from within our data, case reports are summarized and analyzed alongside existing domestic and international legal mechanisms. The result is an inventory of systematic

practices of torture and cruel, inhumane or degrading treatment ranging from physical force (like violence, abuse and disproportionate force as well as abusive use of Electric Discharge Weapons) to psychological violence, humiliations and threats (such as forced undressing for an extended periods of time or excessive force with firearms) to brutality during detention or transport (such as detention lacking basic facilities). Given that torture and cruel, inhumane and degrading treatment is prohibited in Croatia under several international and domestic law sources that Croatia has ratified - including the European Convention on Human Rights as well as the Croatian Constitution - we argue that Croatian authorities have not met their obligation to refrain from torture and ill-treatment. Additionally, as existing allegations have never been effectively investigated (investigations by the Croatian Ombudswoman have been obviated the withholding of information by state figures), Croatian authorities have failed to fulfill the positive duties imposed on them, including launching effective investigations into the potential breach of human rights.

INTRODUCTION

Convention against torture: Art. 2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

Convention against torture: Art. 3.1: 1. No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

Since the formal closure of the so-called Balkan route in March 2016, independent activists, journalists and NGOs have been observing the increasing number of collective expulsions of refugees and migrants from Croatian territory to Serbia, Bosnia and Herzegovina (BiH) and Montenegro. The first comprehensive reports about the issue were published by [Human Rights Watch](#) and [Are You Syrious / Centre for Peace Studies](#) in January of 2017. Since then, numerous reports have been published by the [UNHCR](#), [Amnesty International](#), the Croatian [Ombudsperson](#), the [Border Violence Monitoring Network](#) and other relevant actors, all describing increasingly brutal actions by Croatian police officers during push-back operations.

Left unsanctioned, the violence has further increased in 2019. In this report, we’ll be focusing clear examples of torture, inhumane or degrading treatment of the expelled people, perpetrated by Croatian police officers.

Setting

In the course of the so-called refugee crisis and after the formal closure of EU borders in the Western Balkans in March 2016, a large number of civil society groups started to provide assistance to refugees and migrants stuck at the doorstep of the European Union. At the beginning, their primary tasks were providing food, clothes and other basic necessities to people-in-transit stranded on the outskirts of the EU, but with the increase of border violence and systematic push-backs on the Hungarian and Croatian borders, many have begun monitoring human rights violations as an extension of their daily routine. In order to provide consistency, the [Border Violence Monitoring Network](#) (consisting of NGOs, groups and individuals), developed a common methodological process for the collection of reliable data on this issue. Individual in-depth interviews are transcribed, since December 2017 published on a public common database and provide the basis for monthly analyses of border violence and push-backs in the Balkan region, as well as thematic reports such as this publication. By now, the database consists of 656 case reports (as of January 1, 2020) collected in a period of nearly three years since January, 2017, involving 6,275 individual victims. Due to the high number of unrecorded cases, these figures are not representative of the actual numbers of push-backs at all, but should be more seen as a hint to the extent of border violence and illegal push-backs in the region.

The case reports that are referred to within this study were conducted in Šid (Serbia), Bihać, Velika Kladuša and Sarajevo (BiH). Increased migration along the so-called Balkan route and the authorities' effort to control it made these cities strategic transit and - except in the case of Sarajevo - push-back locations.

If apprehended by Croatian authorities, despite expressing an intention to claim asylum, refugees and migrants were mistreated and driven back to the Serbian border near Šid, where they reported the incidents to volunteers of the BVMN network providing assistance on site.

Population

Although the testimony collection itself is typically conducted with either one individual or a group no larger than five persons, the push-back groups which they represent are usually larger. The transit population represented in the

case reports referred to in this publication concerns 2,475 male and female refugees and migrants who described cases of violent push-backs along the Croatian borders with Serbia and Bosnia in 2019 which included clear indicators of torture or cruel, inhumane or degrading treatment by Croatian authorities. This population of individuals ranges from 2 to 50 years of age and originate from a variety of countries such as Afghanistan, the Kurdistan Region of Iraq, Algeria, Syria, Iran. The population came into contact with Croatian authorities while travelling towards Central Europe either alone or in groups of up to 150 (on average 13 individuals). Importantly, the demographic characteristics of the study population are not representative of the population of refugees and migrants being pushed-back illegally from Croatia to either Bosnia-Herzegovina or Serbia. Due to the limited access of independent volunteers to camp facilities run by Serbian/Bosnian government or inter-governmental organisations such as the IOM, the interviews are mainly conducted with refugees and migrants living outside of the formal camp systems with access to grassroots support structures, with necessity and knowledge about these structures and willingness to speak about their experiences in detail. These restrictions are reflected by an overrepresentation of certain populations while others are underrepresented. Generally speaking, single men are more likely to live in squats or other informal settlements than families, and certain nationalities seem for whichever reason more likely to live in official camps than others, there is an exaggerated presence of men from Afghanistan, Algeria and Morocco. Reasons for this might be the aforementioned restrictions on access to other population groups, as well as the [tendency of male migrants to be subjected to more violence from state authorities than other populations](#).

“Last time I went on the ‘game’, it was again like being inside of a horror movie.”



The border closures of March, 2016 forced people on the Balkan Route adapt their methods. Due to the lack of legal pathways to transit towards the EU, people-in-transit began undertaking more clandestine and more dangerous paths where they faced illegal push-backs and border violence from state authorities. This was prominently in 2017 near the border towns of Šid, Serbia as well as Subotica, Serbia.



By 2018, increasingly large numbers of people began electing to travel through BiH, rather than Serbia, towards Croatia. Accordingly, in Bosnian border towns such as Bihac and Velika Kladuša, similar cases of border violence persisted as Croatian authorities illegally pushed groups of refugees, migrants, and asylum seekers out of the European Union.

Terminology

Throughout this report the term push-back is routinely used. Push-back describes the informal expulsion (without due process) of an individual or group to another country. This lies in contrast to the term 'deportation' which is conducted in a legal framework. Push-backs have become an important, if unofficial part of the migration regimes of EU countries and elsewhere, even though the process in itself is illegal and against international human rights mechanisms.

When possible an accurate identification of the specific division of police involved in the push-back process or violence has been made. Within Croatia three division of police can be made; regular police, intervention police and special police, of which all have been observed to participate in the pushback process.

Abbreviations

BiH - Bosnia and Herzegovina

EU - European Union

Article 3 - Article 3 of the European Convention on Human Rights

ECHR - European Convention on Human Rights

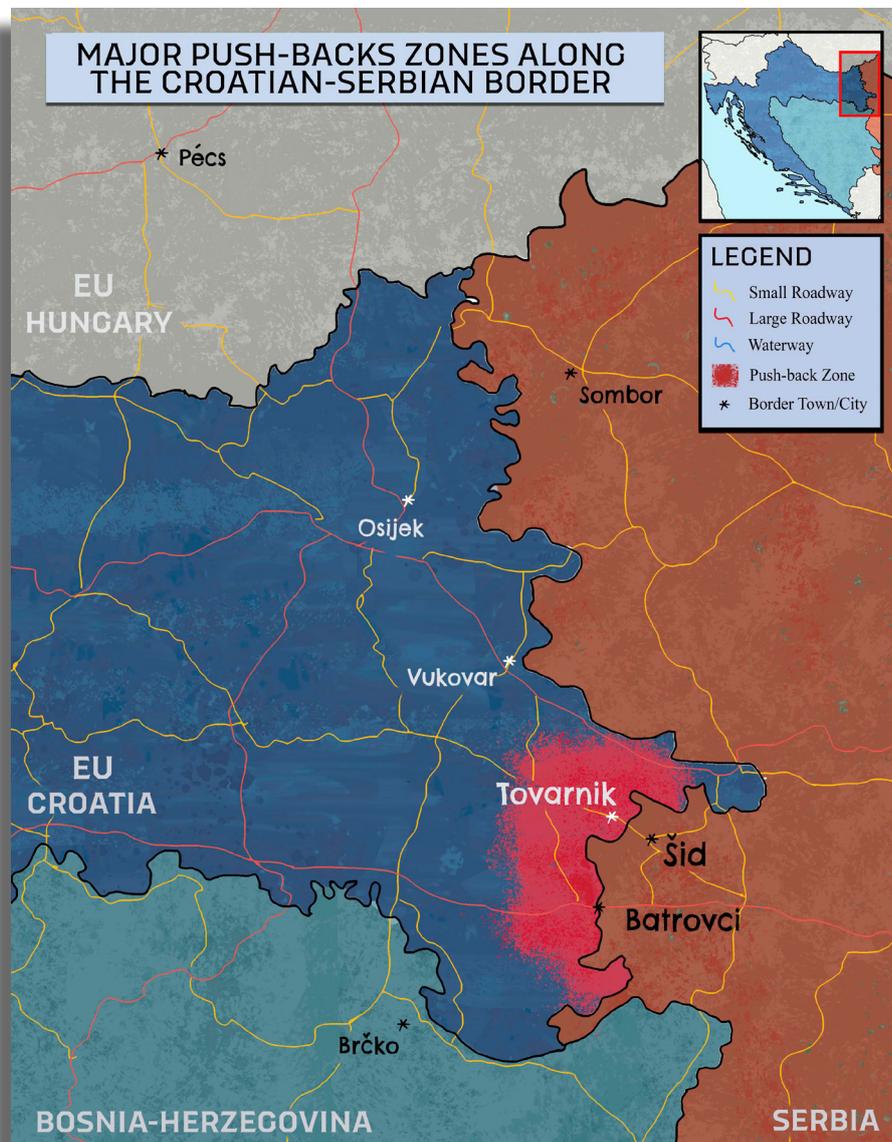
EDWs - Electric Discharge Weapons



Official Uniforms of regular police (left; light blue shirt, dark blue pants), intervention police (dark blue/black uniform) and special police (khaki uniform)



Intervention police during push-back operation in October 2018



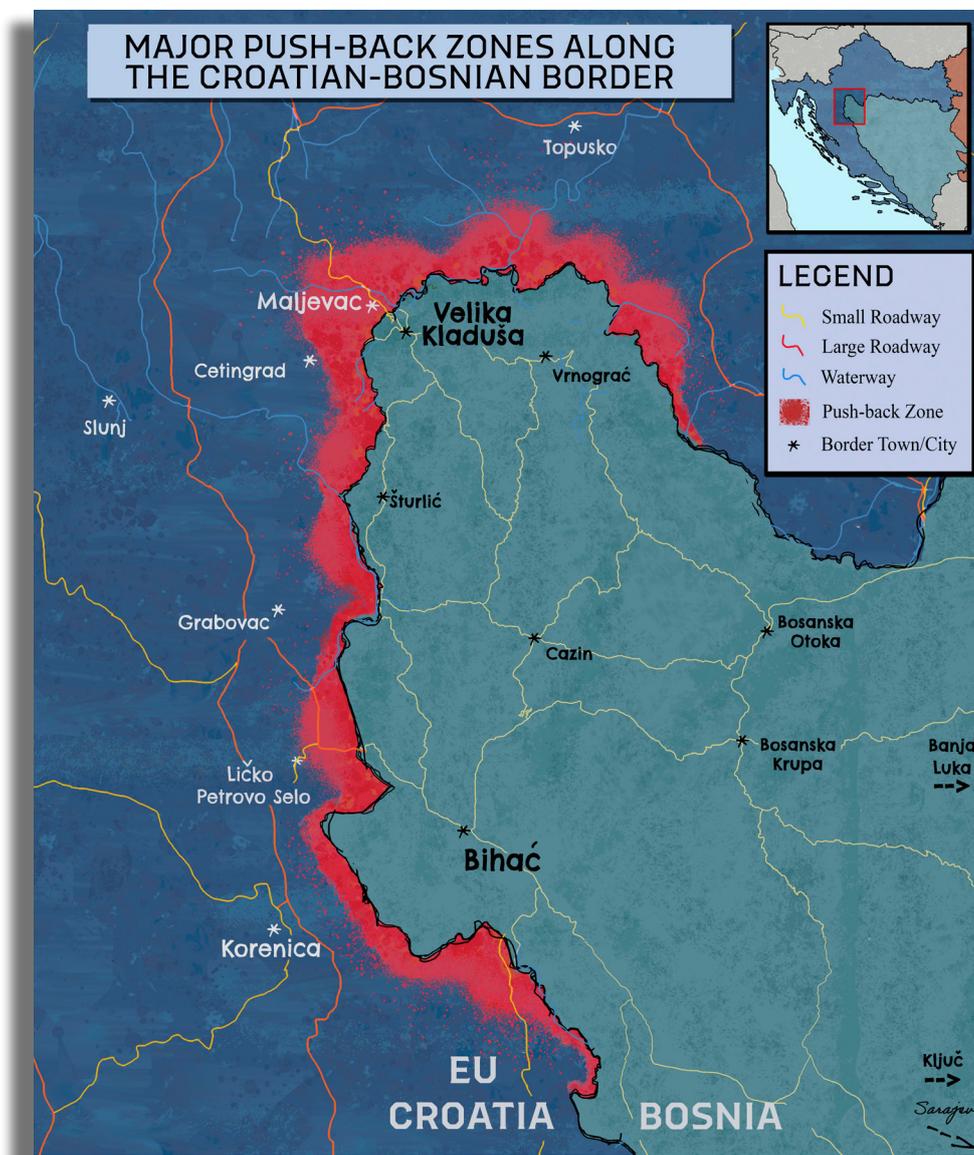
Methodology

Data Collection

The collection of data on illegal push-backs and violence attributed to police is done by a consortium of independent volunteers who are part of, or cooperate with, humanitarian support groups united through the Border Violence Monitoring Network. These volunteers engage with the project on a long-term basis, enabling them to build a network of trust amongst the transit communities which they embed themselves in.

The accuracy of testimonies related to push-backs is a crucial aspect of the Border Violence Monitoring Network's mission and thus the network adheres to strict internal guidelines. To increase the credibility of this information, BVMN field volunteers aim to collect testimonies of push-backs and violence within the closest possible time to the actual event, usually within 1-5 days of the incident. The interviews were either conducted in a group or with a single respondent with the presence of a lay translator if necessary.

Our volunteers are trained on how to conduct semi-structured in-depth interviews with respondents in precarious situations who are typically retelling traumatic events. The interview methodology has been designed to protect anonymity, avoid re-traumatisation and ensure that prior informed consent about the procedure is gained. A set of standard, open-ended questions are asked to establish among other things; the date and time; the number and nationality of authorities present; treatment received and the presence of minors or any vulnerable groups. Suggestive or leading questions are avoided, with some questions reasked or rephrased through the interview to ensure a clear and substantiated narrative. Throughout the interview, questionable remarks or judgments by the respondent can be respectfully challenged and can lead to the report being discredited and not included in our database.



Our volunteers typically audio-record the interview and take handwritten notes. The interview is then transcribed and added to the standardised form of the BVMN database. If possible, medical reports, photographic evidence, and geolocations are added. To ensure that the anonymity of the respondent is fully protected no personal identifiers are included in the reports. Once complete the report is then checked by both the respondent and an experienced BVMN supervisor.

Data Analysis

Push-back reports gathered from the Border Violence Monitoring Network field teams were systematically analysed to identify patterns of abuse and misconduct by Croatian police officers. 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.

From all 656 reports currently collected in the BVMN database, these 255 were chosen as they were:

- A) Were conducted in the course of 2019
- B) Describe cases of violent push-backs along the Croatian borders with Serbia and BiH
- C) Include clear indicators of torture or cruel, inhumane or degrading treatment by Croatian authorities.

Legal background

Torture, inhuman and degrading treatment is prohibited in Croatia under several international law sources that Croatia has ratified, the Constitution of the Republic of Croatia and domestic laws – obliging Croatia to refrain from, respect freedom from, and protect against such treatment.

Torture is an unjustifiable act of barbarism that has been legislated against on the global stage since the adoption of the Universal Declaration of Human Rights in 1948 and then later enshrined within the International Covenant on Civil and Political Rights in 1966. In addition to the act of torture, states and state officials are prevented from using less severe forms of treatment that causes fear, suffering and humiliation. The prohibition of torture and inhuman treatment is enshrined in at least 15 regional and universal human rights instruments with the most widely cited understanding coming from the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

At the Council of Europe, torture is defined in the Article 3 of the European Convention on Human Rights that clearly states that, “no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment”, which Croatia has ratified in 1997. As stated in the ECHR, as well the Article 17 of the Croatian Constitution, this is an absolute, non-derogable right and therefore cannot be subjected to limitations or exceptions, even in defence of national security or in times of war or conflict.

In addition to prohibiting the act or torture, Article 3 also explicitly prohibits inhuman or degrading treatment or punishment including severe police violence and poor detention conditions. The jurisprudence of the ECtHR has developed additional positive obligations which apply to the police, security forces, other law enforcement officials and any other state bodies who hold the individual under their control, whether under the accord of their own or others.

These obligations apply to the police, security forces, other law enforcement officials and any other

state bodies who hold the individual under their control, whether under the accord of their own or others.

These positive human rights obligations which have been emphasised by decisions of the ECtHR include:

- Putting in place a legal framework that *effectively* protects ECHR rights;
- Taking *effective steps to deter conduct* that would breach human rights;
- *Providing information and advice* to individuals who may be at risk of their human rights being breached;
- *Effectively* investigating breaches of human rights.

By failing to refrain from using torturing and inhumane methods, failing to protect and prevent such methods, not establishing functioning system of international protection that would ensure non-refoulement, not investigating these breaches, the state is in violation of prohibition of torture, inhumane and degrading treatment.

The Border Violence Monitoring Network attests that both the Croatian state’s positive and negative obligations regarding the prohibition of torture as laid out under the European Convention of Human Rights as well as the Croatian Constitution have not been met.

BVMN affirms that the Croatian state and authorities have failed in the obligation to refrain from torture and ill-treatment, and additionally to fulfil the positive duties imposed on them as a state, including but not limited to launching effective investigations into the potential breach of ECHR rights.

INCIDENT REPORTS: EXAMPLES AND TRENDS

The following section presents six fields of abuse observed throughout our case studies: the use of electric discharge weapons, forced undressings, the use of excessive and disproportionate force, threats or excessive force committed with firearms, detention with no basic facilities, and inhumane treatment inside of police vehicles. These six fields are first introduced with a brief legal framework and then are explained through several case studies and analyzed.



The scarred neck of an Algerian national in Velika Kladaša in August, 2019. The 18-year-old described being strangled by a Croatian police officer, who used his shirt as a sort of garot around his neck before, pushed back to BiH

Excessive and Disproportionate Force

Across Europe, there are clear guidelines that regulate the use of force by police officers. The European Court of Human Rights has previously stated that “any recourse to physical force which has not been made strictly necessary by his own conduct diminishes human dignity and is in principle an infringement of Article 3”. The ECHR requires not only for states and governments to refrain from unnecessary use of force and infliction of ill-treatment but also mandates that these states have a duty to protect individuals from such use of force and to effectively investigate allegations of ill-treatment and violence.

The convention against torture identifies that the following three actions when combined constitute as torture:

- Intentional infliction of severe pain or suffering*
- This infliction is intended for a specific purpose, such as to obtain information, as punishment, or to intimidate or for any reason based on discrimination*
- By or at the instigation of or with the consent or acquiescence of state authorities*

Ribitch V Austria established that any recourse to physical violence that has not been made strictly necessary by his own conduct diminished human dignity and is in principle an infringement of the right set forth in Article 3.

Testimonies of violence, abuse and disproportionate force are the most frequent type of testimony that the Border Violence Monitoring Network collects when documenting illegal push-backs by Croatian police and authorities. Our database of over 600 push-back reports affirm that physical assault, with the use of police batons, fists and kicking are the most commonly reported applications of disproportionate force, but BVMN affirms that the use of disproportionate force by the Croatian authorities is part of a broader pattern of abuse used by Croatian authorities to systematically abuse, intimidate and inflict suffering on vulnerable transit groups. Demonstrated throughout our case example, the premeditated use of cruel and abusive methods, such as lengthy group attacks carried out by multiple Croatian officers or the indiscriminate targeting of underage minors, is a clear indication of the Croatian police's refusal to comply with international laws and policing standards, and as we attest is a clear breach of Article 3.

Incident A

A group of 9 young adults aged 22-37 crossed into Croatia on Thursday 12th, September 2019 and proceeded to walk through the Croatian forest. An estimated 7 km from the border, **two police dogs appeared from nowhere and started to attack them, biting one of the men's arms.** Shortly after being attacked

by the police dog, six Croatian officers arrived; two on foot and four in a white Croatian police van.

When asked to describe the police dog attack, the respondent described that **the officers refused to reign in the dog attacking him but rather were encouraging the dog to attack further.** The police dogs made them fall to the ground, biting their arms and forcing them to protect their face from the jaws of the police dog. Once the police dogs stopped attacking the men, the group were then further assaulted by the police officers, each being struck several times by six police officers who were wielding police batons. **The officers then took the group's phones, money, bags and then forced them to take off their shoes to which they all burnt on a small fire.**

After this, the transit group was put in the police van which had initially arrived on the scene, and were then driven to the border. The respondent described that the drive lasted 25 to 30 minutes. When they arrived at the location, estimated to be near Koranski Lug (Croatia) given the respondent indications on the map, the officers put on face masks and started to kick them with their feet and struck them again with police batons.

Once the group had been forced barefoot over the Croatian/Bosnian border they walked for a day to Velika Kladuša and sought the help of volunteers to help them get medical assistance for the police dog attack. The person bitten by the dog was taken to the hospital in Bihać to get treatment. **According to his medical record, the hospital affirms that the injuries sustained matched that of a dog bite, with the x-ray taken additionally showing the dog bit had fractured his arm.**

Incident B

On Tuesday the 5th of November, a group of nine men crossed into Croatia and continued to walk on foot for nine days through the hilly terrain of the country, heading north-west towards Slovenia. On the evening of the 14th the group of young men were pinned inside a narrow valley, which they had been crossing through, by two 'commando' units, dressed in olive-drab uniforms and balaclavas holding a dog on a leash in front of them and another officer of the same unit with another police dog to their rear. **From both sides the police threatened the group with tasers and their dogs on a long leash, forcing the group to lay on the floor with their hands behind their heads.** For the next hour the men were unable to move, being forced to lay face down on the ground. **Over that hour, the officers were described as passing the time by routinely kicking the men laid down on the floor, laughing at the reactions to the assaults.**

After the hour spent laid face down on the floor, a white, windowless van arrived and the nine men were ordered inside. They were driven for 15 minutes to a nearby police station, where all nine men were placed into a small detention room estimated to be two square meters in size. **The police denied all requests for food or water and the group was never provided with a translator.** The men were ordered to exit the room one at a time into another room next to the detention area where they were required to provide the police with their personal details. Inside this room a strip search of each of the men was conducted and **the men's formal request for asylum was declined.** After 45 minutes the interview process was complete and the group was ushered into another van and driven for 1.5 hours to the Croatian/Bosnian border.

Once they arrived at the border, the group was ordered out of the van one at a time and encountered a large group of officers waiting for them. The respon-

dent described **being surrounded by five police officers who screamed and shouted at him before launching a group attack against him. They started to punch the man and forced him to undress to his pants and shirt. One of the officers who was holding a long aluminum stick described as similar to a baseball bat, hit the man multiple times on the knees and toes. To stop the man falling down or trying to escape two of the officers held him in place, making it easier for him to be struck with the metal 'baseball'. The group of police officers then held him down on the floor whilst the other officers hit the soles of the man's feet and his toes over and over again. The interview responded described the attack as lasting approximately 10 to 15 minutes.** Once the attack had finished he was released and pushed down the hill towards the border. The police failed to return the man's backpack including the 170 kuna and 150 euros the man had, his food, water, phone and powerbank. Hardly able to walk because of the lengthy and brutal attack by the officers, the man spent the night at the side of the road, finally making his way to the town to Velika Kladuša the next day.

Explanation

In push-back testimonies collected by BVMN, a persistent use of disproportionate force and violence has been observed. Through the testimonies of violence collected by the Border Violence Monitoring Network, it is evident that the Croatian police have continuously and systematically used unprecedented levels of violence against transit migrant and refugee groups. **As such we attest that this violence is not only restricted under domestic law but may also amount to a serious violation of Article 3.** We believe that not only does the severity of violence constitute an Article 3 breach but also the unprecedented length of these attacks (some lasting up to 30 minutes) and the vulnerability of the population being targeted also distinguishes these attacks as an Article 3 violation. These cases demonstrated that the level of physical assault is so severe that we do not believe any justification can be made in defence by the Croatian police to justify their actions.

Additionally we also believe that Croatia resistance against launching effective investigations into the multiple allegations of police misconduct and ill-treatment, despite the numerous comprehensive reports that BVMN has provided to the authorities, could also constitute an infringement of Article 3.

Electric Discharge Weapons (EDWs)

Previous guidance issued by The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment have [stated](#) that Electric Discharge Weapons (EDWs) should be “limited to situations where there is a real and immediate threat to life or risk of serious injury” and use towards vulnerable persons should be avoided.

The CPT [states](#) that the “recourse to such weapons for the sole purpose of securing compliance with an order is inadmissible. Furthermore, recourse to such weapons should only be authorised when other less coercive methods (negotiation and persuasion, manual control techniques, etc) have failed or are impractical and where it is the only possible alternative to the use of a method presenting a greater risk of injury or death”.

The Border Violence Monitoring Network asserts that in the cases presented within this report, coercive methods of control were never necessary and during the detention of refugees and migrants no threat to life or risk of serious injury were presented. Thus we assert that these following cases of EDW use may amount to an Article 3 breach and therefore should be fully investigated.

The Border Violence Monitoring Network is also concerned about the continued use of EDWs without any appropriate follow up. We call upon the Croatian authorities to follow CPT guidelines and ensure that any individual against whom an electric discharge weapon has been used against is seen by an appropriate medical professional.

Instances of the use of electric shock or the threat of use of electric shock at a minimum constitute cruel, inhuman and degrading treatment and, due to the conscious decision required to intensify violence with the use of electric shock, can be argued to constitute torture. Unfortunately, we often encounter cases where tasers are used in indiscriminate and more targeted manners, both to cause pain and to threaten and coerce people-in-transit into desired behaviors.

The Border Violence Monitoring Network is concerned about **the continued allegations of police misconduct and violence whilst using an electric discharge weapon**. Whilst we understand that EDWs are a tactical repertoire available to law enforcement officers across Europe to protect personal safety and in extreme circumstances ensure compliance, BVMN has identified **the Croatian police use of EDWs as an unnecessary tactical tool to induce pain, fear and suffering**. The Border Violence Monitoring Network wishes to also highlight the indiscriminate use of EDWs against minors and the persistent absence of follow up medical care to victims of this type of police abuse.

Incident A

On [April 19th](#), a 14-year-old boy travelling amongst a group of 14, including 10 other minors travelled from Šid, Serbia into Croatia. After three days of walking the group spotted an airborne drone following them forcing them to flee into the nearby forest to avoid detection. After about 10 minutes a group of eight Croatian police officers arrived. During the interview they identified one of the police officers wearing civilian clothes whilst the rest wore dark blue uniforms. The police officers order the group of Afghans to sit down and place all their belongings including money, phone and food in front of them.

The officers walked along and systematically threw all of the group's belongings into the forest, often removing their batteries from their phones before throwing them away. When one of the officers took an energy drink from one member of the group, some of it spilled onto the officers uniform causing the officer to instigate an attack on the group of refugees sitting on the floor. **The officers used their batons and EDWs indiscriminately, targeting all members of the groups, including the 14 year old respondent.** The respondent has been left with large deep purple bruising across his shoulder.

Once the attack finished, the police officers put the group into a police van and brought them to the Batrovcı border crossing. The respondent explained that the officer drove frantically, motioning to the unnecessary swerving of the police van, and explained that some of the group were sick because of the officer's driving.

Incident B

On April 6th, a **group of seven Afghans including one 15-year-old boy** travelled across Croatia until they arrived at the Kolpa River that marks the border between Croatia and Slovenia. As the group began to cross the river, two Croatian police cars with four police officers and two police dogs arrived on the Croatian side of the river. The police officer apprehended the two men left on the Croatian side of the river and examined the paperwork stating the age of the 15-year-old. Upon seeing his 15-year-old younger brother detained by the Croatia police, the 18-year-old respondent and their older brother swam back across the river. Once the two young men had swum across the river the number of police officers had increased to 10, and they launched an attack on the four individuals now on the Croatian side of the border.

The Croatian police pushed them towards the group, punching and kicking them, and then attacked them with batons and electric discharge weapons. During the attack, the respondent spoke in English to the police officers yelling for them to avoid his kidneys because of an existing medical condition. The police used the excuse of him speaking English to accuse him of being a smuggler. He attests from that moment the police singled him out for the attack, focusing on the kidney area that he had pleaded for them avoid,

and subsequently left him with multiple broken ribs and a worsening of his kidney condition. **All members of the group, including the 15-year-old boy were left with severe bruising following the violent interaction.**

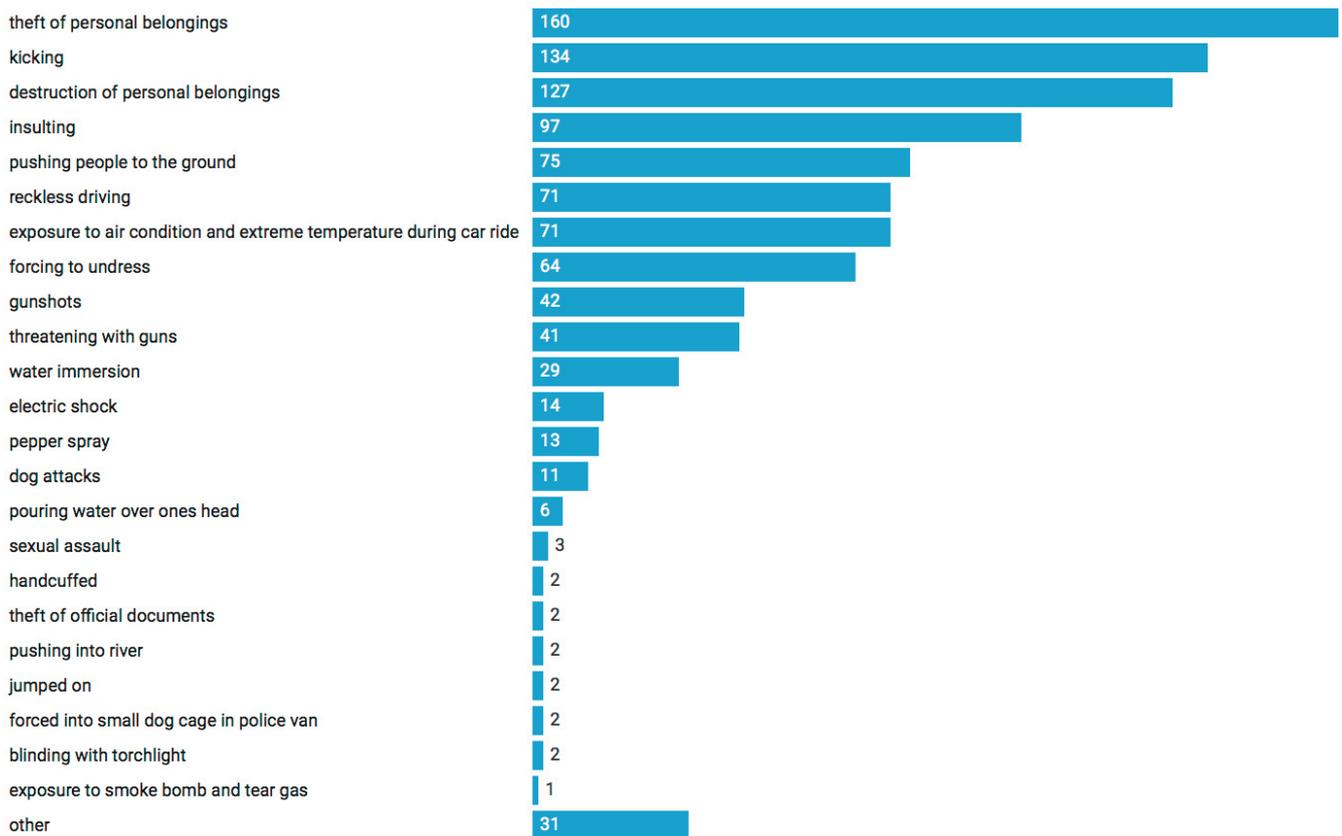
Once the attack had finished, the police officers stole €330, their phone chargers and then stripped of all members of the group of their jackets and jumpers. The group was then handcuffed and put into the back of the police car. The drive to Zagreb took four and a half hours, but the police used this time to cause more unnecessary pain and suffering by regularly switching the vans internal heating system between extreme heating and extreme cooling, especially causing suffering for the two individuals who were still wet from their swim in the river.

At the police station, the respondents again singled out the English speaking responded and slapped him several times whilst their personal details were being collected. At the police station, they were detained for two nights before being collected from their cell on April 8th sometime between 3:00 and 4:00 am. They were driven in a van and followed by two cars filled with police officers. They were driven to the Croatian/Bosnian border, near Velika Kladuša. The back doors of the van were opened and there were six police officers on each side of the doors in a line (12 officers in total, plus 4 dogs). They were armed with batons. The group was pulled out of the van two at a time and chased back into BiH while being struck by police batons.

Explanation

As demonstrated above, **EDWs are being used as a tactical decision by the Croatian police even when there is no 'real and immediate threat to life or risk of serious injury'.** We can see from the above case study that **EDWs were used predominantly on a group of minors who had already demonstrated compliance with police instructions.** BVMN is also concerned that after using EDWs on vulnerable children a needs assessment of their healthcare needs was not completed. Our concerns highlight both the profound health risks of inappropriate EDW usage, but also the manifestation of these weapons to perform cruel acts.

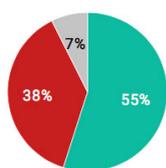
Types of violence used in 2019



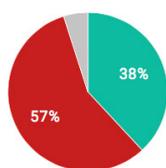
The above graphic demonstrates the breakdown of reports collected by BVMN in 2019 describing patterns of abuse from state authorities which fit this report’s criteria for cruel, inhuman, or unusual punishments. Per report more than one type of violence can be documented. Source: [BVMN](#)

Details about Violence Reports 2019

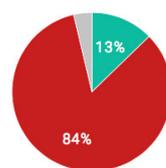
Yes No Unknown



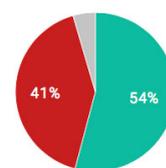
Taken to Police



Minors involved



Women Involved



Intention for asylum expressed

	taken to Police	%	Minors involved	%	Women	%	Intention for Asylum expressed	%
Yes	134	0.55	93	0.38	31	0.13	132	0.54
No	92	0.38	139	0.57	204	0.84	101	0.41
Unknown	18	0.07	12	0.05	9	0.04	11	0.05

For more information on report statistics and for visual representations of this data, visit the [BVMN statistics page](#)

Forcing to undress

*The Border Violence Monitoring Network observes that **the unnecessary forced undressing of individuals is likely to be regarded by the victims as humiliating or degrading and thus is a potential violation of Article 3.***

Degrading treatment can be [described](#) as treatment that arouses in the victim a feeling of fear, anguish and inferiority capable of humiliating and debasing the victim and possibly breaking his or her physical or moral resistance. BVMN attests that forced undressing, especially selective or punitive forced undressing for an extended period of time, or of individuals or minors in front of larger groups would debase and humiliate the victim.

Specific consideration should be paid to the age and sex of the individual being forced to undress and the environment that this is performed in. The European Court of Human Rights have previously ruled in the case of [Valasinius vs Lithuania](#) and [Lyalyakin vs Russia](#) that the forced undressing of the individual within the specific case, constituted as degrading treatment as outlined under Article 3. Previous case law affirms that forced undressing constitutes as being made to take off all of your clothes or all of your clothes apart from your underwear.

The Border Violence Monitoring Network is extremely concerned about the continued use of forced undressing as a humiliating and punitive policing tactic by the Croatian police against transit migrant and refugee populations.

The testimony collected across the Border Violence Monitoring Network affirms **the persistent use of forced undressing as a tactical decision of the Croatian police, something that we believe is a clear and unbridled violation of Article 3. BVMN has collected evidence of the Croatian police's use of force undressing of minors aged 13 years old.** We have recorded clear and substantive allegations that these forced undressing occurs in group settings, both selectively as a method of humiliation amongst a larger group, and indiscriminately amongst all ages as a punitive tactic of abuse. The Croatian police often perform this unnecessary abuse tactic in forest or rural areas among extreme weather conditions and temperatures.

Incident A

After three days travelling in the forest, on May 13th, a group of 9 (including a 6-month-old baby and 7-year-old child) were stopped at gunpoint close to the Croatian

town of Sisak by five Croatian police officers believed to be special police. The respondent requested the Croatian police to take the group to an official refugee camp because of his 6-month-old baby and the woman he was travelling with was very sick. The officers agreed that they would take them back to the refugee camp but first searched the men of the group removing their phones, money, camping gear and sleeping bags.

Once the group search had finished, one of the men was singled out and in front of the other nine men and women that he was travelling with, was **humiliated by being forcibly stripped naked and having to ensure a full-body search in the middle of the Croatian forest.**

Apart from the 6-month-old baby, all members of the group were forced to have their photographs taken and pass over their personal details to the police officers. The Croatian police refused to allow the women to keep their hat on during the picture, even after they explained they should be allowed to keep their hair covered for religious reasons.

The police instructed the group to get into the police car, ignoring the pleas from the group to take

their 7-month-old or the woman suffering badly due to an infected surgery scar to hospital and instead drove them one and a half hours to the Croatian/Bosnian border, where they arrived lost, frightened and exhausted.

After this, the police officers hurried and ordered the group to enter a prisoner van. After a 20-minute ride, they found themselves in a place in the woods with about 60 other apprehended people-in-transit. At this

“They asked me to take off all my clothes except my underwear and they were searching me, my body with their hands. My friend also. I had to take everything out of our bags and they took it away. Our wives they just searched through clothes with some machine, detector. The children were also searched, the babies’ diapers had to be taken off to search the babies. They were naked in the forest in the middle of the night.”

Incident B

A group of five male individuals; three Kurdish-Syrian brothers aged 13, 17, and a 24 years old with mental disabilities, a 19-year-old male from Iraq and a 32-year-old Palestinian-Syrian, crossed into Croatia on April 18th. After three days of traveling the group noticed a helicopter hovering above them and were soon stopped and apprehended by three police cars, with seven police officers and one police dog inside. The respondent communicated to officer named ‘Marco’ who appeared to be coordinating the police effort, the ages and nationalities of all the group-members and told the officer that they wanted to seek asylum. He also explained to an officer the previous injury which the 13-year-old minor had experienced during a previous transit attempt which had required surgery (a result of smoke intoxication).

The police forced all members of the group to undress and were left to stand undressed in the early morning cold for two hours whilst the officers searched everyone. The respondent described one of the Croatian police officers as trying to undress the 13-year-old with a police baton and pushing him back after he was undressed. The respondent begged the officers for the child to be allowed to put his clothes back on because he was worried what effect that the cold might have on his lung injury but this request was met with abusive language on part of the Croatian police officers.

location, the officers put an additional ten people inside the back of the prisoner van. They were then driven with five other vans to a point in the woods along the Croatian/Bosnian border where a small river (the Glina) marks the border. The distance between the prisoner vans and the small river was about 30 meters. The police officers forced about 60 to 70 people (from Afghanistan, Pakistan, Morocco and Algeria) to jump 1.5 meters down into this small river. One officer shot a bullet in the air and screamed: “Hajde, Hajde!” Everybody fell into the river and with the police screaming in the background, made their way across the border.

Explanation

As demonstrated across these case examples, **Croatian police are routinely forcing vulnerable transit groups to remove their clothes during apprehension and collective expulsion.** Through the threat of continued violence, these groups including children as young as 13 are made to comply with the Croatian police’s coercive and degrading demands, often being stripped naked in extreme weather conditions and in front of other members of their group. We attest that forced undressing is in many cases completely unnecessary and only used for punitive or degrading purposes. The Border Violence Monitoring Network believes that **this is a clear and continued breach of Article 3 by the Croatian police, with international guidelines and case law supporting our claim.**

Threats or Excessive Force With Firearms

The use of excessive force with a firearm can additionally be considered excessive or inappropriate use of force by the police, and thus is prohibited under the same domestic and international legal mechanism. Ribitch V Austria established that any recourse to physical violence that has not been made strictly necessary by his own conduct diminished human dignity and is in principle an infringement of the right set forth in Article 3.

Additionally, because of the specific psychological impact that being threatened or shot at with a firearm international legal mechanisms may be breached as well. Article 3 established that pain and suffering may be either physical or mental, and thus it concludes that credible threatening behaviour can induce pain and suffering. Behaviour such as mock executions with a firearm or discharging a firearm directly at an individual should only be understood as a clear and sustained violation of Article 3.

Throughout the extensive number of testimonies collected by the Border Violence Monitoring, a pattern of the Croatian police making threats and **using excessive force with a firearm during their encounters with transit refugee and migrants groups can be observed.** BVMN has collected evidence that asserts the Croatian police routinely using their firearm to unnecessarily threaten and terrify transit groups once personal safety of the police and compliance of the detained has been established. We have collected **evidence of authorities using their firearms to conduct mock executions, pistol-whip (delivered blunt-force blows to the face) or to fire live-ammunition directly at these individuals.** BVMN attests that the threats or excessive force with a firearm is used indiscriminately, often in front of or directed at underage minors as young as three years old.

Incident A

A family consisting of a mother (28), a father (30), male twins (both 5) and a girl (3) accompanied by three single men (37, 32, 16) crossed into Croatia and after three days of walking through the forests hungry and tired left the forest to seek out some food. On the 6th of May at around 3:30 am whilst crossing a small highway near Veljun, Croatia they were apprehended by two Croatian police officers. The two officers offered the children some biscuits,

searched them and waited for 15 minutes until another police unit came with two police officers and a police van. The group of 8 were placed in a windowless police van for around an hour until they arrived close to the Croatian/Bosnian border.

When they were released from the back of the van, around 10 police officers in three smaller police cars were waiting for them. The police used their torches to blind the individuals with the bright light and forced all the men to give them their shoes. They started to shoot their guns in the air, screaming “go, go!” to them whilst hitting them with their police batons forcing them down the slope towards the border. The group started running down the hill, one of the men was very slow as he was carrying two of the children. One of the officers loaded his gun, put it at the man’s temple pretending to shoot him with his children in his arms and then, instead of shooting, he beat him on the head with the stock of the gun and pushed him down the hill. The man stumbled and fell down, one of the boys injured his hand while falling. The children were very frightened of the shooting and cried. Two officers chased the group to the river shouting “Fuck you, fuck you!” and waited until they crossed the small river border into BiH.

Incident B

On July 17th, a group of ten young men, most in their mid 20s with one 6 year old child crossed into the Croatian border and walked for two hours to the village of Prijeboj where they were spotted and apprehended by two Croatian police officers. The officers order the group to sit down and then fired the gun at the group six times. The respondent described the event as “They fired at us! Not in the air, but to the left and right of our bodies. The small boy was afraid and crying”.

After five minutes, five or six police officers dressed in all black came to assist the apprehension. Once the police had searched the personal belongings of the group and confiscated their mobile phones and power banks they were all placed inside a police van and driven to a police station. Although they arrived at the police station they did not go inside but were taken to the garage next to the station. The garage was a windowless room without a toilet and already had another group of people being detained there. During the two or three hours they were detained all requests to use the toilet or for food and water was denied.

Once they were released from the garage they were again placed inside the police van and driven to the Croatian/Bosnian border. The van was very hot and had no air conditioning or ventilation and the officers drove erratically causing people in the back

to start vomiting. At 9:00 pm when they arrived at the border, they found more police officers all dressed in black waiting for them. A fire had been previously lit and all their confiscated belongings (apart from 4 out of the 10 mobile phones) were thrown into it. The police forced them to walk across the border whilst screaming “go, never come back”.

Explanation

It is clear that the substantive evidence of the Croatian authorities’ use of threats and excessive force with a firearm is a violation of Article 3 of the European Convention against human rights. Their use of mock execution is indefensible and would have only been used to induce fear and terror amongst its victims, and thus would constitute as a form of psychological torture. It is clear that neither domestic law nor international law allows the Croatian police to use such abusive policing techniques with such levels of impunity. BVMN is concerned about the long-lasting consequences for the victims.

Additionally, we believe that the Croatian authorities are unable or unwilling to implement necessary post shooting procedures that effectively investigate and establish need, necessity and causation. This unaccountability could also constitute a violation of Article 3.



A section of the Croatian/Bosnian border adjacent to the town of Šturlić (BiH). In the border areas surrounding Bosnia’s Una-Sana Canton, gunshots being fired during the course of push-backs from Croatia are often audible during the late evening.

Inhumane Treatment Inside Police Vehicles

We believe that the continued violation of the detainees basic rights and the treatment that they endure during arrest and transportation within Croatia amounts to Cruel, Inhuman and Degrading treatment as outlined in Article 3 of the European Convention on Human Rights.

The European Committee for the Prevention of Torture and Inhuman or Degrading treatment or Punishment (CPT) has developed a comprehensive standards guide for the transportation of detainees that covers the transportation of individuals in police custody and immigration detainees. We have identified a number of standards frequently being violated by the Croaitan police including the following ones:

- *“All transport vehicles should be clean, sufficiently lit and ventilated, and heated appropriately”.*
- *“The number of detainees transported should not exceed the capacity of the vehicles used for that purpose”.*
- *“All vehicles which are used for the transportation of detained persons should be equipped with appropriate safety devices (such as safety belts)”.*
- *“Transport vehicles should be equipped with means to enable detainees to communicate with escort staff”.*

The European Committee has also previously criticised the unnecessarily long periods of confinement in prisoner transport vehicles, something that is still persistent across most cases of Croatian detainment. We have identified the following cases as a few examples amongst many that illustrate the abusive conditions that detained migrants and refugees face at the hands of the Croatian police.

In 2019, there has been an emerging pattern of allegations made against the Croatian police regarding the inhumane treatment of refugees and migrants whilst inside a police vehicle. Through the intensive and consistent recording of push-back testimonies, BVMN has identified the persistent use of forced overcrowding in police vehicles, inducing sickness by extreme dangerous driving, the manipulation of temperature to extreme highs or lows and unnecessary prolonged confinement. We have identified that these detainees are routinely held unjustly in these inhuman conditions with up to twenty people for up to six hours at a time.

We have identified this pattern of extreme driving, prolonged confinement and the manipulation of conditions within the police vehicle as a technique of abuse used by the Croatian authorities in an attempt, as we believe, to purposefully punish and intimidate the detainees. We are additionally concerned about the reports indicating the use of such treatment against pregnant women and children. We believe that the continued violation of the detainees’

basic rights and the treatment that they endure during arrest and transportation amounts to Cruel, Inhuman and Degrading treatment as outlined in Article 3 of the European Convention on Human Rights. We have identified the following cases as several examples amongst many that illustrate the abusive condition that detained migrants and refugees face at the hands of the Croatian police.

Incident A

On the 6th of August, 2019 a group of eight young boys aged 16 to 23 crossed into Croatia and headed towards Slovenia. Shortly after crossing into the country they were stopped and apprehended by a passing car who detained them for one hour until two police vehicles carrying five police officers arrived at the point of apprehension. Once the Croatian police arrived they arrested the group and drove them to a police station believed to be located in the city of Karlovac. The responded described **the police van that they were transported**

in as being windowless, extremely hot with no light.

Once they arrived at the police station, they were **detained for three and a half hours in a big room with 28 people in total.** The windows of this room was shut and the air conditioning pumped hot air into an already crowded room, making their duration at the police station very uncomfortable. Whilst detained they were not provided with food or water and all requests to use the toilet were denied.

After three and a half hours the group were taken from their place of detention and put in the back of a police van. The respondent estimated that **there was approximately another 24 people** in the back of the van. **The van was so overcrowded that the officers had to push people inside** to close the rear doors and the people in the back were forced to sit on the floor with other adults sat upon their lap. After an hour of driving the conditions became so unbearable that the group started to knock on the walls of the van to stop. The officers stopped the van asking in confusion as to why the group of 24 crammed into the back of a police van were knocking. The group asked the officers to turn on the air condition system as the temperature was very hot and the ventilation system housed in the ceiling and under one of the benches had not been switched on. The officers ignored this request, jammed the doors closed again and continued to drive. Three people including the respondent threw up in the back of the van. The respondent believes that the officers intentionally extended the length of the journey as he could feel the van turning around once after they arrived in town, and felt the van going up and down the hill.

At 21:00 they arrived at the Croatian/Bosnian border near Poljana (BiH) and found a fire had been lit prior to their arrival. Once they exited the van, the police officers systematically threw their belongings onto the fire. Once their belongings had been burnt the police beat people one-by-one with batons and kicked and pushed them towards the border.

Incident B

On the 1st October 2019, a group of five men aged 19-28 crossed from Croatia to Slovenia. Five Slovenian police officers stopped the group in transit by **shooting their firearm up in the air** and shouting “Stop!”. The

group was transported by the Slovenian police across the border to Bregana, Croatia where they were transferred to Croatian police officers in an awaiting police van. **When the group of five men were loaded into the van two Croatian police officers simultaneously fired two canisters of tear gas into the windowless van and closed the doors.**

The respondent reports that his eyes were **“burning like fire”** and tears were running down his face, mucus dripping from his nose and his whole body broke out in a sweat in reaction to the gas. During the interview the **respondent shared that he was asthmatic** and feared that his lungs were going to fail as a result of the Croatian police officers’ brutality.

The group of men had to endure being trapped **inside the windowless police van with two canisters of tear gas filling the rear for six long hours.** In addition to firing the tear gas, the respondents also said that the officers drove recklessly, making quick, wide turns and sudden stops.

After six hours the men were taken out of the van where a number of Croatian intervention police officers equipped with firearms and police batons were waiting for them. The intervention police used their batons to beat the group, delivering several blows to their arms and neck, with **one officer using a metal tool used for opening nuts and pushed the metal into the respondents thigh.** **The respondent described how the officer opened the tool, then reclosed it and then twisted the metal clamp around the respondents skin leaving a deep purple colour bruise.** Once the attack by the intervention police had finished, the officers forced the group to remove all their clothes other than their underwear. The respondent was singled out by the police and in addition to being attacked with a metal tool and police batons, once he had removed his clothes he was pushed into the adjacent river. The police again took out their batons and started to beat their backs, forcing the men towards the border. The respondent believes they were pushed from Croatian territory into an area near Klokot, BiH.

Explanation

The common practice of Croatian authorities detaining and transporting migrants and refugees in unsafe ways is a clear and egregious



Croatian authorities are described as detaining groups as large as twenty in windowless vehicles which are driven back to push-back sites. The most common types of prisoner transport vehicles that the Croatian government uses are the Volkswagen Crafter, Mercedes Sprinter, and Ford Transit.

breach of international laws and norms. The Border Violence Monitoring Network believes that these cases, along with the other cases housed within our database, **represent a violation of Article 3 of the ECHR on the grounds of cruel and inhumane treatment inside a police vehicle.** The transportation of migrants and refugees from a police station inside extremely overcrowded police vehicles for extensive periods of time is not only abusive, but represents

a clear and premeditated attempt to inflict pain and suffering on a vulnerable population. The tactic of prolonged containment inside police vehicles, especially when tear gas has been fired into the rear containment area of the vehicle, shows a clear disregard for the safety and security of the individual they are transporting. We highly condemn the use of reckless driving and again believe this is a systematic attempt to intimidate and spread fear amongst migrant and refugee populations.

Detention With No Basic Facilities

Article 3 of the European Convention on Human Rights and the case law of the European Court of Human Rights impose not only negative obligations (by banning inhuman and degrading treatment) on the Member States, but also positive ones in requiring them to ensure that prison conditions are consistent with human dignity.

Case law of the European Court of Human Rights has established that for instance dilapidated detention facilities and overcrowding can, amongst many other examples of ill-treatment, be considered a violation of Article 3. Previous cases brought before the European Court (Modârcă v. Moldova) have affirmed that the condition of detention facilities have amounted to an Article 3 violation (prohibition of inhuman or degrading treatment), specifically referencing the limited access to daylight; the lack of proper heating or ventilation; the period discontinuation of electricity and water supplies; and the detained individual not being provided with bed linen, prison clothes and their dining table being close to the toilet.

Additionally to the potential for detention facilities with no basic facilities amounting to an Article 3 violation, that lack of basic facilities might also be a violation of [Article 8](#) (Right to respect for private life). Previous case-law by the European court of human rights affirms that domestic authorities have a positive obligation to provide access to sanitary facilities separated from the rest of the prison cell in such a way as to ensure a minimum of privacy.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has previously issued guidance on police custody stating that “all police cells should be of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (i.e sufficient to read by, sleeping periods excluded) and ventilation; preferable, cells should enjoy natural light. Further, cells should be equipped with a means of rest (e.g a fixed chair or bench), a person obliged to stay overnight in custody should be provided with a clean mattress and blankets. Additionally its stated that “a person in custody should be allowed to comply with the needs of nature when necessary in a clean and decent conditions, and be offered adequate washing facilities. They should be given food at appropriate times, including at least one full meal (i.e something more substantial than a sandwich) every day. “The CPT also advocates that persons kept in police custody for 24 hours or more should, as far as possible, be offered outdoor exercise every day”.

The Council of Europe’s [training manual](#) on the prohibition of torture and cruel, inhumane, and degrading treatment and punishment clearly states that “cells and other premises used by prisoners are to be of an appropriate state of repair and cleanliness”. Additionally it states “in terms of sanitary facilities, each cell should possess a toilet and a washbasin as a minimum. The CPT standards require that in multiple-occupancy cells the sanitary facilities should be fully partitioned (i.e up to the ceiling). In those few prisons where no in-cell sanitary facilities are available, the authorities must ensure that prisoners have ready access to the toilet whenever needed.

The Border Violence Monitoring Network additionally calls on Croatian authorities to meet the guidelines set out by the European Committee for the Prevention of Torture that sets seven square meters per prisoner as an appropriate guideline for a detention cell.

The Border Violence Monitoring Network has collected numerous testimonies from transit refugees and migrants that attest to their continued ill-treatment once they have been detained and arrested by the Croatian authorities. **We have substantial evidence that indicate the authorities' failure to properly detain refugees and migrants in adequate police facilities, instead using car garages to detain and document these groups.** BVMN is not only concerned about the persistent allegations of refugees and migrants being detained inhumanly in dirty car garages, but also the lack of official accountability and oversight of the police officers using these locations, as they often become the place of extended periods of violence and abuse at the hands of the Croatian police officers. Additionally contrary to international laws and norms, it is evident that when the Croatian police do decide to bring groups of refugees and migrants to official police stations, their treatment is no better, often being housed for up to 8 hours in overcrowded cells. **BVMN attests to a pattern of denying detained refugee and migrants groups access to a toilet, food or water during their time spent in Croatian police detention.** Numerous allegations have been made that when food, water or toilet is denied Croatian police force these groups to pay upwards of €50 to be given a sandwich to eat during their lengthy detention process.

Incident A - Denial of bathroom

A group of 4 Moroccan men in transit were stopped by police officers near the river in Damalj (Croatia) on 18th October 2019 at approximately 7:00 pm. Four Croatian authorities in dark blue uniforms, and one officer in a black mask ordered the group to stop. They simultaneously fired several pistol shots towards the group in transit. The four group members all put their hands up above their heads and remained stationary. The officer wearing the mask ordered each person to empty their pockets and ordered the one man with a small bag to empty his bag. The officer confiscated five mobile phones and a total of 300 euros. **The group was forced to undress and was transported to the police station wearing only boxers in one white Croatian police van with no windows.**

At the police station the respondent requested food asking "Anything to eat? We haven't eaten in 2 days. Water?". The officer ignored this question, and the

request for asylum made by the group. Throughout they were denied food and water, and were not processed officially. **When the respondent asked to use the toilet, one officer handed him a plastic bag.** The officer surveilling them while detained in the cell was drinking alcohol and commanded the respondent to not look at the officer's face. When they lifted their faces to look up, the officer screamed at them and told them to look down.

After being detained, the group was forced into another Croatian police van with no windows and no air circulation. The driver recklessly made wide turns that caused the respondent to fall off the bench in the back of the van. The respondent said he could hear the driver laughing. Several persons vomited in the van.

The van stopped on the Croatian side of the border with BiH (near Šturlić) at about midnight. Four officers in ski masks kicked the group in transit as they descended from the vehicle. The respondent stated that one officer had steel-toed boots. The officer in the ski mask grabbed one of the men by the ear and pulled him back and forth while making dog noises. Another officer used his baton to hit one of the men in the stomach.

During this ordeal, there was an enforced silence by the officers. The men were ordered to not speak. The driver took the group's phones and power banks which had been confiscated during apprehension and then broke them as the group watched. Their clothing and shoes were put into a pile and lit on fire, then the group were pushed back into BiH. The transit group of four walked an estimated 30 km from Šturlić to Velika Kladuša with no shoes and no jackets.

Incident B - Small cell

On the 6th of October 2019 a group of four men aged 20, 22, 27 and 30 traveling by vehicle from Zagreb (Croatia) on highway E65 towards Rijeka (Croatia) were stopped by an unmarked vehicle containing two Croatian police officers clad in civilian clothes on highway E65 in Draganić (Croatia).

Once stopped the police officers asked the respondent for his documents and asked where the group was travelling and detained them on the floor of the unmarked vehicle until a police van came 30-40 minutes later. Once the police van came, the group was

transferred to the police officers driving it. The group had their personal items confiscated from them including their money and phones. When one member of the group challenged the police officer by asking where his phone was the police officer responded by grabbing and punching the guy who dared speak out. The group were then placed in the back of the police van but because nine other migrants and refugees were already being detained in the back, the respondent had to sit with his knees to his chest for approximately three hours whilst they were driven to the police station. Inside the van the respondent noted that the air conditioning/ventilation fans were not working, so the group of thirteen were detained in the back of the police van without form of ventilation.

When at the police station the group of thirteen were housed in a detention cell estimated to be 4 square meters with only a cement floor to sit on. The group were detained for several hours and were not provided with a translator and their requests for asylum were denied. The respondent explained that **the tiny cell that the group was being housed was very bad as it looked like it had not been cleaned for one year. The toilet in the cell was no longer accessible as it was already full of human waste so the smell of feces filled the cell.**

After several hours of detention, the transit group were transported in a Croatian police van brought to a border area near Bugar (BiH). On the Croatian/Bosnian border, seven Croatian Intervention police officers in black uniforms with black ski masks surrounded the group as they exited the van. The officers kicked the men in the legs and yelled, "Go back to Bosnia." One officer kicked one of the men in his groin. The respondent stated that it felt as if they were beaten for one hour. After the assault, they were forced across the border from Croatia to BiH territory.

Incident C - Use of garage

On September 26th, three young men aged 19, 22 and 35 left Serbia in the direction of Slovenia by attaching themselves to the underside of a large HGV truck. After enduring clinging on to the speeding vehicle in the rain for four hours the men could no longer hold on or endure the pain so attempted to catch the attention of the other drivers for them to alert the driver to stop the truck. The truck was finally stopped near the city of Zagreb, Croatia by Croatian police officers dressed in dark blue uniforms and put them in the back of the police van.

The respondent explained he was driven for what felt like approximately 10 minutes and noticed as they were in the back of a van a road sign in the opposite direction saying 'Zagreb, 3km', **When the men stopped, to their surprise they had not been brought to a police station but instead were directed into a makeshift garage. The garage was described as unsanitary and dirty, with an overwhelming, unpleasant smell. Inside were four chairs, and the men were confronted by three policewomen and five policemen.**

Any time the men asked any questions, including a jacket because he was wet and cold from his journey or to use the toilet they were struck with a police baton. After a while a policewoman offered the group of detainees a small bag of chips and a bottle of water. The respondent said that after this was offered the other police officers started to shout and argue with her, suggesting that she was not allowed to give out the food or water. During their hour-long detention, they were forced to have their photos taken whilst holding a board with writing on them. The group-members did not understand what the board said, nor the purpose of it.

After this they were taken from the garage and put in the back of a police van. **Still wet from their journey, the police officer was described as turning on the air conditioner during the entire drive to make them feel even colder.** They were driven for what felt like four hours. They were driven to the border close to BiH to four Croatian police officers in waiting who beat them with batons and confiscated their belongings once they were removed from the van. They were then forced to walk across the border for approximately 20km until they found a small village where they slept hungry, wet and cold outside for the night.

Explanation

Croatian authorities' persistent violation of international standards of detention is clearly in violation of Article 3. BVMN is concerned by the mounting evidence against the Croatian authorities of housing transit populations in small and overcrowded police cells that do not meet the basic requirements for humane detention. The lack of basic facilities including the absent or systematic refusal to allow detained refugees and migrants reflects a clear breach of Article 3 and has been demonstrated across recent case law that such treatment is prohibited.

THE CROATIAN RESPONSE TO BORDER ALLEGATIONS

Since the beginning of 2016, Croatian authorities have systematically denied any irregularities at the border. In a [public reply](#) to Amnesty International in March 2019, Minister of Interior Davor Božinović stated:

“Since 2016, 202 complaints have been received from state institutions and civil society organizations, containing allegations of violence perpetrated by Croatian police against migrants, as well as the seizure and destruction of their property. All reports from non-governmental organizations and other organizations received by the Ministry so far about alleged use of coercive measures against migrants by police officers have been checked, bearing in mind that, as a rule, these reports do not contain sufficient information needed for criminal investigations”

However, **Ombudswoman Lora Vidović has repeatedly warned of complaints by migrants about police abuse, but has not received information from the Ministry of the Interior or the State Prosecutor’s Office about investigations that would either confirm or reject such complaints.**

In the case of Madina Hussiny, a 6-year old Afghan girl who died minutes after being pushed back from Croatia to Serbia, Ombudswoman said the Ministry of the Interior denied her access to its database as the only source of information on the treatment of migrants by the police.

The Ombudswoman said to [Croatian press](#) that the Ministry of the Interior would not give her footage from thermal imaging cameras taken at the time of the incidents in question, claiming that it was not preserved. She said she had requested from the State Prosecutor’s Office the ruling dismissing a complaint filed by the Hussiny family in connection with the death of the girl Madina Hussiny, but the document was never delivered to her.

Following the [release of exclusive footage](#) showing Croatian police officers illegally expelling people to BiH sent anonymously to the BVMN, and soon afterwards similar footage being published by [The Guardian](#) and the [Swiss TV station SRF](#), Swiss journalists asked Croatian president Kolinda Grabar Kitarović for a comment. [The president](#) responded by openly admitting push-backs and violence from police officers during these procedures:

“Illegal push-backs? How do you mean illegal? We’re talking about illegal people, people that are entering Croatia illegally, and the police is returning them back to Bosnia. I have spoken with the interior minister, the chief of police, and officers on the ground and they assured me they have not been using excessive force. Of course, a little bit of force is needed when doing a push-back, but you should see that terrain”

Faced with the backlash, she soon [said that her remarks were taken out of context](#), but nevertheless repeated that “reasonable force is being applied” when doing push-backs.

At the end of March 2019, the [Ombudswoman received a complaint](#) regarding the illegal police treatment ordered by their superiors, sent anonymously by a policeman working for a Border police station. She has immediately notified the State Attorney’s Office requesting an efficient independent investigation of those allegations. However, in the absence of any follow-up information, in the beginning of June she has also notified the Croatian parliament and its competent committees.

The content of this complaint, as in other complaints the Ombudswoman is receiving regarding the police treatment of migrants, points out to ignoring the international protection requests and violent treatment, even beating up, taking money and other valuable objects and push backs over the green border, without conducting any of legally prescribed procedures.

Later being published by the local media, [the complaint](#) describes that **supervising officials gave orders to officers in the field to push back all refugees and migrants to BiH “without papers and processing” thus leaving no trace, and to take money, break mobile phones and throw them in the river or keep for themselves.** According to the letter, at least 20 to 50 persons are pushed back daily in

such a way. It claims that among migrants there are women and children but “they all are equally treated”.

The authors of the the anonymous report said.

“When they are brought from other police districts, they come exhausted, sometimes even beaten up, and then we drive them during the night and we forcibly push them back to Bosnia. All sorts of things are happening, some officers are even using their guns. (...) I’ve personally returned 1000 of them. I try to be as humane as possible, but if I refuse to do it, I’ll lose my job. (...) We beg you to use your position to stop this ugly trend, which might lead to tragic consequences”,

The Ministry of Interior, however, with no exception, claims that such complaints are unsubstantiated and inaccurate, refusing to undertake all reasonable and available steps to conduct efficient investigation and to ensure evidence relevant to the disputed events.