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Honourable Mr Avramopoulos, Mr Stylianides,

We have been alerted over the past months by various NGOs, including No Name Kitchen, Are you Syrious, Human Rights Watch, Border Violence Monitoring, Amnesty International and Médecins sans Frontières, about the worrying situation at the borders of Croatia with Bosnia and Herzegovina and Serbia. These NGOs have widely documented, including through testimonies, photographs, and video footage, systematic and frequently violent push-backs from Croatia, in violation of the right to asylum. They have also widely reported about the pervasive lack of adequate infrastructure and institutional support to refugees and migrants available in Bosnia and Herzegovina, forcing thousands of people to live in deplorable conditions.

The reports published by the said organizations demonstrate that at least 7000 people have been pushed back by Croatian border police from Croatia to Bosnia and Serbia in violation of International, European and national laws:

- In 2018, No Name Kitchen reported 1503 push-backs from Croatia to Bosnia solely at the border point near Velika Kladusa. The organization also collected 372 testimonies, involving nearly 2000 people on the move, between May 2017 and December 2018 in Serbia and Bosnia and Herzegovina, revealing that the Croatian, and in some cases the Slovenian, authorities hinder people's rights to asylum procedures and often violently push them back from EU territory, denying them the right to apply for international protection. Several testimonies also lead to the

conclusion that Slovenia and Croatia were cooperating with the intention of keeping potential asylum-seekers away from EU territory.¹

- On 16 December 2018, Border Violence Monitoring published a video footage that shows 54 separate incidents of unlawful collective expulsions of at least 350 persons that took place between 29 September 2018 and 10 October 2018 at the Croatian border with Bosnia near Bihac. Their database has 377 testimonies of incidents of push-backs reported between January 2017 and January 2019 (involving between 1 and 50 persons), among which 324 were perpetrated with violence and 237 involved also an explicit denial of a request to ask for asylum².
- In 2018, UNHCR and its implementing partners in Serbia have received reports of 5,337 persons allegedly pushed back from Croatia to Serbia with many reporting being denied access to asylum procedures and accusing Croatian police of violence and theft³.
- Testimonies gathered by Save the Children and its partner in Serbia found more than 1,350 cases of children being pushed back across European Union borders between January and November 2018 with almost one third of these cases reportedly involving violence inflicted by police or guards at borders.⁴
- Human Rights Watch gathered testimonies of people pushed back to Serbia and Bosnia, documenting the violence and absence of due process.⁵
- Between June and November 2018, Médecins sans Frontières treated 70 patients with traumatic pain or injuries consistent with the events of violence reported by the patients. In 33 of these cases the perpetrators were allegedly the Croatian Border Police. During the same period, MSF medical teams in Serbia treated 37 traumatic pain or injuries consistent with the events of violence reported by the patients, 10 of these cases were reportedly committed by Croatian border police. Injuries and wounds treated by MSF vary from soft tissue injuries to fractures that are consistent with exposure to physical force on the body. MSF conducted also an operational assessment of the situation at the Bosnian-Croatian border in August 2018, which surveyed 80 migrants, among which 79% claimed having been push back from Croatia. Of those who claimed having been pushed back, 79% stated they experienced violence or mistreatment.
- Amnesty International research carried between June 2018 and January 2019 found a systematic and deliberate practice of pushbacks carried out by Croatian police, with many refugees and migrants describing how they were beaten and intimidated or had their documents and mobile phones stolen or destroyed. The testimonies included cases where men reported that Croatian police took their shoes, warm clothes and sleeping bags and burnt them before forcing them to walk on subzero temperatures barefoot for kilometres, and sometimes through freezing cold rivers. Testimonies also indicated that requests for asylum explicitly made to Croatian police were denied. Amnesty International report also documented cases of so-called chain push-backs

¹ No Name Kitchen, *Border Violence on the Balkan route*, <https://www.nonamekitchen.org/en/violence-reports/>

² All reports are compiled and archived at: www.borderviolence.eu The video footages are available at: <https://www.borderviolence.eu/proof-of-push-backs/>

³ See UNHCR bi-monthly updates: <https://bit.ly/2wI9mHI>

⁴ Save the Children, *Hundreds of Children report Police Violence at EU Borders*, 24 December 2018, <https://www.savethechildren.net/article/hundreds-children-report-police-violence-eu-borders>

⁵ Human Rights Watch, *Croatia: Migrants Pushed Back to Bosnia and Herzegovina*, 11 December 2018, <https://www.hrw.org/news/2018/12/11/croatia-migrants-pushed-back-bosnia-and-herzegovina>; *Croatia: Asylum Seekers Forced Back to Serbia*, 20 January 2018, <https://www.hrw.org/news/2017/01/20/croatia-asylum-seekers-forced-back-serbia>

across multiple borders, with people being pushed back or collectively expelled across borders from Italy to Bosnia, often within 24 or 48 hours.⁶

These accounts, as Amnesty International reports, “point to a potentially systematic and deliberate policy of Croatian authorities designed to discourage new arrivals and deter future attempts to cross the country’s border”.

The Council of Europe’s human rights commissioner sent a letter to the Croatian Prime Minister on 20 September 2018 calling on the authorities to investigate these allegations and take all necessary measures to end such practices.⁷ The Minister of Security of Bosnia and Herzegovina has also denounced the use of physical violence by Croatian police and forced expulsions to Bosnia and Herzegovina.⁸

At the European Parliament, these reports had already led some of us to address written questions⁹ and put this issue on the agenda of the European Parliament plenary on 13 December 2018. At the occasion of this debate, the Commission stated that they have been actively and closely monitoring the serious allegations of mistreatment of migrants by the Croatian police and that they had raised these issues with the Croatian authorities, trusting that they would follow up on the specific allegations.¹⁰ Despite these allegations and no guarantee of appropriate actions by the Croatian authorities, the Commission announced on 20 December 2018, that they awarded 6.8 million euros to Croatia to reinforce border management. This funding was aimed to cover the operational costs of 10 border police stations through daily allowances, over-time compensation and equipment. The Commission additionally announced a “monitoring mechanism to ensure that all measures applied at the EU external borders are proportionate and in full compliance with fundamental rights and EU asylum law”.¹¹ This additional funding brings the overall emergency funding for migration and border management to Croatia by the Commission to almost 23.2 million euros, that comes on top of nearly 108 million euros allocated to Croatia under national programmes of AMIF and ISF.

However, the information we have been receiving from NGOs, including from Amnesty International latest report published on 13 March 2019, is that the situation on the ground remains the same, both in terms of reports of violent push-backs, denial of access to asylum in Croatia and the absence of adequate investigation of past allegations. Regarding the follow-up of the allegations by Croatia, the Ministry of Interior’s response to the detailed complaints launched by the NGO Are You Syrious on behalf of migrants dismisses the allegations without an explanation on which actions have been taken and without reporting on the concrete findings in this case. In addition, the Ombudswoman, who has been investigating these allegations, reported to the Croatian Parliament that she has been denied access to relevant

⁶ Amnesty International, “Pushed to the Edge. Violence and Abuse Against Refugees and Migrants along the Balkans route”, 13 March 2019, <https://www.amnesty.org/en/documents/eur05/9964/2019/en/>

⁷ See: <https://rm.coe.int/letter-to-mr-andrej-plenkovic-prime-minister-of-croatia-concerning-the/16808d7db3>

⁸ Slobodna Dalmacija, “Ministar sigurnosti BiH: Postupanje hrvatske policije je sramota za Hrvatsku,”, 16 December 2018, <https://slobodnadalmacija.hr/novosti/bih/clanak/id/580150/ministar-sigurnosti-bih-postupanje-hrvatske-policije-je-sramota-za-hrvatsku>

⁹ See: http://www.europarl.europa.eu/doceo/document/E-8-2018-004570_EN.html

¹⁰ See verbatim here: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20181213+ITEM-006+DOC+XML+V0//EN&language=EN> -

¹¹ EC Press Release, 20 December 2018: http://europa.eu/rapid/press-release_IP-18-6884_en.htm

documentation during her investigation and that the Ministry provided her with superficial and non-substantive answers to her information requests¹².

Concerning the absence of investigations, Croatian Ministry of Interior responded that the Ministry has not been provided with necessary information on particular cases to conduct investigations. However, this is not correct, as we are aware that the Are You Syrious organization has provided the Ministry with detailed information about a number of specific cases. The Center for Peace Studies from Zagreb also initiated proceedings in relation to the video footage mentioned above, filing a complaint against unidentified police officials, but no follow-up has been reported so far by the authorities.

We are also aware that those who are pushed back to Bosnia and Herzegovina and Serbia experience persistent hardship and mistreatment while they are forced to live in precarious conditions in the makeshift camps in border areas and without adequate state support. It is estimated that there are 5.500 people in Bosnia-Herzegovina, the vast majority staying in Bihac and Velika Kladusa in camps in three abandoned factories operated by IOM set up in November 2018 with EU assistance. A small number of people is being hosted in private accommodation (500-800). Despite the fact that the EU granted 9.2 million euros to Bosnian authorities and international organisations, reports show that their capacity is not sufficient and that conditions in these buildings remain inadequate, with for example insufficient toilets, showers, health care and violence due to overcrowding. The authorities of the Una Sana Kanton has also instructed IOM to restrict access to the camps to new arrivals and people who are outside of the camps for too long, which excludes these people from access to the asylum procedure and to health care outside of emergency health care. In addition, reports also point to failure of the authorities of Bosnia and Herzegovina to provide adequate access to international protection. The country has solely one official reception center that has a capacity of 150 persons and no adequate mechanism to access fair and effective asylum procedures.

In Serbia, due to the legal limbo that the people face as asylum procedures are not effective, many people end up living in the so-called 'jungle'. MSF has also received reports of increased violence by the Serbian police and border authorities, who are allegedly using violence to prevent people from leaving to Croatia, as well as reports of violence committed in Serbian camps by security and camp management staff.

We are also deeply concerned that civil society organisations providing humanitarian aid in Croatia, Serbia and Bosnia and Herzegovina have been subjects to criminalisation and intimidation by state authorities.

In light of all these findings, we call on the European Commission to:

- **Request Croatian authorities to immediately halt the violence and the practice of pushbacks and collective expulsions from its territory;**
- **Ensure that people who enter Croatia are being provided with the possibility to ask for asylum and are transferred to reception centers for asylum seekers in accordance with international, European and Croatian law and report to us on the different actions the European Commission has initiated with the Croatian authorities, concerning allegations of violent push-backs and denial of international protection.**

Specifically, we would like to know:

¹² Letter in Croatian of the Ombudswoman: <http://ombudsman.hr/hr/npm-novosti/cln/1456-migracije-prituzbe-na-policijsko-nasilje-i-dalje-nisu-istrazene-modulnaslovn>

- How the Commission plans to monitor compliance with International and European law, including with the European Convention of Human Rights, the Charter of fundamental rights, the Asylum Procedure Directive, the Return Directive, the Schengen borders code as well as the AMIF and ISF regulation;
- Whether the Commission started infringement proceedings, including exchange of letters with the Croatian authorities to respond to allegations of breaches of European law;¹³
- If the Commission could provide detailed information about the monitoring mechanism they announced on 20 December, including the authority or institution in charge of this mechanism (including by providing the copy of the agreement with this authority or institution if existing). We would like to know which steps have been taken to guarantee that this mechanism is independent, provides public and regular reporting on its findings and conclusions, seek input from international and Non-governmental organisations and works with the Croatian Ombudswoman that has been investigating independently these allegations;
- **Monitor the use of EU funding related to asylum, migration and border management in Croatia, Serbia and Bosnia-Herzegovina and provide us with detailed information about this funding, including safeguards that have been put to ensure this funding is not used in violation of EU law and does not contribute to fundamental right violations.**

We thank you for your consideration and remain at your disposal for further discussions on this matter,

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¹³ Based on the findings provided to us, we have serious concerns regarding Croatia respecting the European Convention of human rights, Charter of fundamental rights, the Asylum Procedure Directive, the Return Directive, the Schengen borders code as well as the AMIF and ISF regulations.

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