Inquiry

Submission of Reliable Information Containing Well-Founded Indications That Torture is being Systematically Practised in the Republic of Croatia, in Violation of Art. 20 of the Convention Against Torture

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Centre for Peace Studies ("CPS") is a civil society organisation that protects human rights and aspires to promote social change based on the values of democracy, nonviolence, peacebuilding, solidarity, and equality. This is accomplished through activism, education, research, and advocacy. CPS has expertise in migration and asylum matters and provides *pro bono* legal aid to asylum seekers in Croatia. CPS also monitors pushbacks and violence against migrants at the Croatian border.

AsyLex is a Swiss non-profit organisation specialising in representing and advising refugees during their asylum proceedings.[1] As part of its mandate, AsyLex frequently represents asylum seekers who have suffered human rights violations in other countries (including Croatia) while en route to Switzerland. In the event their asylum applications are rejected by Swiss authorities, AsyLex appeals such cases before United Nations' treaty bodies and the European Court of Human Rights.

CPS and AsyLex jointly submit this report as per Art. 20 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT") and invite the Committee Against Torture (the "Committee") to open an inquiry into the systematic torture, degrading and inhuman treatment experienced by refugees and other migrants in Croatia.

Respectfully submitted,

Zagreb, 01.07.2025

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LIST OF ABBREVIATIONS AND DEFINITIONS

BiH	Bosnia and Herzegovina
BVMN	Border Violence Monitoring Network
CPS	Centre for Peace Studies
The Committee	United Nations Committee Against Torture
CAT	Convention Against Torture
CoE	The Council of Europe
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
The Croatian Children's Ombudsperson	*Pravobranitelj za djecu*, or the Ombudsperson for Children in the Republic of Croatia
The Croatian Human Rights Ombudsperson	*Pučke pravobraniteljica,* or the Croatian Ombudsperson and parliamentary commissioner responsible for: the protection and promotion of human rights and fundamental freedoms; overseeing Croatia's National Preventive Mechanism for the protection of persons deprived of their liberty and to prevent torture and other cruel, inhuman, or other degrading treatment or punishment; and monitoring irregularities within Croatia's *Whistleblowers' Protection Act*.
DRC	Danish Refugee Council
DORH	State Attorney of the Republic of Croatia
DoW	Doctors of the World
ECHR	European Convention for Human Rights
ECtHR	European Court of Human Rights
FRA	Fundamental Rights Agency
MUP	Ministry of the Interior
NGO	Non-Governmental Organization
NNK	No Name Kitchen
USKOK	The Office for the Suppression of Corruption and Organised Crime

PACE	Parliamentary Assembly of the Council of Europe
PRAB	Protecting Rights at Borders
RTL	RTL Hrvatska
SGBV	Sexual and Gender-Based Violence
SRF	Schweizer Radio und Fernsehen
STC	Save the Children
PRAB	Protecting Rights at Borders
UN	United Nations
UNHCR	United Nations High Commissioner For Refugees
Special Rapporteur	United Nations Special Rapporteur on the Human Rights of Migrants

KEY FINDINGS

- There is significant documented evidence revealing various types of severe and systematic human rights violations being committed against migrants and asylum seekers in Croatia.

- The human rights violations suffered by migrants and asylum seekers before, during, and after their asylum procedures in Croatia are systematic. Furthermore, they are committed by public authorities and occur within Croatian territory. Many of the violations in question constitute torture, cruel, inhuman, or degrading treatment, thereby violating Art. 3 and 16 of CAT.

- Various reliable sources confirm that sufficient evidence of criminal conduct amounting to torture, cruel, inhuman, or degrading treatment by public authorities has been repeatedly presented to Croatian authorities. Yet no effective investigations are initiated in response, and subsequently, no perpetrators are ever criminally sanctioned. Even when criminal complaints are filed, official investigations are often unnecessarily delayed, only to be dismissed after years of stagnation. This prevents victims from pursuing legal remedies to obtain redress or reparations for the violations they suffered, and fails to pressure Croatian authorities to enact meaningful, systemic change to prevent further abuses in the future. Furthermore, many victims are unlawfully collectively expelled from Croatia and are thus altogether denied the opportunity to press charges against state authorities for their actions. These factors, both individually and collectively, constitute a systematic violation of Art. 12 of CAT.

- Due to the factors listed above, we submit that Croatia regularly inflicts and is responsible for a multitude of CAT violations suffered by asylum seekers and other migrants who enter its territory. This necessitates an urgent inquiry into these systematic practices of torture in accordance with Art. 20 of CAT.

EXECUTIVE SUMMARY

1. We invite the Committee to conduct an inquiry procedure under Art. 20 of CAT regarding the significant and systematic human rights violations in Croatia, and the subsequent lack of access to justice for victims.

2. There is compelling evidence of repeated and severe human rights violations inflicted on refugees, asylum seekers, and other migrants by Croatian authorities. This has been confirmed by organisations such as the Border Violence Monitoring Network, Lighthouse Reports, the Danish Refugee Council, Amnesty International, Human Rights Watch, and Protecting Rights at Borders, among others.

5. Croatian authorities consistently subject refugees, asylum seekers, and other migrants to illegal pushbacks, physical violence, unlawful detention, substandard medical care, and inhumane living conditions. Collective pushbacks along the Croatian border are not only often extremely violent, but also put deportees at risk of chain-*refoulement* to their home countries. Pushbacks are typically carried out by police officers, who are instructed by their superiors to return refugees, asylum seekers, and migrants to other countries without the requisite documentation or processing, effectively preventing victims from reporting crimes committed against them and accessing appropriate legal remedies. Reports of migrants being subjected to torture and other cruel, inhuman, and degrading treatment have been widely reported on for nearly a decade.

6. Despite the apparent police involvement, prosecuting authorities consistently fail to initiate investigations *ex officio*. Alternatively, prosecutors systematically delay investigations submitted by migrants, NGOs, or investigative journalists, further denying victims access to justice.

7. Migrants and asylum seekers who successfully enter Croatia are typically placed in refugee camps, detention centres or even police stations, where they remain vulnerable to further abuse by state authorities. In such facilities, detainees are often denied or given limited access to critical medical care, food and water, hygienic sleeping conditions, and lavatories. Such facilities are frequently extremely overcrowded and offer little to no privacy for occupants.

8. Accordingly, we urge the Committee to promptly investigate Croatia's repeated and widespread treaty violations, which have caused irreparable physical and psychological harm to countless refugees, asylum seekers, and other migrants in their care.

FACTS

A. Introduction

9. Croatia has faced repeated criticism for its treatment of refugees, asylum seekers, and other migrants for many years. Numerous reports from civil society and human rights organisations – both domestic and international – have documented widespread human rights violations targeting migrants across the country. The testimonies of migrants, police officers, and other witnesses have been corroborated by video footage and extensive reporting from both domestic and international media. Furthermore, investigative journalists have documented compelling evidence indicating that this consistent maltreatment occurs at the hands of state authorities, often under orders or due to the acquiescence of high-ranking police officials, representatives of the Ministry of Interior, and other senior officials. These actions have been repeatedly condemned on the international stage, including by the Council of Europe, the Council of Europe's Commissioner for Human Rights, and the UN Special Rapporteur on the Human Rights of Migrants.

10. Despite these reports and condemnations, violations continue to occur and be documented by investigative journalists and various human rights organisations:

- In 2020, the Border Violence Monitoring Network (the "BVMN") released video analysis highlighting the similarities between official Croatian police uniforms and the attire of individuals instigating a violent pushback.[2]
- In 2021, a team of journalists from ARD-Studio Wien, Lighthouse Reports, Schweizer Radio und Fernsehen ("SFR"), Der Spiegel, and Novosti recorded six illegal collective pushbacks involving approximately 65 people, including around 20 children.[3] Their reports featured interviews with families who had been forcibly expelled — including pregnant women, children, the elderly, and disabled individuals — who confirmed that authorities denied them access to both the asylum application process and medical assistance.[4] Meanwhile, journalists from RTL Hrvatska ("RTL")'s show *Potraga* filmed an Iranian family attempting to seek asylum. They reported trying to enter Croatia and request asylum 22 times, only to be expelled on each occasion.[5]
- In 2021, an investigative team of journalists from Lighthouse Reports, Novosti, RTL, Der Spiegel, and SRF published further video evidence confirming that special

[2] Border Violence Monitoring Network, "Reconstructing a Violent Pushback of Asylum Seekers from Croatia to BiH," 18 November 2020. Available at: https://www.youtube.com/watch?v=rtEDbuDbqzU.
[3] Der Spiegel,"Wir sind für sie wie Tiere," 23 June 2021. Available at: https://www.spiegel.de/ausland/kroatien-videos-dokumentieren-systematische-pushbacks-a-4463a93d-0467-4960-814a-6d959e1df193.
[4] Lupiga, "*Njemački medijzi imaju snimke: Hrvatska policija protjeruje bebe, trudnice i djecu s invaliditetom,*" 23 June 2021. Available at: https://lupiga.com/vijesti/njemacki-mediji-imaju-snimke-hrvatska-policija-protjeruje-bebe-trudnice-i-djecu-s-invaliditetom.
[5] Segment *Portraga*. Available at: https://www.rtl.hr/sadrzaj/potraga_768984.html.

police units carried out violent and illegal pushbacks, directly implicating state actors in acts of torture. A forensic examination of one video showing a violent pushback revealed that the masked men wore equipment and uniforms consistent with the Croatian police's riot control branch, the Intervention Police. Three of the four police officers were using a so-called Tonfa, a baton issued exclusively to the Intervention Police.[6] Following the video's publication, the Minister of the Interior, Davor Božinović, publicly acknowledged that the footage depicted these officers.[7] However, despite the clear evidence, authorities imposed disciplinary sanctions on only three officers.[8]

- BVMN recorded detailed testimonies from 216 groups expelled from Croatia in 2021, including over 3,000 survivors of illegal pushbacks. Half of these groups included children and minors. In April and May 2024 alone, BVMN documented 50 pushbacks.[9] Additionally, in their November 2024 Monthly Report, BVMN published new victim testimonies regarding their experiences with pushbacks from Croatia to Bosnia and Herzegovina ("BiH"), which revealed multiple instances of extreme violence and the arbitrary detention of minors.[10] This suggests a disturbing and longstanding interaction between police impunity and abuse against even the most vulnerable migrants.
- In April 2023, Lighthouse Reports unveiled additional evidence of the systematic and coordinated nature of pushbacks in Croatia. The evidence included messages from a WhatsApp group "OA Koridor II – Zapad," exchanged between 2019 and early 2020. These messages, shared among police and Ministry of Interior officials, included photos and personal details of intercepted refugees and migrants. The communications revealed unofficial directives, including orders to deploy vehicles to "deter" individuals from venturing further into Croatian territory.[11] Data indicated that at least 1,300 individuals were collectively expelled from Croatia during the period covered by the messages.
- The Danish Refugee Council ("DRC") recorded 9,114 cases of pushbacks in 2021, 3,461 in 2022 and 3,323 cases in 2023. From January to March of 2024, DRC recorded 384 persons reporting pushbacks to BiH.[12]

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[6] Lighthouse Reports, "Unmasking Europe's Shadow Armies," 6 October 2021. Available at: https://www.lighthousereports.com/investigation/unmasking-europes-shadow-armies/.
[7] Večernji list, "Božinović confirmed that police officers are on video beating migrants" 8 October 2021. Available at: https://www.vecernji.hr/vijesti/bozinovic-potvrdio-da-su-na-snimci-bili-policijski-sluzbenici-to-je-neprihvatljivo-ponasanje-1529376
[8] Večernji list, "Three police officers filmed beating migrants get suspended sentences" 8 December 2021., Available at: https://www.vecernji.hr/vijesti/disciplinski-sud-izrekao-kaznu-policajcima-koju-su-snimljeni-kako-tuku-migrante-1545803
[9] Border Violence Monitoring Network, "Monthly Report, June 2024", p. 32. Available at: https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-June-2024.pdf.pdf.
[10] Border Violence Monitoring Network, "Monthly Report, November 2024." Available at: https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-November-2024.pdf.
[11] Lighthouse Reports "Inside Croatia's Secret WhatsApp Group," 6 April 2023. Available at: https://www.lighthousereports.com/investigation/inside-croatias-secret-whatsapp-group/.
[12] Danish Refugee Council, "Border Monitoring Factsheet." Available at: https://pro.drc.ngo/resources/documents/border-monitoring-factsheet/.

- In its 2022 Human Rights Overview, Amnesty International reported that Croatia continued to carry out summary returns.[13]
- Human Rights Watch reported in 2023 that Croatian police "regularly and often violently return refugees, asylum seekers and migrants to BiH without assessing their asylum claims or protection needs."[14]
- In the first four months of 2023, the Protecting Rights at Borders Initiative ("PRAB") recorded 543 pushbacks from Croatia to BiH and Serbia. According to the report, 64% of people being pushed back from Croatia to BiH reported experiencing inhuman and degrading treatment.[15]
- The United Nations High Commissioner for Refugees ("UNHCR") published data showing that 289 people were pushed back from Croatia to Serbia in 2022.[16]
- In 2022, Save the Children ("STC") and the Centre for Interdisciplinary Studies at the University of Sarajevo published a joint report analysing the levels and types of violence experienced by children trying to reach Western Europe via the Balkan route. Based on interviews with migrant children, the majority of interviewees stated that they had attempted to cross the border from BiH to Croatia more than three times, with the highest recorded number of attempts being nine.[17]
- The Croatian Children's Ombudsperson reported that at least 120 children were turned back from the Croatian border in 2022. The actual number is likely to be higher, as it is not possible to determine the exact number of children within the large groups who were pushed back despite expressing their intention to apply for international protection.[18]
- Doctors of the World ("DoW") estimated that between 2020 and 2023, more than 25,000 instances of violent pushbacks occurred at the Croatian border with BiH. In 90% of these cases, migrants reported being subjected to some form of violence, including being beaten with batons, threatened with guns, shot with rubber bullets, subjected to strip searches, and having personal belongings confiscated or destroyed. Furthermore, DoW reports that "men, children, and women are stripped naked and

[13] Amnesty International, "Human Rights in Croatia 2022," 23 March 2023. Available at https://www.amnesty.org/en/location/europe-and-central-asia/croatia/report-croatia/.
[14] Human Rights Watch, "Like We Were Just Animals – Pushbacks of People Seeking Protection from Croatia to Bosnia and Herzegovina," 3 May 2023. Available at: https://www.hrw.org/report/2023/05/03/we-were-just-animals/pushbacks-people-seeking-protection-croatia-bosnia-and.
[15] Protecting Rights at Borders, "What We Do in the Shadows," 30 May 2023. Available at: https://pro.drc.ngo/media/3h1d5s5r/vi-prab-report_-what-we-do-in-the-shadows_-jan-to-april-2023.pdf.
[16] UNHCR Serbia, "Country Report Snapshots" January - December 2022. Available at: https://www.unhcr.org/rs/en/country-reports.
[17] Save the Children, "Wherever We Go, Someone Does Us Harm: Violence Against Refugee and Migrant Children Arriving in Europe through the Balkans." Available at: https://resourcecentre.savethechildren.net/document/wherever-we-go-someone-does-us-harm-violence-against-refugee-and-migrant-children-arriving-in-europe-through-the-balkans.
[18] Asylum Information Database, "Country Report: Croatia 2022." Available at: https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-HR-2022-Update.pdf.

pushed into ice-cold water. Their teeth and feet are broken, their clothes and belongings are confiscated or set on fire, and even pregnant women are beaten."[19]

- In 2024, STC issued the report "Refugees and Migrants on the Balkan Route – Regional Overview for the Period from January to August 2024," which stated that their outreach team identified 1,504 refugees and migrants who had been pushed back from Croatia in 2024 alone, including 291 children, 186 of whom were unaccompanied. According to STC field teams, some migrants reported being violently pushed back from deep within Croatian territory and testified about threats or robberies carried out by criminal groups within Croatian territory.[20] Children and adults who experienced violent pushbacks reported violence and other degrading and unlawful practices by Croatian border guards. This included pushing, beatings with hands and batons, forced undressing, and confiscation and destruction of belongings, including mobile phones.[21]
- A joint report by several European refugee NGOs from February 2025 describes several violent pushbacks of migrants at the Croatian border (including 333 children, 228 of whom were making the journey alone). Many had gone considerable time without food, water, or rest, and were exposed to harsh weather conditions. Some required medical assistance. In one case, the field team identified an unaccompanied 11-year-old Syrian girl, who was particularly vulnerable due to her significant hearing and speech impairments.[22]
- In October 2024, No Name Kitchen ("NNK") published the report "Burned Borders," which investigated the illegal practices of Croatian police officers at the border. The report contained photos of migrants' burnt belongings, along with their testimonies of torture, sexual assault, and beatings inflicted by the police that occurred between September 2020 and October 2024. Among the ashes, NNK identified hundreds of melted phones, remnants of clothing, backpacks, shoes, passports, photos, and burned folders to hold the documents required for asylum applications.[23]

11. Since the beginning of 2023, Croatian authorities have been carrying out an increasing number of returns of migrants and refugees to both BiH and Serbia under their respective

[19] Doctors of the World, "Extreme Violence Against Refugees at the Croatian-Bosnian Border." June 2024. Available at: https://doctorsoftheworld.org/blog/extreme-violence-against-refugees-at-the-croatian-bosnian-border/.
[20] Save the Children, "Refugees and Migrants at the Balkan Route, Regional Overview," p. 14. 2024. Available at: https://resourcecentre.savethechildren.net/document/refugees-and-migrants-at-the-balkans-route-regional-overview-january-august-2024/.
[21] This information comes from cases that were represented by AsyLex and thus are being kept anonymous. If required, AsyLex is happy to provide more individual evidence.
[22] Hungarian Helsinki Committee et al., "Pushed, Beaten, and Left to Die: European Pushback Report 2024," p. 13-14. February 2025. Available at: https://11.be/sites/default/files/2025-02/20250217-Pushbacks-Report-2024-Pushed-Beaten-Left-to-die.pdf.
[23] No Name Kitchen, "Burned Borders: A No Name Kitchen Investigation on Illegal Croatian Police Practices." October 2024. Available at: https://bloodyborders.org/wp-content/uploads/2024/10/Burned-Borders-No-Name-Kitchen.pdf.

readmission agreements.[24] According to *The Official Report on Police Operations in 2023*, 6,103 migrants were forcibly removed from Croatia, of which 3,756 were removed under these agreements. This number represents a 113.8% increase compared to 2022, when Croatian police deported 2,855 migrants (including those removed through readmission procedures).[25] Testimonies of individuals expelled through this procedure, as well as information from NGOs working in BiH, raise serious concerns that readmission procedures are being abused and applied in a manner contrary to European law, primarily utilised to deny migrants access to Croatian asylum procedures.[26] [27] In addition to violating migrants' procedural rights, this information also suggests potential violations of key principles of international law, such as *non-refoulement*. Particularly vulnerable individuals, including unaccompanied minors, families with young children, pregnant women, and those with severe medical conditions, are also summarily deported under these readmission procedures.

12. Despite overwhelming evidence of illegal pushback practices and other violations by Croatian authorities, the independent monitoring mechanism established in 2021 to ensure Croatia's compliance with safety standards has failed to provide any public information about its activities or demonstrate any monitoring efforts in 2023, thereby breaching its obligation to publish semi-annual and annual reports.[28] The semi-annual report published in August 2024 disclosed that regular field visits were only carried out between June and December 2023, with a primary focus on police stations.[29] Only four on-site observations were conducted between 31 December 2023 and 23 July 2024. Two visits involved police stations where Kurdish and Syrian migrants were previously held after publicly expressing fears of forcible return to BiH or Serbia. Upon arrival, the mechanism confirmed that the migrants had been forcibly returned to those countries, despite clear evidence indicating that they intended to seek asylum in Croatia. Despite this, the mechanism determined that no irregularities had occurred in these cases.[30] This determination provokes serious concerns about the mechanism's lack of competence in identifying violations and its ability to conduct effective and impartial investigations. Moreover, the mechanism failed to interview any victimised asylum seekers. Its official website was launched only in August 2024 (after the expiration of its original mandate), further undermining its credibility and effectiveness.

13. Despite numerous criminal complaints filed by civil society organisations, and numerous detailed reports from journalists, the Croatian Human Rights Ombudsperson, and migrants

[24] Balkan Insight, "Bosnia Data Contradicts Croatian Claim About Migrant, Refugee 'Redmissions,'" 23 May 2023. Available at: https://balkaninsight.com/2023/05/23/bosnia-data-contradicts-croatian-claim-about-migrant-refugee-readmissions.
[25] Hvratski Sabor, "The Official Report on Police Operations," 2023. Available at: https://www.sabor.hr/sites/default/files/uploads/sabor/2024-07-19/182044/IZVJ_POLICIJA_2023.pdf.
[26] PRAB, "What We Do in the Shadows," p. 5.
[27] Border Violence Monitoring Network, "Illegal Pushbacks and Border Violence Reports: Balkan Region," March 2023. Available at https://borderviolence.eu/app/uploads/Monthly-Report-March-2023.pdf.
[28] European Agency for Fundamental Rights, "Croatia's Border Monitoring Mechanism Meets," November 2023. Available at: https://fra.europa.eu/en/news/2023/croatias-border-monitoring-mechanism-meets.
[29] Independent Monitoring Mechanism, "Semi-Annual Report on the Conduct of Police Officers of the Ministry of Interior in the Areas of Border Protection, Irregular Migration, and International Protection." Available at: https://www.nmn.hr/izvjesca/10.
[30] Ibid.

themselves (many of which were supported by evidence and, in some cases, video footage, many of which directly implicate state actors in acts of torture), authorities have systematically failed to conduct prompt and impartial *ex officio* investigations, as required under Art. 12 of CAT.

14. After the State Attorney of the Republic of Croatia ("DORH") declines to pursue a criminal complaint, the victim has the right to continue the case in the role of prosecutor and submit relevant evidence to the assigned judge. In practice, however, it is very difficult for victims with little knowledge of the Croatian legal system to do so. Pursuant to Croatian criminal procedure, DORH is obligated to conclude the pre-investigation phase and initiate formal proceedings (or decline to do so) within a prescribed deadline of six months. However, in the practice observed by CPS, the pre-investigation phase frequently extends beyond this limit, often lasting two or more years. As a result, it is not uncommon for years to pass before DORH dismisses the prosecution. Such prolonged delays render it virtually impossible for the victim to effectively use their right to continue criminal prosecution, as this involves collecting evidence, obtaining witness testimonies, and conducting other investigative activities, which all become progressively more difficult over time. Additionally, CPS has repeatedly observed that judges typically reject evidence submitted by CPS's clients. An effective complaint mechanism for instances where a public prosecutor rejects a criminal complaint is thus effectively unavailable to victims of crime.

15. For example, investigative journalists from RTL and other media outlets published several stories about police violence towards refugees in Croatia. The Ministry of the Interior ("MUP"), in response to the footage, announced that a Professional Team from the Police Directorate and the MUP's Internal Control Service had been formed, and it soon confirmed that the individuals in question were indeed police officers. Upon examining the circumstances of the case, the MUP determined that the incident occurred in the area of the so-called green border and involved the actions of three members of the Intervention Police Unit, who were performing routine duties related to border protection. Upon spotting a group of around 15 migrants approaching from the direction of the border line with Bosnia and Herzegovina—and crossing it at a location suspected to contain landmines. It was also stated that during the intervention by three members of the police intervention unit, coercive measures were used despite the legal conditions for their use not being met, and that the officers were wearing their uniforms improperly. As a result, the three police officers were temporarily suspended from duty and disciplinary proceedings were initiated against them.[31]

16. Despite this, the DORH concluded in February 2025 — nearly four years after their investigation into RTL's allegations was initiated — that there was no reasonable suspicion that police officers had committed the criminal offence of torture or other cruel, inhuman, or degrading treatment or punishment, nor any other offence subject to *ex officio* prosecution. As a result, the case was dismissed.[32]

[31] The Human Rights Ombudspersons Annual report for 2021, page 178. Available at: https://www.ombudsman.hr/wp-content/uploads/2022/05/Izvjesce-pucke-pravobraniteljice-za-2021-1.pdf
[32] DORH, "*Županijsko državno odvjetništvo u Karlovcu, Završen rad na predmetu povodom objavljene snimke u emisiji RTL "Potraga" u listopadu 2021*," 5 Febuary 2025. Available at:

17. Despite the filing of at least 18 criminal complaints alleging illegal expulsions or acts of violence against refugees by individuals acting in an official capacity[33] no indictments have been issued to date, and those responsible continue to evade accountability.

18. Consequently, this submission will focus extensively on Croatia's persistent violations of Art. 12 of CAT. It will also provide an overview of the many other flagrant human rights abuses migrants commonly face at the hands of Croatian authorities — including actions that amount to torture as defined in Art. 1 of CAT — examples of which will be outlined in the section below.

B. Alleged Human Rights Violations, Documented by AsyLex[34]

19. Due to the challenging situation in Croatia, many asylum seekers leave the country before receiving a decision on their asylum application, contributing to the perception of Croatia as a "transit country" for asylum seekers in Europe. In 2023, while 68,114 asylum seekers registered as having requested asylum, only 1,783 lodged a formal application.[35] In 2024, only 26,776 requests were made, demonstrating a significant decline (notably, the number of formal applications has not yet been published).[36] Since 2006, and as of March 2025 — over a span of 19 years — only 1,029 individuals have been granted asylum.[37] In its work legally supporting asylum seekers in Switzerland, AsyLex has also encountered numerous individuals who have travelled through Croatia, and subsequently documented their experiences.

20. The following examples describe violent encounters asylum seekers had with Croatian police and border authorities between 2021 and 2024. Corroborating reports from various organisations and experts — including the Croatian Human Rights Ombudsperson — demonstrate that the abuse these asylum seekers endured are not isolated events, but is instead part of a broader campaign of systemic violence against migrants across Croatia.

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https://dorh.hr/hr/priopcenja/zupanijsko-drzavno-odvjetnistvo-u-karlovcu-zavrsen-rad-na-predmetu-povodom-objavljene. Also see: Index HR, "*DORH o snimkama na kojima policajci s fantomkama tuku migrante: Nema kaznenog djela,*" 5 February 2025. Available at: https://www.index.hr/vijesti/clanak/dorh-o-snimkama-na-kojima-policajci-s-fantomkama-tuku-migrante-nema-kaznenog-djela/2639448.aspx#google_vignette.

[33] See Annex I for more details.

[34] This information is derived from cases represented by AsyLex, and as such, the identities are kept anonymous. If necessary, AsyLex is happy to provide the relevant (redacted) files to the Committee.

[35] Swiss Refugee Council, "Reception Conditions in Croatia: Report on the Situation of Asylum Applicants and Beneficiaries of International Protection in Croatia," February 2025. Available at: https://www.refugeecouncil.ch/fileadmin/user_upload/Publikationen/Dublinlaenderberichte/2502_SRC_Reception_conditions_in_Croatia_En_4.pdf#:~:text=In%202024%2C%2026%2C776%20asylum%20applications%20were%20submitted,to%20previous%20years%20(2022:%2012%2C872%20asylum%20applications; Statistics 2023, Available at: https://bit.ly/3Xr1uYp; Also see Annex II for more details.

[36] Croatian Ministry of the Interior, "*Statistika: Tražitelji međunarodne zaštite*," 23 January 2025. Available at: https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-trazitelji-medjunarodne-zastite/283234.

[37] Statistics 2025, Available at: https://bit.ly/3Xr1uYp

1. Excessive Use of Force

1.1 Border Pushbacks

21. AsyLex's collection of accounts from asylum seekers reveals a disturbing pattern of systematic human rights violations at the Croatian border. In particular, collective pushbacks, characterised as illegally expelling or denying groups of migrants access to a nation's territory, are tragically routine. Pushbacks are often facilitated through violent means, and involve police and border officers physically assaulting, threatening and using other controversial crowd-dispersing tactics such as tear gas on migrants, regardless of age, physical health, or intention to request asylum.

22. AsyLex's case data provides many examples of pushbacks at the Croatian border. For example, a family with three children endured 10 pushbacks between May and August 2021 while trying to enter Croatia. They described the brutal beatings and threats by the Croatian police to deter the family from entering the country. This family's experience is emblematic of the fate of countless other families and paints a distressing picture of widespread and severe mistreatment at the hands of Croatian authorities.

23. These instances of violence leave many asylum seekers and other migrants with severe and long-lasting physical and psychological injuries. For example, in October 2022, an otherwise-healthy asylum seeker was left physically handicapped following a beating by police at the Croatian border. The officers used weapons such as batons, inflicting significant damage to his spine. AsyLex reports that he continues to require regular physiotherapy to overcome his severe injuries.

24. The Croatian Human Rights Ombudsperson has reported on pushbacks for several years. In their 2017 Annual Report, they outlined numerous allegations of migrant expulsions to Serbia, which failed to follow the required procedure prescribed by Croatia's Law on Foreigners.[38] In the 2019 Annual Report, they confirmed additional cases of pushbacks and abuse of asylum seekers. These allegations include police ignoring asylum requests, seizing personal possessions and money, and ordering migrants to exit Croatian territory while threatening them with firearms. Notably, families with children were among those targeted in such incidents.[39] Separately, the 2019 Activity Report from the Croatian Children's Ombudsperson detailed 10 complaints about violations of migrant children's rights, mainly concerning unlawful expulsions.[40]

[38] Croatian Human Rights Ombudsperson, "Annual Report, 2017." Available at: https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#1556196748399-8e18fee7-b3c6.
[39] Croatian Human Rights Ombudsperson, "Annual Report, 2019." Available at: https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2019-godinu/.
[40] Croatian Ombudsperson for Children, "Activity Report 2019." Available at: https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2019-godinu/.

1.2 Physical Violence

25. Many of AsyLex's clients describe their interactions with the Croatian police and border officers as violent. Victims describe being beaten with sticks and batons, dragged by their hair, purposefully burned, doused with tear gas, attacked by police dogs, and many other forms of violence. Afterwards, many victims suffer lasting psychological issues, as well as chronic pain and disability from their physical injuries. For example, one client shared a harrowing account of being verbally and physically abused to the point of losing consciousness in the summer of 2022. Another client described being detained in a room for five days, during which he was subjected to beatings that resulted in the loss of several teeth. In January 2021, another client sustained lasting eye damage caused by beatings by the Croatian police; another continues to suffer from chronic shoulder pain stemming from a similar incident, requiring ongoing physiotherapy.

26. Complaints to the Croatian Human Rights Ombudsperson contained similar allegations of police violence[41] and substantial evidence, including medical documentation. They warned that these behaviours might violate Art. 3 of the European Convention for Human Rights ("ECHR") and the subsequent failure of the State to carry out effective and detailed investigations.

1.3 Sexual and Gender-Based Violence and Strip Searches

27. AsyLex has had several clients disclose experiences of Sexual and Gender-Based Violence ("SGBV") at the hands of Croatian police and border officers. In November 2022, one client and her two underage daughters were assaulted by Croatian police officers, who touched their breasts and genitalia without their consent. Afterwards, they told them they were not welcome in Croatia. Another client reported being anally penetrated without his consent by the Croatian police while in custody in October 2022. In August 2021, a pregnant client was kicked in the stomach by a Croatian police officer, which led to her miscarrying after the officers failed to facilitate her access to proper medical support. Such accounts from AsyLex's clients corroborate numerous reports of sexual assault by officers from other sources, and also showcase a culture of sexual violence towards migrants adopted by many Croatian police and border officers.

28. AsyLex has also collected additional accounts of rape occurring in migrant detention centres, thus directly attributable to failures on the part of the Croatian state. One of AsyLex's clients stated that she was raped in custody in April 2023 and that the Croatian authorities neither protected her nor took her seriously. The flagrant disregard for the well-being of migrants in these facilities leaves acutely vulnerable individuals, particularly women without gender-specific accommodations, utterly unprotected and exposed to grave danger.

[41] Croatian Human Rights Ombudsperson, "Annual Report, 2020." page: 182 - 188. Available at: https://www.ombudsman.hr/hr/interaktivno-izvjesce-za-2020/

29. Oftentimes, sexual assault begins after migrants are subjected to strip searches. For example, one AsyLex client described being subjected to a humiliating examination of her intimate areas after being forced to undress by a male Croatian police officer in the presence of numerous other men in April 2023. Likewise, in their 2024 report, NNK recounts the case of a 23-year-old Moroccan woman who was travelling with a group of six people, including three children.[42] She recalled the police officers beating the children with a baton. After confiscating her cellphone and money, one of the officers forcibly removed her hijab and began a full-body search. Despite her desperate pleas for him to stop, the officer reportedly responded, "shut up, or else I will please [rape] you." He ultimately removed her clothes and digitally penetrated her.[43]

30. Not all strip searches devolve into instances of sexual assault. Such strip searches are nonetheless employed as a strategic tool to humiliate migrants and further discourage them from seeking asylum. Numerous AsyLex clients described suffering from significant psychological trauma after Croatian authorities forced them to undress and subjected them to invasive searches. These searches occurred in varied settings, often in front of others or in extremely crowded rooms. Other clients report being made to undress in the forest, subsequently forced to spend the entire night naked in freezing temperatures. Others recount being compelled to undress in the middle of the highway. Young age is not a prohibited factor in being selected for a strip search; indeed, some AsyLex clients detailed how their entire families, including infants, were stripped naked and invasively inspected.

2. Preventing Asylum Applications

31. In addition to widespread pushback practices, AsyLex has observed yet another alarming trend emerging from client testimonials; after successfully entering Croatia, several report being ordered to self-deport from the country within the next seven days. Indeed, several Croatian NGOs report that the State frequently issues return and expulsion decisions to individuals who had made requests for asylum before assessing their applications, indicating further systemic barriers to accessing the asylum procedure.[44]

3. Confiscating Personal Belongings

32. Confiscating personal belongings, including cell phones, money, and important documents, is frequent. Several AsyLex clients recount Croatian police seizing and destroying their possessions, including identity documents and other items crucial to asylum applications. For example, in October 2022, one AsyLex client witnessed police destroying documents meant to facilitate his asylum claim. When he tried to intervene, he was beaten and left with

[42] Burned Borders, "No Name Kitchen: Investigation on Illegal Croatian Police Practices," October 2024. Available at: https://bloodyborders.org/wp-content/uploads/2024/10/Burned-Borders-No-Name-Kitchen.pdf.
[43] Ibid., p.22.
[44] Marijana Hameršak, "Seven Days Paper," *An Online Network of Keywords of the European Irregularized Migration Regime at the Periphery of the EU* (e-Erim), 2025. Available at: https://e-erim.ief.hr/pojam/p-seven-days-paper-p.pdf?locale=en.

injuries that continue to require treatment. Such an example demonstrates how Croatian authorities actively obstruct refugees from seeking asylum.

33. Several NGO investigations and reports corroborate this account. For example, NNK uncovered evidence of so-called "burn piles," where Croatian police burn personal belongings. From the ashes, NNK identified hundreds of melted phones, remnants of clothing, backpacks, shoes, passports, photos, and burned folders with official documents meant to facilitate asylum applications.[45]

4. Inhumane Transportation Conditions

34. Migrants are routinely picked up by Croatian officers and transported against their will to undisclosed destinations. Often, the purpose of these trips is to drive migrants deeper into non-Croatian territory, thus further hindering their efforts to enter the Croatian state. In 2021, several AsyLex clients reported being apprehended by Croatian police shortly after arriving at the border and being driven as far as 20 km into foreign territory. Subsequently, they were compelled to walk back on foot to reattempt entry into Croatia.

35. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the "CPT") has repeatedly found that Croatian authorities frequently fail to uphold the required standards for detainee transportation.[46] Their reports outline the inhumane conditions that migrants are subjected to in transport. In particular, they note that transport vehicles often lack proper ventilation, windows, heating or cooling systems, seatbelts, and other basic safety measures.[47] Once loaded in such vehicles, there is often no way for detainees to communicate with those in charge of their escort, even in the event of an emergency. Groups, including children and infants, are often confined for hours without proper stops. Migrants describe transport conditions as rough, overcrowded, and lacking in oxygen, causing vomiting, nausea, breathlessness, fear, and panic amongst those inside.[48] They are often detained with zip ties, regardless of the threat they pose to others. Some migrants report developing skin lesions on their limbs after long journeys where they were bound and repeatedly vomited on by other detainees, sick from the rough driving conditions.[49] These violations have also been extensively corroborated by AsyLex and several other NGOs, including BVMN.[50]

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[45] No Name Kitchen, "Burned Borders," p.7.
[46] Council of Europe, "Report to the Croatian Government on the Visit to Croatia Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment," p. 10-14, August 2020. Available at: https://rm.coe.int/1680a4c199.
[47] Ibid. Also see: Council of Europe, "News 2023: Anti-Torture Committee (CPT) Publishes Report on its 2022 Periodic Visit to Croatia," 23 November 2023. Available at: https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2022-periodic-visit-to-croatia.
[48] Ibid.
[49] Council of Europe, "Report to the Croatian Government on the Visit to Croatia, 2020."
[50] Border Violence Monitoring Network, "Input to the Joint Statement on the Notion of Short-Term Enforced Disappearance," 14 August 2023. Available at: https://www.ohchr.org/sites/default/files/documents/hrbodies/ced/cfis/short-term-disap/submission-short-term-ed-ced-wgeid-cso-bvmn-en.pdf.

36. Subsequently, the CPT has issued several recommendations for reform, including limiting occupants per trip; installing proper safety equipment, seating, and functional lighting; providing water; and only using restraints on migrants when necessary to ensure the safety of all onboard.[51] [52] Despite these suggestions, Croatian authorities have yet to implement satisfactory reforms.

37. DORH has actively pursued criminal cases against human traffickers involved in transporting migrants, denouncing their actions as highly dangerous for the migrants involved.[53] However, similar prosecutorial efforts involving Croatian police or border authorities are comparatively lacking. Rather, the Croatian Supreme Court in its decision no. III Kr 12/2021-3 adopted on 18 February 2021[54] ruled that police transport conditions did not violate migrants' dignity or constitute inhuman or humiliating treatment under Croatian criminal law.

5. Lack of Medical Care

38. Many of AsyLex's clients were denied medical care, despite serious injuries or conditions that required urgent attention. Pregnant women, in particular, report receiving no medical care. For example, one woman recounted that in November 2022, she experienced bleeding and pain while pregnant in Croatian custody; despite this, Croatian authorities did not permit her to see a doctor. She believed her unborn child had died during this episode, only to discover in Switzerland that it had survived.

39. Medical neglect of children is also frequently reported by AsyLex clients. For example, the son of one client, who has sickle cell anaemia, requires a blood transfusion twice a month. When the client tried to get his son access to medical treatment in Croatia, his request was denied; rather, he was told by Croatian border officers: "no asylum, no blood." This is yet another example of how Croatian authorities weaponise suffering to dissuade extremely vulnerable and medically fragile individuals from pursuing Croatian asylum applications, even if it comes at the expense of an asylum seeker's health and well-being.

6. Detention Conditions

40. During their time in Croatia, many asylum seekers report being detained in police stations, prisons, asylum centres and other locations. These facilities are often overcrowded and unfit for detaining people, which can lead to numerous safety issues, including revolts from detainees and other expressions of violence. AsyLex clients reported small, unsanitary cells,

[51] Council of Europe, "Report to the Croatian Government on the Visit to Croatia, 2020."
[52] Council of Europe, "News 2023: CPT Publishes Report on its 2022 Periodic Visit to Croatia."
[53] DORH, "*Izvješće o radu državnih odvjetništava u 2021. Godini*," 29 April 2022. https://dorh.hr/hr/izvjesca-o-radu/izvjesce-o-radu-drzavnih-odvjetnistava-u-2021-godini.
[54] Decision no. III Kr 12/2021-3 adopted on 18 February 2021, available at: https://odluke.sudovi.hr/Document/View?id=dbd5a02c-8363-4c50-b0be-c24825d7cbad&q=III+Kr+12%2f2021-3

sometimes lacking windows or proper beds. Detainees are often deprived of access to toilets and other sanitary facilities, and also denied water. One AsyLex client reports being detained with several other women and their children in January 2023. When one requested water, she was beaten by guards. Others reported being detained in November 2022 in small containers with approximately 20 others for hours, their pleas to be released ignored by attending guards.

41. In 2023, the Croatian Human Rights Ombudsperson visited reception centres for asylum seekers in Zagreb and Kutina to assess their living conditions and treatment within these facilities. According to their 2023 Annual Report, overcrowding was a significant issue during both visits to the reception centre in Zagreb; during one visit, over 892 individuals were housed there (including 36 families with children), in violation of the facility's maximum capacity of 600 people.[55] As all bedrooms were occupied, other spaces were repurposed as makeshift sleeping quarters – mattresses were even set up on corridor floors. Nearly 300 asylum seekers housed in auxiliary spaces or corridors shared access to only five toilets and two showers.[56] As a result, maintaining an adequate level of cleanliness proved impossible. Common areas were unhygienic, with bags of rubbish and food scattered throughout the facility and its surroundings. Many asylum seekers were thus exposed to preventable infectious diseases, and subjected to scabies and bed bugs.[57]

42. Detention facilities at the border police stations of Gruda, Tovarnik, and Cetingrad, which handle a large number of irregular migrants and asylum seekers, suffer from similar issues.[58] Similarly, these facilities failed to meet legal standards or lacked proper permits. The Cetingrad facility – which registers the largest number of asylum seekers and issues the most expulsion decisions in the country – was deemed unsuitable as a shelter in 2017.[59] Instead of relocating the facility, however, three shipping containers (each 6m x 2.4m x 2.6m) were installed in the courtyard of the Cetingrad police station, and are now used for temporary accommodation for migrants during their legal proceedings. These containers lack basic furniture, plumbing or potable water, and only one has heating and cooling. Police confirmed that children have occasionally been housed in these containers.[60]

7. Deportation to Croatia From Other Countries

43. AsyLex clients deported from Switzerland to Croatia reported being subjected to inhumane living conditions after their return to Croatia. Some even said they would prefer death over returning to Croatia. Others stated they are afraid of raising their children there. These fears result in many clients seeking asylum in other European countries, such as Germany or Switzerland. Most of these applications are unsuccessful due to safe third country agreements other European nations have with Croatia, which dictate that migrants are

[55] Annex II, page 260.
[56] Ibid.
[57] Ibid.
[58] Annex II, page 263-264.
[59] Ibid.
[60] Ibid.

required to apply for asylum where they first registered with authorities; as many asylum seekers initially register in Balkan countries, deportations back to Croatia are thus often unavoidable.

44. Additionally, returns of asylum seekers to Croatia do not follow the procedure mandated by their safe third country agreements. Currently, Croatia only accepts charter flights, making voluntary returns of asylum seekers impossible. In Switzerland, the police typically arrive at detention facilities in the middle of the night to apprehend asylum seekers subject to imminent deportation. Swiss charter flights to Croatia are often scheduled every Tuesday or Wednesday, and do not appear on official flight lists that can easily be monitored by the public.[61]

45. Upon arrival in Croatia, refugees are provided only with directions to their accommodation; no transport to such facilities is organised by Croatian officials prior to their arrival. Consequently, many returnees never make it to their accommodations, and instead prefer to attempt re-entry into the country from which they were just expelled.[62]

46. AsyLex has encountered many such examples. In one case from 2023, a mother and her two sons were deported to Croatia after their Swiss asylum request was rejected due to their initial registration in Croatia. Shortly after arriving there, they promptly fled to Switzerland for a second time, as conditions in Croatia were so dire that the entire family experienced extreme psychological distress; the mother suffered from suicidal ideation.

8. Widespread Discrimination

47. Several Muslim clients reported that Croatian police subjected them to considerable harassment because of their religious beliefs. Some Muslim women report being ordered to remove their headscarves; some recount having it forcibly torn off.

48. There are also several reports of Croatian authorities making homophobic comments and engaging in discriminatory practices against migrants for their sexual orientation. Describing his experiences in Croatia in October 2022, a homosexual asylum seeker told AsyLex that Croatian authorities consistently mistreated him, denying him food and telling him that homosexuals were not welcome in their country.

49. Additionally, several individuals detailed substantial racial discrimination perpetrated by Croatian authorities. For example, an African migrant told AsyLex about how he was

[61] This information comes from cases that were represented by AsyLex and thus are being kept anonymous. If required, AsyLex is happy to provide more individual evidence.

[62] *Jutarnji list,* "The plane arrived from Zurich, it doesn't exist on the arrivals screens, and the police are denying it. All passengers arrived at the border with a note…" 27 November 2024. Available at: https://www.jutarnji.hr/vijesti/hrvatska/avion-je-stigao-iz-zuericha-na-ekranima-za-dolaske-ne-postoji-negira-ga-i-policija-svi-putnici-su-na-granicu-stigli-s-ceduljicom-15525664

subjected to racial slurs and other derogatory insults, such as being called a "black monkey" by Croatian police. He was also beaten with batons, kicked, suffocated, and shot at with real bullets, resulting in severe injuries.

8. Forced Signatures on Legal Documents

50. Numerous individuals have reported that authorities failed to translate official documents, leaving them to sign them without understanding them or the advice of legal counsel. Croatian authorities occasionally purposely altered the language, indicating a lack of interest in providing individuals with comprehensible access to their rights. One man told AsyLex that his deportation hearing in May 2022 was not translated into a language he understood, and as a result, he did not understand the questions posed to him. Instead, Croatian authorities coerced his daughter, a minor, to sign documents on behalf of her father. Consequently, the father discovered his daughter could not leave the country with him. Forcing asylum seekers to sign legally binding documents without understanding the devastating consequences that may stem from doing so can be construed as a form of psychological torture.

51. State failure to ensure asylum seekers understand legal documents or other important aspects of their asylum applications has been a persistent issue. In June 2023, the Administrative Court in Zagreb annulled a number of decisions by the Ministry of Interior regarding restrictions on asylum seekers' freedom of movement.[63] The court noted that the border police station responsible for issuing these decisions repeatedly provided identical justifications, claiming that interviews with foreign nationals were conducted in English and, therefore, interpreters for other languages were unnecessary. The court held that this practice suggests the individuals were not provided with adequate translation into a language they understand, as they are entitled to by law.[64]

C. Alleged State Failure to Investigate, Documented by CPS

52. CPS has monitored *non-refoulement* violations in Croatia for the past nine years, documenting extensive border pushbacks, as well as repeated extraditions and deportations contrary to CAT. Their observations indicate that Croatian police and border officers engage in systematic practises of torture, violence, and other forms of ill-treatment against migrants at the border, often during collective expulsions. Frequently, the purpose of such illegal practises appears to be to purposefully deny migrants the opportunity to request asylum in Croatia, in violation of international protection provisions laid down in international, EU and domestic law.

53. Similarly, CPS has observed police and border officers repeatedly use torture, physical violence, SGBV, strip searches, and other forms of psychological humiliation and physical

[63] Administrative Court of Zagreb, UsI-2165/2023-2, 5 June 2023. Available at: https://odluke.sudovi.hr/Document/View?id=5da72c6f-2e8f-495a-8baa-27f29c666a32.
[64] Ibid.

cruelty against migrants already within Croatian territory. CPS has also collected evidence of officers systematically denying migrants the opportunity to apply for asylum; failing to provide adequate access to medical care; and subjecting migrants to precariously unsafe conditions when held in detention facilities and during police transport.

54. Corroborating evidence collected by AsyLex, other NGOs, and various investigative journalists, CPS found that the majority of victims provided consistent physical descriptions of the perpetrators, describing them as police officers wearing unmarked black uniforms, balaclavas, and carrying Tonfa batons. This is consistent with previous findings indicating that assailants appear to be members of the Intervention Police, or participants in the Ministry of the Interior's "Koridor" group.[65]

55. Consequently, CPS has filed multiple criminal complaints concerning alleged acts of torture, inhuman, and degrading treatment inflicted on migrants by individuals believed to be Croatian police officers or associated personnel. These cases involved severe physical violence, psychological abuse, humiliation, and unlawful expulsion to BiH, conducted without any risk assessment and in direct violation of international human rights and refugee protection standards. While detailed descriptions of such complaints are provided in Annex I, a selection of cases in which CPS filed criminal complaints, represented the victims in coordination with external lawyers, provided *pro bono* counsel or other forms of support for victimised asylum seekers will be interwoven throughout the subsequent section to demonstrate how Croatia's treatment of asylum seekers constitutes multiple CAT violations.

THE LAW

A. Introduction

56. In this section, we will demonstrate how the facts above fulfil the conditions for an inquiry procedure stipulated by Art. 20 of CAT. We will then demonstrate the consistent and purposeful denial of justice and due process for migrants who are victims of violations according to Art. 2, 12 and 16, and the commonplace practice of *refoulement,* in violation of Art. 3 of CAT.

B. Argument

57. Croatia is subject to the Committee's inquiry procedure under Art. 20 of CAT, as it did not opt out of this mechanism upon ratification, in accordance with Art. 28(1).[66]

[65] See p. 9-10 (above). Also see: Black Book of Pushbacks, 2022. Available at: https://left.eu/issues/black-book-of-pushbacks-2022/.
[66] United Nations, "Convention Against Torture, Declarations and Reservations." Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=_en#EndDec.

1. Evidentiary Standards as per Art. 20

58. According to Art. 20 of CAT, if the Committee 1) receives reliable information that contains 2) well-founded indications that torture is being 3) systematically practised in the territory of a State Party, the Committee shall invite the State Party to cooperate in examining the information and to submit observations with regard to the information concerned.

59. As outlined above, a substantial body of evidence demonstrates that migrants in Croatia are frequently subjected to unlawful *refoulement*, physical violence, and other forms of mistreatment amounting to torture or inhuman or degrading treatment when seeking asylum. Moreover, numerous international and national organisations, including the United Nations, the European Union, and Croatian oversight institutions, have condemned these violations and the lack of effective investigation.

60. For example, in 2019, the UN Special Rapporteur on the Human Rights of Migrants (the "Special Rapporteur") expressed grave concern regarding Croatia's border control policies, characterising them as deterrent and violent — particularly at the Croatian-Bosnian border. The Special Rapporteur has also noted that access to asylum procedures in Croatia is systematically obstructed.[67] Furthermore, in December 2020, the UN Human Rights Committee registered a landmark complaint against Croatia's practice of pushbacks. The complaint alleged repeated expulsions of migrants without due process – including physical abuse and denial of access to asylum – marking the first such case brought before this committee.[68]

61. The Council of Europe (the "CoE") has also repeatedly condemned Croatia's treatment of migrants. The CoE's Commissioner for Human Rights has repeatedly criticised Croatia for systematic pushbacks and border violence, emphasising the persistent failure to conduct prompt, independent, and effective investigations into these allegations.[69] Similarly, the CoE's CPT has also condemned Croatia for its treatment of asylum seekers and the systematic failure to investigate credible allegations of torture and ill-treatment carried out by border officials, reinforcing the notion that Croatian authorities have repeatedly breached prohibitions against torture at the European level.[70]

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[67] European Court of Human Rights, "M.H. v Croatia (EHRM, 18-11-2021, nr. 15670/18, nr. 43115/18)," 18 November 2021. Available at: https://www.inview.nl/document/id38a33a1e185e474f884f49ca7d81008a/ehrm-18-11-2021-nr-15670-18-nr-43115-18?ctx=WKNL_CSL_10000001&tab

[68] The European Centre for Constitutional and Human Rights, "Pushbacks in Croatia: Complaint Before the UN Human Rights Committee." Available at: https://www.ecchr.eu/en/case/push-backs-croatia-complaint-un-human-rights-council

[69] Council of Europe, Commissioner for Human Rights, "Commissioner Publishes Observations on Summary Returns of Migrants From Croatia to Bosnia and Herzegovina," 11 January 2021. Available at: https://www.coe.int/en/web/commissioner/-/commissioner-publishes-observations-on-summary-returns-of-migrants-from-croatia-to-bosnia-and-herzegovina

[70] Total Croatia News, "Council of Europe's CPT Accuses Croatia of Severe Ill-Treatment of Migrants," 11 May 2023. Available at: https://total-croatia-news.com/news/politics/council-of-europe-s-cpt-accuses-croatia-of-severe-ill-treatment-of-migrants/

62. At a domestic level, the Croatian Human Rights Ombudsperson's 2023 Annual Report also expressed concern over the systematic denial of access to asylum procedures. The Report noted that many migrants were not informed of their rights and were subjected to illegal pushbacks.[71] Their findings further underscore the lack of transparency and the inadequacy of internal investigations, highlighting critical deficiencies in Croatia's accountability framework for human rights violations at its borders.

63. Despite international calls for accountability, Croatian law enforcement officers continue to enjoy de facto impunity; notably, the CoE's Parliamentary Assembly ("PACE") reported in 2019 that the Croatian Human Rights Ombudsperson had submitted over 200 complaints related to pushbacks and collective expulsions. Tellingly, DORH deemed only 1% of these complaints admissible, raising serious doubts about the independence and effectiveness of the investigative processes.[72]

64. These examples illustrate the frequent exposure of migrants to physical violence and other forms of mistreatment both at the border and within Croatia, without access to effective remedies, investigations, or reparation. Therefore, the criteria outlined by Art. 20 of CAT requiring reliable, well-founded indications that the systematic use of torture is being utilised against migrants in Croatia are satisfied.

2. Violations of Art. 2, 3, and 16

65. Art. 1 of CAT defines torture as the combination of three actions. Firstly, it involves the intentional infliction of severe pain or suffering. Secondly, it is carried out with a specific purpose, whether to obtain information, mete out punishment, intimidate, or for discriminatory reasons. Finally, the act is either performed, initiated, or takes place with the consent or acquiescence of State authorities.[73]

66. Art. 2(1) of CAT stipulates that a State shall take effective legislative, administrative, and judicial measures to prevent acts of torture in any territory under its jurisdiction.[74] Art. 2(1) is often regarded as an overarching provision encompassing all responsibilities to prevent torture outlined in CAT. This extends to provisions such as Art. 3, which prohibits *refoulement*. Similarly, Art. 16(1) requires each State Party to prevent other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture in any territory under its jurisdiction, when such acts are committed by, instigated by, or done with the consent or acquiescence of a public official or other person acting in an official capacity.[75]

[71] Croatian Human Rights Ombudsperson, "Annual Report, 2023." Available at: https://www.ombudsman.hr/hr/interaktivno-izvjesce-za-2023/.
[72] PACE, "Pushback Policies and Practices in Council of Europe Member States," 8 June 2019. Available at: https://pace.coe.int/en/files/27728/html?.
[73] Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Art. 1. Available at: https://www.ohchr.org/sites/default/files/cat.pdf.
[74] Ibid., Art. 2.
[75] Ibid., Art. 16.

67. We submit that Croatian officials have strategically utilised or acquised to torture, as defined by Art. 1 of CAT, and other cruel, inhuman, and degrading treatment or punishment, as defined in Art. 16, against asylum seekers, as part of a campaign to discourage their asylum applications and entry to the country, more generally. This includes practices such as SGBV, forced undressing, excessive use of force, threats or violence, lack of access to medical care, inhuman treatment inside police vehicles, detention centres, and asylum facilities. The widespread nature of these behaviours against migrants demonstrates Croatia's consistent failure to implement effective measures to prevent acts of torture and other acts of cruel and inhuman treatment against asylum seekers and other migrants as stipulated by Art. 2(1) and 16(1), constituting a "consistent pattern of gross, flagrant, or mass violations of human rights," as defined by Art. 3(2).

2.1 Severe Mental or Physical Pain and Suffering

68. As detailed above, migrants often face pronounced violence when attempting to enter Croatian territory. Frequently, they are subjected to pushbacks at the border, during which they are often attacked by border guards and/or police dogs, and any valuables they might carry with them are stolen or destroyed. Once they enter the country, there are significant problems with access to and information about Croatian asylum procedure. As exemplified throughout, migrants are forced to endure violent and abusive treatment at the hands of authorities. They are also routinely denied access to medical care, regardless of age or severity of their condition. The majority of the refugees recount being detained or locked up in police stations, prisons, asylum centres, or other places for an undefined amount of time. In addition, these facilities offer no additional protection for highly traumatised and vulnerable persons, which itself constitutes a violation of Art. 11 of CAT.

69. Cumulatively, this treatment serves a specific purpose – namely, to further intimidate and inflict pronounced physical and emotional suffering on migrants, breaching Art. 2(1) and 16 of CAT. It is thus clear that such shortcomings, both separately and combined, amount to severe suffering.

2.2 Involvement of Public Officials

70. Numerous reports, case studies, and media investigations have demonstrated that Croatian police, border guards, and other public officials are the primary perpetrators of the aforementioned abuses against migrants. The majority of migrants subjected to torture, other cruel behaviour, and pushbacks consistently identified the perpetrators as police officers in black uniforms and balaclavas. Indeed, media investigations in 2021 provided video evidence confirming that special police units, known as the Intervention Police, were responsible for violent pushbacks.[76] Reports suggest these officers are part of the Ministry of the Interior's operation "Koridor."[77] More specifically, a Lighthouse Reports investigation determined that the WhatsApp group chat for this operation included both police officers

[76] Der Spiegel, "Wir sind für sie wie Tiere."
[77] Black Book of Pushbacks, 2022.

and officials from the Croatian Ministry of Interior, who were issuing unofficial orders to prevent migrants from entering Croatia.[78] This highlights the complicity of high-ranking officials and the institutionalised, state-backed nature of these human rights violations.

71. Croatian police and border officers are also instructed to circumvent asylum procedures by their direct superiors; this has been extensively documented by the Croatian Human Rights Ombudsperson and independent journalists' investigations. The Croatian Human Rights Ombudsperson anonymously received a complaint from a police officer, in which the officer described an order he received from senior police officers to deal with irregular migrants.[79] The border police station chief, managers, and administration ordered police officers to return all migrants to BiH, forgoing the correct legal process, so there would be no evidence or trace of this practice. While the complainant was concerned about these orders, he felt obligated to comply to avoid dismissal and be able to continue financially supporting his family.[80]

72. Even if senior police officers and government authorities are not directly involved in the abuse of migrants themselves, they are nonetheless accountable for protecting migrants' human rights and ensuring access to the asylum system under both domestic and international law. Instead, there is demonstrable evidence that they are encouraging the widespread, strategic use of violent tactics against migrants, aimed at intimidating and ultimately impeding access to these processes. We thus conclude that the torture and cruel, degrading, and other humiliating treatment suffered by migrants in Croatia is inflicted, both directly and indirectly, by public officials of varying levels of seniority and influence.

2.3 Systematic Practice

73. The long-term and widespread use of torture and other cruel, inhuman, and degrading treatment against migrants has been well-documented by numerous sources. The frequency and history of these reports (dating back many years from across the country), and lack of subsequent effective and independent investigations, suggest that the torture of migrants is a systematic practice in Croatia within the meaning of Art. 20 of CAT. The exposure of the "Koridor" WhatsApp group in 2023 (used by police and Ministry of Interior officials between 2019 and 2020), revealed an established network for planning and executing collective expulsions.[81] Messages included photos, personal details of intercepted refugees, and unofficial directives to deter individuals from going deeper into Croatian territory. At least 1,300 people were expelled during this period, illustrating these operations' organised, state-backed nature. Accordingly, the practice of pushbacks and other cruel, inhuman and degrading treatment against migrant is a long term, state-coordinated issue. This example

[78] Lighthouse Reports "Inside Croatia's Secret WhatsApp Group," 6 April 2023. Available at: https://www.lighthousereports.com/investigation/inside-croatias-secret-whatsapp-group/.
[79] Croatian Human Rights Ombudsperson, "Annual Report, 2019."
[80] Ibid., p. 161-162.
[81] Lighthouse Reports, "Inside Croatia's Secret WhatsApp Group," 6 April 2023. Available at: https://www.lighthousereports.com/investigation/inside-croatias-secret-whatsapp-group/.

highlights the complicity of high-ranking officials and the institutionalised nature of these human rights violations.

2.4 Within Croatian Territory

74. As demonstrated within the facts section, actions undertaken by the Croatian authorities occurred within their territory. This is not only corroborated by various stakeholders who have issued detailed reports on serious human rights violations, including torture and inhuman or degrading treatment, as outlined in the facts section, but is also further substantiated by findings from various international courts, as detailed in part in Annex I.[82] In the case of pushbacks, Croatian police and border officers force refugees and other migrants towards the national borders or rivers, originating in Croatian territory. Accordingly, the condition of torture being committed within the country is also fulfilled.

3. Failure to Investigate Allegations as per Art. 12

75. Art. 12 of CAT creates an onus on State Parties to ensure that competent authorities conduct prompt and impartial investigations wherever there are reasonable grounds to believe that an act of torture has been committed in any territory under its jurisdiction.[83] Art. 11 requires every State Party to regularly review and update their interrogation protocols, custody arrangements, and treatment of detained individuals within their jurisdiction to prevent any instances of torture. In accordance with Art. 16 of CAT, this onus also extends to acts of inhuman, humiliating and degrading treatment committed by public officials or individuals acting in an official capacity.

3.1 Data on Prosecutions

76. According to the Criminal Procedure Act[84], if the State Attorney merely hears that a criminal offence may have been committed, and cannot assess whether the allegations are credible or whether they provide sufficient grounds to decide on initiating an investigation, the State Attorney shall carry out preliminary inquiries themselves or instruct the police to do so. Subsequently, they can initiate investigations and file indictments even without a criminal complaint being submitted.

77. However, DORH has systematically disregarded numerous reports and videos from both national and international civil society organisations and media outlets, which detail

[82] *M.H. and Others v. Croatia* (no. 15670/18 and 43115/18), 2022. Available at: https://hudoc.echr.coe.int/fre?i=001-213213; *Daraibou v. Croatia* (no. 84523/17), 2023. Available at: https://hudoc.echr.coe.int/eng?i=001-222311; *Ćehić v. Croatia* (no. 14043/19), 2024. Available at: https://hudoc.echr.coe.int/eng?i=001-237431

[83] Oxford Commentary on Art. 2(1) of the Convention Against Torture. Available at: https://opil.ouplaw.com/display/10.1093/law/9780198846178.001.0001/law-9780198846178-chapter-4#law-9780198846178-chapter-4-div2-14.

[84] Criminal Procedure Act art. 205. paragraph 6, (Official Gazette no. 152/2008, 76/2009, 80/2011, 91/2012, 143/2012, 56/2013, 145/2013, 152/2014, 70/2017, 126/2019, 126/2019, 130/2020, 80/2022, 36/2024, 72/2025) available at: https://www.zakon.hr/z/174/zakon-o-kaznenom-postupku

numerous alleged crimes affecting migrants and asylum seekers. These reports present strong indications of criminal conduct. Despite this, DORH has failed to initiate official investigations into these alleged crimes.

78. Criminal prosecution against civil servants by criminal prosecution bodies is initiated very rarely, and corresponding criminal complaints are rejected in more than 95% of cases.[85] As summarised in one report, "one can rightly suspect that DORH, perhaps due to its functional connection with the police, has problems with the independent and efficient conduct of investigations against police officers, i.e. employees of the judicial police."[86]

79. It is also indicative that neither the four county courts in Croatia nor the largest municipal court in the country – the Municipal Criminal Court in Zagreb – were able to find a single case brought for the commission of the crime of torture, cruel and humiliating treatment or punishment in the period from 2010 to 2020.[87] According to the National Bureau of Statistics, from 2010 to 2020 there were a total of 35 criminal complaints for the criminal offense of torture, cruel, inhuman and degrading treatment, of which (i) 26 criminal complaints were dismissed; (ii) no decision was made regarding eight complaints because they involved unknown perpetrators; and (iii) only one guilty verdict was adopted as a result of such criminal complaints.[88] More recently, in 2021, there were 11 criminal complaints for the criminal offence of torture, cruel, inhuman and degrading treatment, which were all dismissed even though they had known perpetrators.[89]

80. In the event of pushbacks, which occur entirely outside the framework of any legally prescribed procedures, victims are left without any effective remedy to prevent police officers from carrying out pushbacks. Moreover, even when victims manage to return and initiate criminal proceedings with the help of CPS to address violations of their rights after such incidents, there are no known cases where the investigations have met the established criteria for effectiveness.

81. In 2022, Frontex's Fundamental Human Rights Officer noted that "several allegations of collective expulsions and claims of ill-treatment against migrants and/or asylum seekers have been brought to the attention of the Fundamental Rights Office."[90] Similarly, yearly reports of DORH (the "Reports") do not contain any data on the commission of the crime of torture, cruel and humiliating treatment or punishment. Rather, the Reports from 2022 only describe their work on persecution of third-country nationals for facilitating unauthorised

[85] Lidija Horvat, "Cruel, Inhuman and Degrading Treatment of Persons Deprived of their Liberty: Croatian Experience in the Context of International Human Rights Standards," 2023. Doctoral Thesis, University of Zagreb, Faculty of Law, p. 232. Available at: https://repozitorij.pravo.unizg.hr/islandora/object/pravo:5601.
[86] Ibid., p. 238.
[87] Ibid., p. 243.
[88] Ibid., p. 241.
[89] *Državni zavod za statistiku* (National Bureau of Statistics), 9 May 2022. Available at: thttps://web.dzs.hr/PXWeb/Menu.aspx?px_db=Pravosudje&px_language=hr
[90] Frontex, "The Fundamental Rights Officer - Annual Report 2022." Available at: https://www.frontex.europa.eu/assets/fundamental/FRO_annual_report_2022.pdf.

entry, transit and residence in Croatia for financial gain under the Art. 326. of the Criminal Code.[91]

3.2 DORH-Led Prosecutions

82. According to the Criminal Procedure Act, in cases prosecuted *ex officio*,[92] DORH initiates preliminary inquiries upon receiving a criminal complaint, followed by a formal investigation. However, according to CPS' understanding, proceedings that meet the standards of an effective investigation have not been initiated in response to the criminal complaints they and other NGOs have submitted.

83. Since 2017, CPS alone has filed 12 criminal complaints, supported by victim testimonies, evidence, and even medical documentation. Of these, 10 involve allegations of torture, inhuman or degrading treatment, unlawful expulsion violating *non-refoulement,* constituting violations of Articles 2, 3, and 16 of CAT).

84. In the previously described cases, DORH failed to conduct prompt, impartial, and thorough investigations into allegations of torture and other forms of cruel and degrading treatment committed against migrants. These cases were either dismissed between one and two years after being submitted without identifying or prosecuting the perpetrators, or are ongoing more than four years after criminal complaints were initiated, many still failing to identify potential perpetrators.

85. Indeed, CPS's criminal complaints reveal systemic failures in prosecutorial processes. This includes failing to take meaningful steps to identify perpetrators as required under international and national law, unreasonably prolonged proceedings, and the absence of investigative and prosecutorial due diligence. These failures were demonstrated in multiple ECtHR cases.[93]

3.3 Barriers to Victims Independently Pursuing Criminal Prosecution

86. As previously explained, in cases prosecuted *ex officio*, DORH begins with a pre-investigation phase upon receiving a criminal complaint, which is then followed by a formal investigation. If, after completing the investigation (or pre-investigation), the State Attorney determines that there is insufficient evidence to proceed with an indictment, the victim will be informed that the complaint has been dismissed and given eight days to decide whether they wish to pursue the criminal prosecution independently. It is important to note that this right to continue prosecution applies exclusively to the victims of the alleged crime — not to witnesses or others who initially filed the complaint.

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[91] Croatian Criminal Act (Kazneni zakon), Official Gazette 125/2011, 144/2012, 56/2015, 61/2015, 101/2017, 118/2018, 126/2019, 84/2021, 114/2022, 114/2023.

[92] According to Croatian criminal law, the vast majority of crimes are prosecuted *ex officio* — that is, by official duty. Only a small number of minor offenses are pursued through private prosecution.

[93] See Section 4 of this paper for detailed discussion of these cases.

87. Pursuant to Croatian law, DORH is required to conclude the pre-investigation phase and initiate formal proceedings within a prescribed deadline of six months. However, in practice observed by the CPS, the pre-investigation phase frequently extends well beyond this limit, often lasting two or more years. As a result, it is not uncommon for years to pass before DORH dismisses the prosecution. Such prolonged delays render it virtually impossible for the victim to effectively use their right to undertake the investigation after a dismissal occurs; namely, it impedes their ability to collect intact evidence, obtain accurate witness testimonies, and conduct other aspects of the investigation in a timely fashion. Additionally, CPS notes that investigative judges often reject evidence proposals made by CPS's clients, further obscuring victims' access to justice.

88. While prosecutions pursued by the victims seem impossible, there are also no complaint mechanisms for victims, or others who submitted a criminal complaint, to turn to after DORH dismisses their criminal complaint (which usually occurs after an unreasonably long period). This demonstrates systematic barriers preventing victims from assuming prosecution, further violating Art. 12 of CAT.

3.4 Analysis

89. Despite numerous allegations of torture and violence and criminal complaints related to pushbacks, torture and severely humiliating behaviour, no indictments have been issued, and no perpetrators have been identified, prosecuted, or sanctioned. Investigations into these complaints lack due diligence and are unreasonably prolonged, undermining the criteria for effective investigation. We consider it established that migrants who have become victims of torture lack access to a sufficient investigation of their case, and thus cannot initiate any legal steps to prevent or undo the harm caused. Furthermore, procedural delays—where the pre-investigation phase extends far beyond the legally prescribed six months—undermine victims' ability to pursue prosecutions independently after dismissal, a right guaranteed exclusively to victims but not to witnesses or complainants. Additional barriers, such as the absence of effective complaint mechanisms following dismissals, further obstruct access to justice. Collectively, these systemic failures contravene Art. 12, which requires prompt, thorough, and impartial investigations into acts of torture. By failing to implement such mechanisms, Art. 12 of CAT is systematically violated.

4. CPS Case Studies Demonstrating ECHR Violations

90. The case studies below demonstrate the systematic failure to investigate allegations of torture, which have become so severe that appeals to the jurisdiction of the ECtHR have been invoked. In all discussed cases, the ECtHR confirmed that Croatia failed to facilitate prompt, effective, and thorough investigations into allegations of torture of migrants.

4.1 *M.H. and Others v. Croatia*[94]

91. The applicants were a family of 14 Afghan citizens, comprising a man, his two wives, and their 11 children. The case concerned the death of a six-year-old Afghan child, MAD.H., who was on the night of 21 November 2017 hit by a train after having been collectively expelled by the Croatian authorities and ordered to return to Serbia via the tracks. The ECtHR found a violation of Art. 2 of the ECHR because State authorities failed to conduct an effective investigation into the circumstances leading to MAD.H.'s death.

92. The case also concerned, in particular, the applicants' detention while seeking international protection. On 21 March 2018, the Croatian police caught the applicants as they were entering Croatia clandestinely from Serbia. The applicants applied for international protection; however, they did not have any identification documents with them. The Croatian police placed them in a transit immigration centre in Tovarnik and restricted their freedom of movement while verifying their identities for over two months. ECtHR found that the children were kept in an immigration centre with prison-like conditions, amounting to a violation of Art. 3 of the ECHR.

93. Furthermore, the ECtHR found that the decisions regarding the applicants' detention had not been dealt with diligently and expeditiously in order to limit family detention as much as possible, which resulted in a violation of Art. 5(1) of the ECHR**.**

94. Furthermore, the case also addresses that the State: denied the applicants contact with their lawyer (even after lodging an urgent request for interim measures under Rule 39 of the ECHR);[95] initiated a criminal investigation against their lawyer regarding power of attorney; and infringed on the communication between applicants and their lawyer. The Court concluded that the State hindered the applicants' right to the individual application and thus violated Art. 34 of ECHR.

95. Finally, the Court found that a parent and five child applicants had been subjected to collective expulsions to Serbia on 21 November 2017 without prior notification to Serbian authorities, violating Art. 4 of ECHR's Protocol No. 4.

4.1.1 Overlap Between ECHR and CAT Violations in *M. H. v Croatia*

96. As Art. 3 of CAT clearly states that no State Party shall expel, refoule, or extradite a person to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture, the aforementioned actions not only constitute a grave violation of the ECHR but also represent a material breach of the provisions delineated in the Art. 3 of CAT.

[94] *M.H. and Others v. Croatia* (no. 15670/18 and 43115/18), 2022. Available at: https://hudoc.echr.coe.int/fre?i=001-213213.
[95] *For more information, see:* European Court of Human Rights, "General Presentation of Interim Measures." Available at: https://www.echr.coe.int/documents/d/echr/pd_interim_measures_intro_eng.

97. The case of *M.H. v. Croatia* highlights a series of violations of fundamental human rights, notably under the European Convention on Human Rights ("ECHR"), and also underscores a critical breach of Art. 12 of CAT. The Croatian authorities' failure to conduct an effective investigation into the circumstances leading to the death of MAD.H., a six-year-old Afghan child, as confirmed by the ECtHR verdict, constitutes a clear violation of their obligations under Art. 12 of CAT, which requires State Parties to promptly and impartially investigate any allegations of torture or cruel, inhuman, or degrading treatment when there are reasonable grounds to believe such acts have occurred.

98. Despite the ECtHR's finding of a procedural violation of Art. 2 of the ECHR due to the State's failure to investigate the circumstances of his death effectively, Croatia's subsequent actions continued to fall short of its international obligations. The reopening of the investigation in April 2022, following the ECtHR judgment, was neither thorough nor efficient. It concluded more than two years later in May 2024 with a decision rejecting the criminal complaint.[96] This delay and ineffectiveness in pursuing the investigation stands in stark contrast with the obligation under Art. 12 of CAT to act swiftly and diligently in such matters.

99. CAT not only mandates that investigations are prompt, but also both impartial and thorough. In this case, the Croatian authorities failed to meet these standards. Once more the investigation lacked essential elements of independence and rigour highlighted in the ECtHR verdict - the uncritical reliance on police reports, the failure to resolve inconsistencies in testimonies, and the neglect of key investigative steps, such as questioning crucial witnesses and analysing telecommunications data.[97] The Office for the Suppression of Corruption and Organised Crime ("USKOK"), which oversaw the investigation, disregarded clear guidance from the ECtHR and the dissenting opinions of Croatian Constitutional Court judges.[98] The State's reluctance to scrutinise the actions of police officers involved, despite evidence suggesting misconduct and alterations in their statements, further undermines the investigation's credibility.

100. The broader context of this case, including the collective expulsion of the applicants and the inhuman detention conditions faced by the applicants in a detention centre, compounds the severity of the violations. These actions indicate systemic failures to uphold international standards and safeguard the rights of vulnerable individuals, including children. Under Art. 16 of CAT, States are required to prevent acts of cruel, inhuman, or degrading treatment committed by, or with the acquiescence of, public officials. Croatia's failure to address the

[96] Rule 9.2 Communication by the Human Rights House Zagreb and the Centre of Peace Studies. Available at: https://www.cms.hr/wp-content/uploads/CPS_HRHZ_Rule_9.2_M.H._July_2024.pdf.
[97] Ibid.
[98] Separate opinion regarding decision no. U-IIIBi-1385/2018 of 18 December 2018, p. 36. Available at: https://sljeme.usud.hr/Usud/Praksaw.nsf/C12570D30061CE54C125836800452D11/%24FILE/U-IIIBi-1385-2018.pdf

treatment of the applicants and to investigate these allegations effectively represents a violation of this obligation.

101. The rejection of the criminal complaint without adequate investigation, six years after the incident and despite international scrutiny, underscores a broader pattern of impunity. Additionally, during the proceedings, associations, activists, and the lawyer were subjected to pressure, and the European Court of Human Rights found that the purpose of this pressure was to discourage the family from filing an application against the Republic of Croatia.[99] Art. 12 of CAT exists to prevent precisely such outcomes, ensuring that States take all necessary steps to hold perpetrators accountable and prevent future violations.

102. In conclusion, failing to effectively investigate the death of MAD.H. and other related violations, despite clear obligations under CAT and the ECHR, constitutes a grave breach of Art. 12 of CAT.

4.1.2 Effective Investigation of Other Crimes Committed in *M.H. and Others v. Croatia*

103. From the circumstances and violations established by the Court, we conclude that there is a reasonable doubt that the applicants suffered crimes punishable under Croatian Criminal Law.[100] Besides the complaint regarding the death of MAD.H., the following crimes were also listed in the criminal complaint: i) inhuman treatment found by the Court, as well as ii) the collective expulsion of applicants in regard to the iii) prohibition of torture and other cruel, inhuman and degrading treatment under Art. 104 of the Croatian Criminal Act, as well as the iv) abuse of power under Art. 291 of the Croatian Criminal Act. [101]

104. However, six years after the incident and two years after the investigation was reopened, the criminal complaint was once again rejected without an effective investigation. Subsequently, the perpetrators were not brought in front of the court, let alone sanctioned. Consequently, this failure constitutes a breach of Art. 12 of CAT.

4.2. *Daraibou v. Croatia*[102]

105. In January 2023, the ECtHR delivered a second judgment in *Daraibou v. Croatia*, finding that Croatia routinely violates the human rights of refugees and other migrants. The case concerned a fire that broke out in the basement room of the Bajakovo Border police station in 2015, which was then acting as an illegal-migrant detention centre. Three migrants detained in the room died in the fire, and the applicant, also a detained migrant, suffered severe injuries.

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[99] The Human Rights Ombudspersons Annual Report for 2021, page 176. Available at: https://www.ombudsman.hr/wp-content/uploads/2022/05/Izvjesce-pucke-pravobraniteljice-za-2021-1.pdf
[100] Croatian Criminal Act (*Kazneni zakon*), Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22.
[101] See §304 of judgment.
[102] *Daraibou v. Croatia* (no. 84523/17), 2023. Available at: https://hudoc.echr.coe.int/eng?i=001-222311.

106. The ECtHR unanimously ruled that the conditions of migrants at the Bajakovo station amounted to grave violations of the right to life, both the material and procedural aspects, and that Croatian authorities ultimately failed to take adequate precautions to safeguard the lives of migrants detained there. The ECtHR identified several other systemic issues unaddressed by Croatian authorities, including failures to conduct adequate detainee searches, monitor detention facilities via video surveillance, implement fire escape plans, and obtain permits authorising the use of facilities as a migrant detention centre. These omissions reflect a profound failure to safeguard the lives of asylum seekers and other migrants while in state custody. This judgment also determined that the Croatian authorities failed to identify and correct the conditions that led to the fire and to adequately address other dangerous detention conditions in other facilities.

107. The Croatian authorities' response to this tragedy fell far short of the standards required under Art. 12 of CAT. The investigation lacked thoroughness and impartiality, focusing narrowly on the individual disciplinary liability of two police officers, rather than addressing broader institutional shortcomings that led to the fire. Disciplinary proceedings resulted in a minor sanction for one officer, while the other was acquitted. This minimal accountability failed to address the systemic negligence, nor did it lead to meaningful institutional reforms to prevent similar incidents in the future.

108. *Daraibou v. Croatia* demonstrates a clear breach of Art. 12 of CAT, which obliges States to conduct a prompt, thorough, and impartial investigation whenever there is reasonable ground to believe that acts of cruel, inhuman, or degrading treatment have occurred. By failing to examine these issues comprehensively, the authorities also neglected their duty under Art. 12 to identify and remedy systemic deficiencies.

4.3. *Ćehić v. Croatia*[103]

109. On 22 October 2024, the ECtHR delivered another judgment finding that Croatia violates human rights in cases connected to refugees and other migrants, and subsequently fails to conduct adequate and efficient investigations into such matters. In *Ćehić v. Croatia*, the ECtHR found Croatia in violation of Art. 3 of the ECHR for the ill-treatment of a Croatian national, Ćehić, who was assaulted in 2017 by two men in civilian clothes(believed to be police officers in the organised crime unit) following his arrest for transporting migrants. Despite visible injuries documented shortly after his arrest, domestic authorities failed to conduct an effective investigation, disregarded medical evidence, and dismissed the applicant's claims, ultimately acquitting the officers responsible.

110. The investigation lacked impartiality and thoroughness. Authorities relied on contradictory justifications for the complainant's injuries, questioning the applicant's credibility rather than establishing the facts of the case. Consequently, the ECtHR ruled that the Croatian authorities did not make a genuine attempt to thoroughly examine the complainant's

[103] *Ćehić v. Croatia* (no. 14043/19), 2024. Available at: https://hudoc.echr.coe.int/eng?i=001-237431.

allegations or hold those responsible to account, thus violating both the material and procedural aspects of Art. 3 of the ECHR.

111. Crucially, the aforementioned breaches of Art. 3 of the ECHR simultaneously constitute violations of Art. 12 of CAT. Croatia's repeated failure to address and remedy such abuses demonstrates a systemic disregard for its obligations to prevent, investigate, and respond to cruel, inhuman, or degrading treatment.

4.4. Analysis

112. CPS has documented and criminally reported many instances of torture, inhuman and degrading treatment towards migrants in Croatia at the hands of police and border officers, including sexual assault and various instances of physical violence, often causing severe mental and physical trauma. Other examples of the latter include: shooting at migrants; forcibly binding them to trees; marking refugees' heads with orange spray paint; slamming their heads against police vehicles; and rubbing substances such as kitchen condiments and sugar into open wounds.[104] The number of such incidents suggests that the Croatian state has systematically failed to create adequate mechanisms to prevent numerous kinds of violence against migrant populations.

113. Despite the clear involvement of police and border officers (and other individuals acting in an official capacity) in the aforementioned acts, state prosecuting authorities systematically fail to initiate adequate investigations into behaviours that constitute potential CAT violations. In instances where CPS files criminal complaints, investigations were either unduly prolonged or ultimately dismissed after several years. In some cases, proceedings have remained pending for over four years. This failure to act promptly results in (i) the lack of an effective investigation by competent prosecutorial authorities and (ii) the indirect obstruction of victims' ability to seek justice, as they cannot pursue prosecution independently until the state prosecutor formally abandons the case.

114. Art. 12 is intended to prevent incidents like the examples provided above; this is done by placing an onus on a State to promote adequate investigations by domestic authorities for any CAT violations that occur within the territory under the State's jurisdiction. In theory, this onus should ensure that perpetrators are held accountable for their actions while simultaneously discouraging future CAT violations. Given Croatia's documented failures to do so, however, we maintain that Croatia's treatment of refugees and migrants constitutes severe and repeated breaches of the obligations imposed by Art. 12.

[104] For more information on these cases, see: Border Violence Monitoring Network, "Annual Torture Report 2020." Available at: https://borderviolence.eu/reports/annual-torture-report-2020/

CONCLUSION

115. In our submission, we have argued that Croatia systematically fails to initiate official investigations into the human rights violations suffered by migrants, despite clear evidence of such violations.

116. We have demonstrated that migrants and refugees frequently endure torture and inhuman treatment at the hands of Croatian authorities, both upon attempting to enter Croatia and during their stay. These violations take various forms, including violent pushbacks, SGBV, physical and psychological violence, inhumane treatment, poor transport conditions, and inadequate accommodation. These conditions undoubtedly meet the definition of torture, as they are not only sufficiently severe but are also intentionally inflicted with the purpose of discouraging individuals from entering or staying in the country. Even when these issues are brought to the attention of the responsible national authorities, they consistently fail to offer sufficient and effective remedies to support the victims. Prolonged legal proceedings and a lack of decisive action from the authorities further obstruct access to justice. Moreover, the steps taken are often inadequate, leaving crucial aspects of the cases unresolved.

117. This failure to investigate and address these human rights violations is evident in the cases of *M.H. v. Croatia*, *Daraibou v. Croatia*, and *Ćehić v. Croatia*, where Croatia was found to have violated several articles of the ECHR. As outlined above, these same violations also constitute breaches of Art. 12 of CAT, yet no substantial changes have been observed in Croatia's approach to these issues.

118. Furthermore, the additional case law presented in the Annex I demonstrates that the failure to conduct prompt and impartial investigations whenever there are reasonable grounds to believe that acts of torture, humiliating, or degrading treatment have been committed by individuals believed to be state officials acting in their official capacity within Croatian jurisdiction is not an isolated issue. It is, rather, a widespread and systematic problem affecting numerous individuals, making it clear that this is not a matter of exceptional cases but one of entrenched state practice.

119. In light of the information provided, we urgently call on the Committee to initiate a thorough inquiry into Croatia's conduct. This inquiry should establish the facts and determine the legal responsibilities of Croatia and recommend measures that ensure access to justice for victims of human rights violations. We also urge the Committee to recommend the immediate cessation of all acts of torture, as well as inhuman and degrading treatment perpetrated by Croatian authorities, in order to uphold the rights and dignity of asylum seekers and migrants.