

# EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS



## Croatia's Pushback Policy: A System of Unlawful, Covert, and Perpetuated Expulsions

Since news of pushbacks from Croatia first circulated in 2016,<sup>1</sup> several years' worth of reporting and documentation by national and international human rights institutions, media, and humanitarian organizations corroborate a clear pattern of pushbacks of migrants from Croatia. The following analysis demonstrates that such pushbacks are, in fact, the result of an intentionally crafted and maintained state policy. First, the existence of a Croatian state policy is made evident by the clear and consistent tactics employed by Croatian authorities engaged in such pushbacks, as laid out in Section I. Second, the existence of this policy has been repeatedly documented and supported by several diverse forms and sources of evidence, discussed in Section II. Third and finally, such pushbacks are designed to be concealed and obscured such that authorities can obstruct efforts at accountability and perpetuate the practice with impunity, as argued in Section III.

### I. Croatia's pushback *modus operandi*

Pushbacks from Croatia follow a clear set of tactics crafted to swiftly expel migrants including asylum-seekers<sup>2</sup> apprehended within Croatia to neighboring countries without adherence to legal procedure or oversight. As a means of deterrence and in reflection of the disregard with which authorities treat those expelled from its territory, these pushbacks also routinely employ grave and even sadistic violence that has been categorized as torture.

Early reports of pushbacks from Croatia flagged **indiscriminate expulsions paired with patterns of violence** directed toward migrants, including “beating with sticks, kicking and punching, robbery, and the destruction of personal items, notably telephones.”<sup>3</sup> In 2018, the Croatian Ombudswoman highlighted a clear pushback pattern composed of apprehensions within Croatian territory; disregard of individuals' asylum claims; forced transportations of these individuals by van; beatings with batons and within police cordons; theft of their money and destruction of their cell phones; their informal detention at police stations; and a complete absence of translation and record-keeping in the process.<sup>4</sup> In May 2020, Danish Refugee Council (“DRC”) documented what

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<sup>1</sup> For example, BBC News, “[Temperatures plummet as thousands make crossing](#),” 08.01.2016, at 01:52 to 02:16.

<sup>2</sup> For the purpose of this analysis, the term “migrant” encompasses asylum-seekers.

<sup>3</sup> MSF, “[Games of Violence: Unaccompanied Children and Young People Repeatedly Abused by EU Member State Border Authorities](#),” October 2017, p.9.

<sup>4</sup> Croatian Ombudswoman, “[Letter to the Parliamentary Committee on Human and National Minority Rights](#),” 17.10.18, pp.1-4.

it described as “**systematically and continuously reported**” pushbacks suggesting “**deliberate practices**” at the Croatian border.<sup>5</sup> Reports collected by its staff working at the Bosnian border month captured the “spray-painting of crosses” on 33 migrants’ heads.<sup>6</sup> In another example of extreme violence, a group of 16 from Pakistan and Afghanistan reported being tied to trees while shots were fired in their direction; being beaten and cut with knives; and having their wounds covered with food before being expelled from Croatia.<sup>7</sup>

The violence experienced during these pushbacks reflects the utilization of ill-treatment as a deterrence tactic targeting people on the move. In June 2020, the UN Special Rapporteurs on the human rights of migrants and on torture and other cruel, inhuman or degrading treatment or punishment documented “the use of electric shocks, forced river crossings and stripping of clothes despite adverse weather conditions, forced stress positions, gender insensitive body searches” in addition to the above-mentioned spray-painting of crosses on migrants’ heads.<sup>8</sup> Following its August 2020 fact-finding mission to Croatia, the Council of Europe’s Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“CPT”) identified similar patterns and described the **existence of a special regime for individuals intercepted after crossing the Croatian border irregularly**.<sup>9</sup> In addition, the CPT noted the transportation within overcrowded, enclosed vans amounting to ill-treatment;<sup>10</sup> credible allegations of physical ill-treatment by Croatian officers;<sup>11</sup> and a lack of accountability mechanisms for these acts.<sup>12</sup> The UN Special Rapporteurs, for their part, concluded that Croatia’s treatment of migrants during pushbacks “appears specifically designed to subject migrants to torture and other cruel, inhuman or degrading treatment.”<sup>13</sup>

Croatia’s pushbacks do not spare **children and unaccompanied children**, despite—as mandated by EU law—obligations to respect a child’s best interests in its domestic legal framework.<sup>14</sup> Croatia’s Law on Foreigners obliges it to identify minors and initiate an age assessment in cases of doubt as to one’s age, also mandating that decisions concerning their stay can only take place following a hearing.<sup>15</sup> Yet during its 2020 visit to Croatia, the CPT received “numerous allegations from children” impacted by pushbacks,<sup>16</sup> and the Croatian Ombudsperson for Children has acknowledged the pushbacks of several hundred children, including through violence,<sup>17</sup> from

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<sup>5</sup> DRC, “[Bosnia and Herzegovina Border Monitoring Monthly Snapshot – May 2020](#),” p.1.

<sup>6</sup> *Ibid.* These reports were covered in *The Guardian*, “[Crosses on our heads to ‘cure’ Covid-19: Refugees report abuse by Croatian police](#),” 28.05.2020.

<sup>7</sup> DRC, “[Bosnia and Herzegovina Border Monitoring Monthly Snapshot – May 2020](#),” p.1.

<sup>8</sup> UN Special Rapporteurs, “[Croatia: Police brutality in migrant pushback operations must be investigated and sanctioned](#),” 19.06.2020.

<sup>9</sup> CPT, “[Report on the visit to Croatia carried out from 10 to 14 August 2020](#),” 03.12.2021, §14.

<sup>10</sup> *Ibid.*, §§18, 39.

<sup>11</sup> *Ibid.*, §10, 16.

<sup>12</sup> *Ibid.*, §§22-24.

<sup>13</sup> UN Special Rapporteurs, “[Croatia: Police brutality in migrant pushback operations must be investigated and sanctioned](#),” 19.06.2020.

<sup>14</sup> Directive 2008/115/EC of the European Parliament and the Council, 16.12.2008, common standards and procedures for returning illegally staying TCNs, Art. 10.

<sup>15</sup> Croatian Law on Foreigners (*Zakon o strancima*), Arts. 136, 35, 38. Official Gazette (*Narodne novine*) NN 53/20.

<sup>16</sup> CPT, “[2020 Croatia visit report](#)”, §41.

<sup>17</sup> Croatian Ombudswoman, “[Letter to the Parliamentary Committee on Human and National Minority Rights](#),” pp.1-2, 5.

Croatia in 2021.<sup>18</sup> Several organizations have documented Croatian officers' **refusal to record minors as such**, instead telling them they cannot claim asylum in Croatia<sup>19</sup> and even beating those who attempted to show papers proving their age.<sup>20</sup> Testimonies collected from pushbacks during which children were present reflect the same patterns descriptive of pushbacks as a whole: the **indiscriminate use of violence against children** in groups with adults, such as kicking, pushing, and beatings, as well as **abusive or intimidating behavior** like the firing of or threatening with guns;<sup>21</sup> theft of money;<sup>22</sup> destruction and/or burning of personal belongings;<sup>23</sup> forced undressing including the removal of jackets and jumpers;<sup>24</sup> and reckless driving.<sup>25</sup> Like adults, children have been arbitrarily detained in cramped conditions without food and water prior to their expulsions.<sup>26</sup> Such pushbacks have also resulted in at least one child's death, when six-year-old Afghan Madina Hussiny was struck by a train after Croatian authorities had pushed back her and her family and instructed them to follow train tracks toward Serbia.<sup>27</sup>

The secretive nature of Croatia's pushback practices, coupled with obstacles preventing victims from coming forward,<sup>28</sup> makes the total number of such pushbacks difficult to estimate. However, DRC alone documented **30,309 pushbacks** from Croatia between June 2019 and September 2021, highlighting a widespread and consistent practice.<sup>29</sup>

## **II. Evidence and documentation of Croatian pushbacks**

Over the years, a wide range of information from various sources has provided consistent, overwhelming, and indisputable evidence of Croatia's pushback policy. **Local and international media** has consistently reported on pushbacks from Croatia since 2016, with first international reports by BBC in January of that year.<sup>30</sup> This coverage was followed by Deutsche Welle,<sup>31</sup>

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<sup>18</sup> ECRE, "[Croatia Country Update 2021](#)," p. 24. See also DRC's statistics on percentage of children reporting pushbacks among interviewed populations for June 2020 (10% of all pushback victims interviewed), "[Monthly Snapshot – June 2020](#)," p. 2; July 2020 (13% of all pushback victims interviewed), "[Monthly Snapshot – July 2020](#)," p.2; and July 2021 (14% of all pushback victims interviewed), "[Monthly Snapshot – July 2021](#)."

<sup>19</sup> Center for Peace Studies et al, "[Pushback report on children and unaccompanied children in Croatia](#)," p.15.

<sup>20</sup> *Ibid*, p.20.

<sup>21</sup> *Ibid*, p.11.

<sup>22</sup> *Ibid*, p. 31.

<sup>23</sup> *Ibid*, pp.11, 34.

<sup>24</sup> *Ibid*, pp.11, 31.

<sup>25</sup> *Ibid*, p.11.

<sup>26</sup> *Ibid*, pp.28-29.

<sup>27</sup> See *M.H. and others v. Croatia* (ECtHR 15670/18 and 43115/18), 18.11.2021.

<sup>28</sup> See Section III below.

<sup>29</sup> Reuters, "[Afghan migrants in Bosnia still hope to reach EU despite violent pushbacks](#)," 14.10.2021.

<sup>30</sup> BBC News, "[Temperatures plummet as thousands make crossing](#)," 08.01.2016, at 01:52 to 02:16.

<sup>31</sup> DW, "[Croatia police accused of abusing refugees](#)," 16.08.2018; "[Refugees on new Balkan route stuck in limbo](#)," 03.07.2018; "[Violence against refugees in Croatia is becoming more and more diverse](#)," 12.07.2020.

Reuters,<sup>32</sup> Al Jazeera,<sup>33</sup> The Guardian,<sup>34</sup> and Der Spiegel.<sup>35</sup> Several international and humanitarian groups with direct access to victims of such pushbacks<sup>36</sup> have also published their own reporting on Croatian pushbacks, including UNHCR,<sup>37</sup> the International Organization for Migration,<sup>38</sup> Human Rights Watch (“HRW”),<sup>39</sup> and Amnesty International (“AI”).<sup>40</sup> Finally, Croatian pushbacks have been confirmed by the **fact-finding of European and international institutions**, including the UN SRs on the human rights of migrants and on torture and other cruel, inhuman or degrading treatment or punishment;<sup>41</sup> the EU’s Fundamental Rights Agency (“FRA”),<sup>42</sup> the CoE’s Secretary-General on Migration and Refugees<sup>43</sup> and its CPT,<sup>44</sup> and the Bosnia and Herzegovina (“BiH”)<sup>45</sup> and Croatian<sup>46</sup> ombudspersons.

Several diverse **types of evidence** have brought the details of such pushbacks to light. These include **medical records** of those providing medical support to migrants pushed back from Croatia, including Médecins Sans Frontières (“MSF”),<sup>47</sup> the Danish Refugee Council (“DRC”),<sup>48</sup> and local doctors who have treated victims themselves.<sup>49</sup> **Video footage** captured by investigative journalists and border monitoring groups such as The Guardian,<sup>50</sup> the Border Violence Monitoring

<sup>32</sup> Reuters, “[Migrants in Bosnia complain of beatings by Croatian police](#),” 22.08.2018.

<sup>33</sup> Al Jazeera, “[#MeToo at Fortress Europe’s borders](#),” 08.09.2018; “[Refugees stranded in Bosnia allege Croatian police brutality](#),” 15.09.18; “[Migrant conflicts in BiH reverberated to Brussels](#),” 10.06.2019; “[Croatia police criticised for attacking refugees at border](#),” 15.01.2020; “[Injured migrants allege Croatian police brutality, pushback](#),” 07.08.2019.

<sup>34</sup> The Guardian, “[‘They treated her like a dog’: tragedy of the six-year-old killed at Croatian border](#),” 08.12.2017; “[Refugees crossing from Bosnia ‘beaten and robbed by Croatian police](#),” 15.08.2018; “[Croatian police use violence to push back migrants, president admits](#),” 16.07.2019; “[‘Blood on the ground’ at Croatia’s borders as brutal policing persists](#),” 22.12.2019; “[Croatian police accused of spray-painting heads of asylum-seekers](#),” 28.05.2020; “[Crosses on our heads to ‘cure’ Covid-19: refugees report abuse by Croatian police](#),” 28.05.2020; “[Croatian police accused of ‘sickening’ assaults on migrants on Balkans trail](#),” 21.10.2020.

<sup>35</sup> Der Spiegel, “[Beamte zwingen Geflüchtete über EU-Grenze](#),” 15.05.2019; “[Als sie uns schlugen, haben sie gelacht](#),” 06.08.2019.

<sup>36</sup> Jesuit Refugee Services, “[Forgotten at the gates of Europe](#),” 06.2018; Save the Children, “[Hundreds of children report police violence at EU Borders](#),” 24.12.2018; Oxfam, “[A Dangerous ‘Game’](#),” 06.2017, pp.2, 5.

<sup>37</sup> UNHCR, “[Desperate Journeys](#),” 09.2018, p.18.

<sup>38</sup> IOM, “[The UN in Bosnia and Herzegovina is concerned by violent pushbacks of migrants, asylum-seekers and refugees](#),” 05.06.2021.

<sup>39</sup> HRW, “[Croatia: Asylum-seekers forced back to Serbia](#),” 20.01.2017; “[Croatia: Migrants Pushed Back to Bosnia and Herzegovina](#),” 11.12.2018.

<sup>40</sup> AI, “[Refugees in Serbia left out in the cold](#),” 23.01.2017; “[Pushed to the Edge: Violence and abuse against refugees and migrants along Balkan Route](#),” 13.03.2019.

<sup>41</sup> UN Special Rapporteurs, “[Croatia: Police brutality in migrant pushback operations must be investigated and sanctioned](#),” 19.06.2020.

<sup>42</sup> EU FRA, “[Periodic data collection – February Highlights](#),” 23.02.2018, p.2; “[July Highlight](#),” 19.07.2018, pp.3-4, 21.

<sup>43</sup> CoE, “[Report of the fact-finding mission by Ambassador Tomáš Boček](#),” 23.04.2019.

<sup>44</sup> CPT, [2020 Croatia visit report](#).

<sup>45</sup> Human Rights Ombudsman of BiH, “[Special Report on Situation in the Area of Migrations in Bosnia and Herzegovina](#),” 11.2018, p.49.

<sup>46</sup> Croatian Ombudswoman, “[Annual Report 2017](#)”, 03.2018, pp.240-249.

<sup>47</sup> MSF, “[Serbia – Games of Violence](#)”, p.9.

<sup>48</sup> See DRC, “[Bosnia and Herzegovina Border Monitoring Monthly Snapshots](#),”

<sup>49</sup> The Guardian, “[Refugees crossing from Bosnia ‘beaten and robbed by Croatian police](#),” 15.08.2018; TRT, “[Beaten by the Border](#)” 25.07.2019; Radio Free Europe, “[Reports of ‘Brutal’ Beatings by Croatian Police at Bosnian Border Spark Concerns for Migrants Seeking EU Refuge](#),” 26.10.2020.

<sup>50</sup> The Guardian, “[‘They didn’t give a damn’: first footage of Croatian police ‘brutality’](#),” 14.11.2018.

Network (BVMN),<sup>51</sup> Swiss media SRF,<sup>52</sup> German media Der Spiegel,<sup>53</sup> and ARD<sup>54</sup> has depicted white vans driving toward the Bosnian border, groups of individuals violently forced across by officers in black, and, for instance, officers in Croatian uniforms striking individuals brought to the borderline with an apparently homemade whip. The Croatian state policy has also been confirmed by **testimonies from Croatian officers and officials**, including those who had been ordered to carry out such operations;<sup>55</sup> a whistle-blower who revealed the existence of a secret police unit specialized in pushbacks;<sup>56</sup> and the former Interior Minister, who divulged that the practice was systematic and could not take place without at least tacit government support.<sup>57</sup> **Officials from neighboring states** BiH<sup>58</sup> and Serbia<sup>59</sup> have also condemned Croatian pushbacks after gathering evidence of and witnessing Croatian pushback into their countries themselves. Finally, **judgments of international and national courts**, such as the European Court of Human Rights,<sup>60</sup> the Swiss Federal Administrative Court,<sup>61</sup> the Tribunal of Genoa,<sup>62</sup> and a Rome tribunal for personal rights and immigration<sup>63</sup> have confirmed the existence of Croatian pushbacks.

### III. Secrecy, obstruction, and impunity

When faced with such evidence of their state policy of pushbacks, Croatian officials have responded with **denial and justification** that obscures their widespread policy. In response to the CPT's strong condemnation of the pushbacks it confirmed during its 2020 visit, the Croatian government first described the alleged pushbacks as "diversion" or "interception" operations that prevent individuals from accessing Croatia in areas outside its territory, therefore not under its jurisdiction.<sup>64</sup> Yet in 2019, the then-Croatian president had already admitted that pushbacks occur inside Croatia, explaining that "when you are pushing people back, there is a little bit of force."<sup>65</sup> Current president Zoran Milanovic has taken a similar position by deeming "a certain amount of

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<sup>51</sup> BVMN, "[First footage of push-backs on the Croatian-Bosnian border](#)," 16.12.2018.

<sup>52</sup> SRF, "[Kroatische Polizei bei illegaler Abschiebung gefilmt](#)," 15.05.2019; "[Brutale «Pushbacks»: EU-Schelte für Kroatien](#)," 18.11.2020.

<sup>53</sup> Der Spiegel, "[Video Documents Illegal Refugee Pushbacks in Croatia](#)," 18.11.2020; "[Croatia Conducts Illegal Pushbacks of Vulnerable Migrants](#)," 25.06.2021.

<sup>54</sup> ARD Studio Vienna, "[Kroatien schiebt Schutzbedürftige ab](#)," 23.06.2021.

<sup>55</sup> See, for example, BBC News, "['Beaten and robbed': How Croatia is policing its borders](#)," 29.07.19; Telegram, "[The first interview in which a Croatian policeman claims: our bosses order us to expel migrants illegally](#)," 24.07.2019.

<sup>56</sup> Net.hr, "[The terrifying deviation of the 'corridor': The police arrange everything on Whatsapp, and taxi drivers have a special task in catching migrants!](#)," 09.12.2019.

<sup>57</sup> Der Spiegel, "[Video Documents Illegal Refugee Pushbacks in Croatia](#)," 18.11.2020.

<sup>58</sup> Jutarnji list, "['Brutality and shame from a European country, a member of the EU!' The Minister of Security of Bosnia and Herzegovina claims to have evidence of return and abuse of migrants](#)," 16.12.2018; HRW, "[Croatia slams door on migrants](#)," 08.11.2019, from 02:11.

<sup>59</sup> NI, "[Commissariat: Croatian police threw a migrant into a bar and used electric shocks](#)," 31.08.2019.

<sup>60</sup> *M.H. and others v. Croatia* (ECtHR 15670/18 and 43115/18), 18.11.2021.

<sup>61</sup> Federal Administrative Court of Switzerland, Judgment of 12.06.2019, E-3078/2019 (finding that "the presumption that Croatia adequately respects the fundamental rights to which the persons concerned are entitled to in the Common European Asylum System could at best not be upheld); see also follow-up decision to the case E-3078/2019, Federal Administrative Court of Switzerland, Judgment of 09.12.2019, E-4211/2011; Federal Administrative Court of Switzerland, Judgment of 08.01.2021, F-48/2021.

<sup>62</sup> Tribunal of Genoa Section XI Civil, Judgment of 19.03.2019, 13280/2018 R.G.

<sup>63</sup> Ordinary Court of Rome Personal Rights and Immigration Section, Judgment of 18.01.2021, N.R.G. 56420/2020.

<sup>64</sup> CPT, "[Response of Croatian Government to the Report of the CPT on its visit to Croatia](#)," 01.03.2022, p.8.

<sup>65</sup> SRF, "[Kroatiens Präsidentin Grabar-Kitarović zur Balkanroute](#)," 09.07.2019, at min. 01:55.

violence” necessary to prevent irregular border crossings<sup>66</sup>—and calling the CPT’s members “pests that keep sticking their noses out and giving lessons.”<sup>67</sup> Other officials continue to insist allegations of pushbacks are simply lies.<sup>68</sup>

In fact, Croatia’s pushback policy is designed to be **concealed and conducted covertly**, such that similar allegations of violations are extremely difficult to prove and just as easily ignored. As highlighted by the CPT, record-keeping is crucial to law enforcement accountability and oversight,<sup>69</sup> yet both external investigations and the head of a key border police station in Croatia<sup>70</sup> have confirmed that those pushed back by Croatian authorities are **never registered** and pushback operations are **not recorded**. Officials executing such pushbacks **communicate informally** through WhatsApp and Viber groups<sup>71</sup> or private phones<sup>72</sup> rather than official channels. Whistleblowers have stressed that pushbacks are designed to leave no trace, as if individuals never encountered authorities and were never returned.<sup>73</sup> The use of balaclavas and unmarked vans hinders affected individuals from themselves identifying key details about those responsible for their (mis)treatment, whereas the confiscation and destruction of their mobile phones **minimizes evidence** of such pushbacks and their presence in Croatia. Even where individuals are handed over to Croatian authorities from third countries such as Slovenia, Croatian officers have **confiscated and destroyed documentation** they have from those countries upon taking custody of the person.<sup>74</sup> Finally, such operations aim to **obstruct individuals’ access to witnesses and outside assistance**, with whistleblowers admitting that “we have to catch them before they reach human rights groups or any place that would help them to seek asylum,”<sup>75</sup> and leaked emails revealing official instructions that there be no cameras or other parties present during pushback operations.<sup>76</sup>

Such tactics allow Croatia to **rely on the absence of official records** in maintaining that pushbacks simply do not occur.<sup>77</sup> In tandem, authorities have **deliberately hindered inquiries** that could

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<sup>66</sup> Der Spiegel, “[Kroatischer Präsident Milanović beleidigt Kontrolleure als »Schädlinge«](#)” 03.12.2021.

<sup>67</sup> Index HR News (Vijesti), “[Milanovic attacks Council of Europe over migrant torture reports: these are pests,](#)” 03.12.2021.

<sup>68</sup> BVMN, “[MEPs show evidence of torture in the European Parliament,](#)” 28.01.2020.

<sup>69</sup> CPT, “[2020 Croatia visit report](#)”, §§22, 33. In order to reduce the risk of intimidation and physical ill-treatment by police forces during operations, the CPT has developed specific standards that act as safeguards against ill-treatment. These are applicable to persons considered as apprehended in relation to an unauthorised border crossing from the moment of their apprehension. CPT, “[Developments concerning CPT standards in respect of police custody,](#)” §33.

<sup>70</sup> CPT, “[2020 Croatia visit report,](#)”

<sup>71</sup> Net.hr, “[The frightening deviation of the 'corridor': The police arrange everything on Whatsapp, and taxi drivers have a special task in catching migrants!](#)” 09.12.2019.

<sup>72</sup> Telegram, “[The first interview in which a Croatian policeman claims: our bosses order us to expel migrants illegally,](#)” 24.07.2019.

<sup>73</sup> *Ibid.*

<sup>74</sup> BVMN, “[One of the police officers was FaceTiming a woman and smiling,](#)” 25.07.2019; “[And they said, we are just migrants, we are not tourists,](#)” 05.08.2019; “[They punched me because I asked to stop the hot air - pushback from Trieste to Bihac,](#)” 16.09.2020; “[...] [standing naked in front of the others and the officer for five minutes,](#)” 01.01.2019; “[I am going to Italy’ and they beat me,](#)” 04.04.2021.

<sup>75</sup> BBC News, “[‘Beaten and robbed’: How Croatia is policing its borders,](#)” 29.07.19, from 01:54.

<sup>76</sup> Index, “[An order to the police \[...\] ‘Be careful not to be filmed’](#)” 07.02.2022; *Der Spiegel*, “[Bitte nicht filmen lassen!](#)” 11.02.2022.

<sup>77</sup> See, i.e., CPT, “[Response of the Croatian Government to the CPT report on its ad hoc visit to Croatia,](#)” pp.11-14.

uncover potential proof to the contrary, including those of the Croatian Ombudswoman<sup>78</sup> and the CPT, which lamented that officials had provided incomplete information about sites where migrants were deprived of liberty and obstructed its access to necessary records and documentation.<sup>79</sup> The CoE's SR on Migration and Refugees has flagged Croatia's **manifest unwillingness to effectively investigate** allegations of serious abuse in this context.<sup>80</sup> In its review, which revealed not one single trial of a law enforcement officer implicated in pushbacks since reports of their practiced emerged, the CPT concluded that **investigative authorities have not shown the independence and thoroughness necessary to conduct effective criminal investigations into pushback allegations.**<sup>81</sup>

**Prosecutorial authorities** have demonstrated similar unwillingness to investigate thoroughly and have relied excessively on officers' statements and the lack of official records to dismiss evidence not emanating from authorities.<sup>82</sup> Those seeking justice in relation to border operations—including lawyers—have been subjected to intimidation and retaliation.<sup>83</sup> Despite the many reports on ill-treatment and related criminal complaints against Croatian forces, not a single officer has been charged of any criminal offence in relation to violent pushbacks.<sup>84</sup> When they are not summarily dismissed, investigations remain open with no steps taken to identify and punish perpetrators, even for cases closely monitored by the CPT.<sup>85</sup> In the case of identifiable officers filmed beating PoMs at borders, only disciplinary proceedings resulting in a three-month suspension followed. Croatian media reported that this was to stop the officers from publishing more evidence on the state policy.<sup>86</sup> These developments sadly confirm the finding of the European Court of Human Rights on the unavailability of effective investigations—and therefore of effective remedies—in relation to the behavior of law enforcers during pushback operations in Croatia.<sup>87</sup> This **impunity** enables Croatian pushbacks to continue.

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<sup>78</sup> Croatian Ombudswoman, "[Letter to the Parliamentary Committee on Human and National Minority Rights](#)," 17.10.2018, pp.1-2, 5.

<sup>79</sup> CPT, "[2020 Croatia visit report](#)," §9.

<sup>80</sup> CoE Commissioner for Human Rights, "[Third Party Intervention in front of the ECtHR](#)," 22.12.2020, §25.

<sup>81</sup> CPT, "[2020 Croatia visit report](#)," §§25ff.

<sup>82</sup> Croatian Ombudswoman, "[Annual Ombudsman Report for 2018](#)," pp.278 ff; Center for Peace Studies ("CPS"), "[Violent and illegal expulsions \(pushbacks\) of refugees and other migrants have been the practice of the Croatian police for five years](#)," 02.04.2021; *M.H. (supra)*, ECtHR, §§152 ff.

<sup>83</sup> See *M.H. and others v. Croatia*, ECtHR 15670/18, judgment of 18.11.2021.

<sup>84</sup> Reports of persons whose head was sprayed with orange crosses, reported in *The Guardian*, were followed by criminal complaints with no developments since June 2020, despite CPT monitoring. See CPS & The Welcome Initiative, "[7th pushback report](#)," 2022, pp.17-18; CPT, "[2020 Croatia visit report](#)," §§25ff; EU FRA, "[Fundamental Rights Report 2018](#)," 2018, p.130.

<sup>85</sup> CPS et al., "[7th pushback report](#)," 2022, pp.17-21.

<sup>86</sup> Fran Radonić Mayr, "[Foundations of the police state](#)," H-Alter, 27.01.2022.

<sup>87</sup> *M.H. and others v. Croatia* (ECtHR 15670/18 and 43115/18), 18.11.2021, §§148 ff.