



**Border Violence
Monitoring Network**

CROATIA

Submission to the OHCHR on the role of private military and security companies in immigration and border management and the impact on the protection of the rights of all migrants

Joint submission from:

Centre for Peace Studies (CPS)

Selska cesta 112a, Zagreb

W: www.cms.hr

E: cms@cms.hr

T: +38514820094

Border Violence Monitoring Network

Rigardu.e.V. Nikolaikirchhof 10, 37073, Goettingen

W: www.borderviolence.eu

E: mail@borderviolence.eu

T: +447592389699

Border Violence Monitoring Network

The Border Violence Monitoring Network (BVMN) is an alliance of grassroots groups and NGOs working in the field of documentation, advocacy, media and litigation around the issue of illegal pushback and border security practices on the Balkan Route. The Network runs a shared database compiling pushback reports from individuals working with [No Name Kitchen](#), [Rigardu](#), [\[Re:\]ports Sarajevo](#), [Aid Brigade](#), [Balkan Info Van](#), [Escuela con Alma](#), [BASIS](#), [Collective Aid](#), [Fresh Response](#) as well as independent persons. The Network also works closely with [Are You Syrious](#), [Centre for Peace Studies](#) and [InfoKolpa](#) in the field of political interest representation and advocacy.

Centre for Peace Studies

Centre for Peace Studies (CMS; CPS) is a Croatian non-governmental and non-profit organisation promoting non-violence and social change through education, public policy, research, and activism. CPS operates through three compatible programmes: Asylum, Integration, and Human Security; Peace Education and Nonviolence Affirmation; and Combating Inequality. Within the work of the Asylum, Integration, and Human Security programme the CPS monitors immigration detention practices, offers legal aid to foreign nationals, observes the state of refugees' rights in Croatia, and documents the treatment of refugees by Croatian police.

This submission focuses on human rights concerns relating to Croatia's policies towards refugees and other migrants in reception and detention centres, as well as in border areas. Border Violence Monitoring Network and Centre for Peace Studies are collecting testimonies from the people that have been violently pushed back from the Croatian territory to the neighbouring countries like Serbia and Bosnia and Herzegovina; as well as from the ones that are staying within the state provided facilities Reception Centre for Asylum Seekers (Kutina and Zagreb) and Detention Centre (Ježevo). While doing so, we have noticed the role of private military and security companies in immigration and border management.

This joint submission has several main recommendations that can have relevance to the treatment of people:

- Violence and mistreatment of refugees and other migrants in the border areas must stop immediately
- The ones responsible for the violence and the violation of laws at the Croatian borders should be sanctioned

Migratory Context

As a post war country and a EU member candidate, the Republic of Croatia has for many years been developing its asylum and migration system. The one was taken into power on 01.07.2004. when the first Law on Asylum took place. Before that time, Croatia was a part of UN resettlement process and people who seeked international protection were mostly resettled into countries like Canada and the USA¹. First international protection granted to an individual occurred in the summer of 2006, and until today there are a total of 927 granted protection². The Law on Asylum has changed several times and today it is called the Law on International and temporary protection³.

Another legal document relevant for the context is the Law on Foreigners⁴, that was first taken into power on 01.01.2014. The Law also went through changes through the years, but has kept the same name.

Croatia has developed it's Migration Policy document only two times:

- a) For the period 2007 - 2008⁵
- b) For the period 2013 - 2015⁶

¹ CPS followed a story of one family from Kosovo, who was resettled into Canada, in the documentary film "Croatia - E(N)Den ON EARTH / Hrvatska - (K)RAJ NA ZEMLJI", available at: <https://restarted.hr/filmovi.php?recordID=20>.

² According to the data that the Ministry of Interior provided at the conference "Multi-sector cooperation in empowering third country nationals" on 26th of February 2020 in Zagreb.

³ Croatia, the Law on International and Temporary Protection (Zakon o međunarodnoj i privremenoj zaštiti), Official Gazette (Narodne novine), No. 70/15, 127/17. Available at: <https://www.zakon.hr/z/798/Zakon-o-me%C4%91unardnoj-i-privremenoj-za%C5%A1titi>

⁴ Croatia, the Law on Foreigners (*Zakon o strancima*), Official Gazette (Narodne novine), No. 130/11, 74/13, 69/17, 46/18. Available at: <https://www.zakon.hr/z/142/Zakon-o-strancima>

⁵ Croatia, Migration Policy of the Republic of Croatia for 2007/2008 (Migracijska politika Republike Hrvatske za 2007/2008), Official Gazette (Narodne novine), No. 83/07. Available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2007_08_83_2613.html

⁶ Croatia, Migration Policy of the Republic of Croatia for 2013-2015 (Migracijska politika Republike Hrvatske za 2013-2015), Official Gazette (Narodne novine), No. 27/2013. Available at: https://mup.gov.hr/UserDocsImages/minstarstvo/2013/Migration%20policy%20RoC_en_2013%2002%2005.pdf

After that time, the Government decided that Migration Policy is no longer needed because the state bases all its actions related to migration on the above mentioned laws: Law on International and Temporary Protection and Law on Foreigners⁷.

Croatia has several established centres for refugees and other migrants.

1. **Reception Centre for Asylum Seekers in Kutina** (opened in 2006) - for vulnerable groups (families, children, women, older people); in recent years it has been used mostly to temporarily accommodate refugees coming through resettlement projects. Capacity for 90 persons.
2. **Reception Centre for Asylum Seekers in Zagreb** (opened in 2011): known as “Hotel Porin” - usually for single men, mixed at the moment. Capacity for 600 persons.
3. **The Detention Centre for Foreigners in Ježevo** (opened in 1997) - has two objects: one for single men (capacity for 76 persons) and the other for families and vulnerable groups (capacity for 29 persons).
4. **The Transit Centre in Tovarnik** (opened in 2017) - Exercises a restriction on the freedom of movement for persons caught in the illegal crossing of the European Union's external border, until they are moved to Detention Centre Ježevo or removed on the basis of a readmission agreement; organises and performs escorts for forced removal on the basis of a readmission agreement to a third neighbouring country.
5. **The Transit Centre in Trilj** (opened in 2017) - Exercises a restriction on the freedom of movement for persons caught in the illegal crossing of the European Union's external border, until they are moved to Detention Centre Ježevo or removed on the basis of a readmission agreement; organises and performs escorts for forced removal on the basis of a readmission agreement to a third neighbouring country.

*accommodation in all facilities is shared and people share the room with at least one other person.

⁷ There is no official document where this is stated, but since CPS was a part of the Working group for Integration of Third Country Nationals, we advocated for the creation of a new Migration Policy and got this as an answer from the official from Ministry of Interior.

The Role of Private Security Companies in Centres for Refugees and Other Migrants

According to the knowledge we have (based on the visits we conducted in the past) on the Centres for refugees and migrants in Croatia, there are different actors providing security services. In closed centres, such as Detention Centre Ježevo and Transit Centre Trilj and Tovarnik, police officers are obtaining the role of security. While in open centres, such as the Reception Centre for Asylum Seekers in Zagreb and Kutina, private security companies are obtaining the role of security.

Prior to the writing of this submission, we contacted the Ministry of Interior to provide us the official data on the role of private security in Reception Centres for Asylum Seekers. However, they answered that we will not be able to obtain their answer until the deadline set for this submission. This puts us in the position to provide data based on our knowledge from the time when we were able to visit the centres.

CPS was providing integration activities, from 2006 until 2018, with asylum seekers in the Reception Centre for Asylum Seekers in Kutina; and from 2012 until 2018, also with asylum seekers in the Reception Centre for Asylum Seekers in Zagreb. While we had access to the reception centers, and also nowadays in other locations, CPS organises and has daily activities with refugees and asylum seekers. Thanks to our continuous direct work and our relation of trust with the habitants of reception centres, CPS received several complaints from the asylum seekers on the behaviour of the security guards. These were mostly described as verbal violence - racist jokes, misbehaviour and psychological insult. We do believe that the numerous expressions of racism are due to the lack of intercultural skills of the security guards. We can then conclude how the workers of the private security employed in the reception centers were not adequately prepared and trained for the work they were supposed to do.

The Practice of State Authorities Obscuring Their Identities in the Border Region

Pushbacks from Croatia have become a mainstay of the European Union's externalisation policy in the Western Balkans. Between August 2015 and March 2016 a controlled and open corridor has been established throughout Europe, put in place by Member State authorities. Already in that period, we witnessed the first episodes of racial profiling and pushbacks⁸. After the closure of the Balkan corridor, different state authorities put in place various practices to prevent people from entering the country and access their asylum procedure.

⁸ Moving Europe report (February 2016): [Report on Push-backs and Police violence at the Serbo-Croatian border](#)

Pushbacks, illegal practice that often is perpetrated with violent behaviours, is the one that we can still see very present at European borders. In the first eight months of 2019 alone, Croatia were perpetrated to have removed over 18,000 people from the territory⁹, a practice that sits within a wider strategy in Europe against refugees, migrants and transient communities - from here on in referred to as “*People-on-the-move*” (POM). The practice of pushbacks violates Protocol 4 Article 4 of the ECHR¹⁰ and multiple other national and international laws¹¹, perhaps most notably through the use of extreme violence and denial of access to asylum procedures.

Pushbacks, defined as the expulsion without due process of an individual or group to another country denying de facto access to asylum procedures, are being perpetrated not only by state-authorities, but also by not identified or recognisable state actors in border protection. The participation of Croatian officers in the violent and illegal removal of POM invites a broader understanding of informal power structures which interlock or become hybridised within state logics of borderisation, and combine shades of mercenary-like activity.

Findings from the Border Violence Monitoring Network suggest that while state functionaries like the Croatian police sit within governmental frameworks of border securitisation, their divergent practices (considered here most overtly through the use of face masks to conceal, intimidate and augment illegal practice) place them in a liminal space akin to that of private mercenaries.

A host of watchdogs including Human Rights Watch and Amnesty International¹² have observed and gathered evidence of systemic pushbacks from Croatian territory. The first footage evidencing these

border violations was shared by the Border Violence Monitoring Network in 2018¹³. Since then, the Croatian state has continued to participate in the summary and illegal removal of POM from its territory, but with an enhanced schema of informal (and violent) practice which has

⁹ Border Violence Monitoring Network (2019): A person pushed back every twenty minutes. Available at: <https://www.borderviolence.eu/a-person-pushed-back-every-twenty-minutes/>

¹⁰ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5. Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf

¹¹ for a more detailed legal analysis, refer to the Annex: Collective expulsion, or why the conduct of the Ministry of the Interior is against the European and national law, https://www.cms.hr/system/article_document/doc/597/5_5TH_REPORT_ON_PUSHBACKS_AND_VIOLENCE_20052019.pdf

¹² Human Rights Watch (2019): EU: Address Croatia Border Pushbacks. Available at: <https://www.hrw.org/news/2019/11/08/eu-address-croatia-border-pushbacks>, Amnesty International (2019): Croatia: EU complicit in violence and abuse by police against refugees and migrants. Available at: <https://www.amnesty.org/en/latest/news/2019/03/croatia-eu-complicit-in-violence-and-abuse-by-police-against-refugees-and-migrants/>

¹³ Border Violence Monitoring Network (2018): UNVERIFIABLE INFORMATION FROM UNKNOWN MIGRANTS'? - FIRST FOOTAGE OF PUSH-BACKS ON THE CROATIAN-BOSNIAN BORDER. Available at: <https://www.borderviolence.eu/proof-of-push-backs/>

aligned law enforcement actors ever closer to the working of unauthorised non-state bodies such as criminal gangs and vigilante groups. As described by a respondent from a case in... “It was like mafia”¹⁴.

Most officers who are described as wearing balaclavas are officers from one of two branches of the Ministry of the Interiors police forces - the IJP (Intervention police) or SJP (Special police).



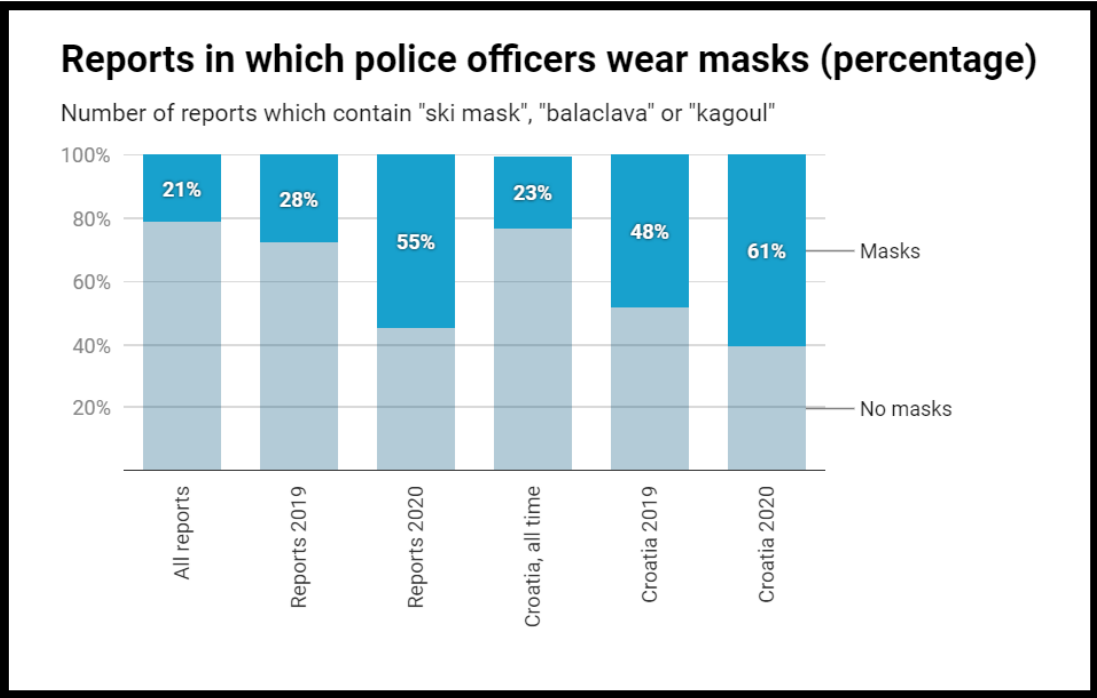
Images of officers from the Croatian Ministry of the Interior’s “Interventna and Specijalna” police divisions. These uniforms, which obscure individually identifiable features are commonly described by refugees and migrants violently pushed back from Croatia to Serbia and Bosnia-Herzegovina

Balaclavas as accessories to violence

One overt example of this dialogue between state and non-state action can be seen in the development of uniform accessories like balaclavas to augment extrajudicial violence. Police officers can be seen perhaps most clearly in the liminal space within the state/mercenary dichotomy when wearing masks in the beating, robbery and collective expulsion of POM. Looking back on over two years of testimonies recorded by Border Violence Monitoring Network, the use of balaclava/masks by authorities as an accessory of intimidation and concealment appears in a high volume of cases. If we look at the percentages of reports in Croatia in which police officers wear masks (usually identified by POM with words like “ski mask”, “balaclava” or “kagoul”), we see a great increase in 2020: from 48% of reports in

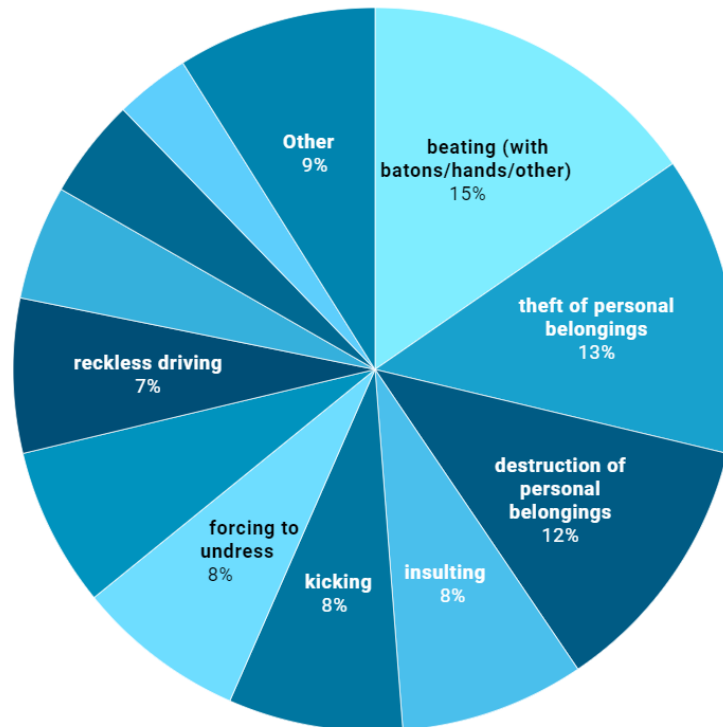
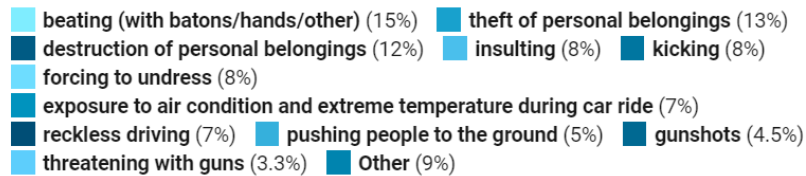
¹⁴ Full testimony available at: <https://www.borderviolence.eu/violence-reports/february-3-2020-0900-south-of-crni-potok-hr/>

2019, now in 2020 we see that more than 61% of the reports collected are describing the presence of masked people perpetrating violence.



If we look at the reports regarding Croatia, the types of violence that POM experienced from 2019 with perpetrators covering their faces, we can see different practices of violence being put in place: beating, theft and/or destruction of personal belongings are the most frequently reported. We can thus conclude that the reports cover cross-border removals which both breach fundamental rights and often impart severe physical and psychological trauma.

Types of Violence used in reports from Croatia from 2019 with the word "ski mask", "balaclava" or "kagoul"



One report can contain several types of violence

The way in which violence is most directly communicated onto the bodies of POM during pushbacks attracts a weighted scrutiny. Swollen lips, black eyes, and broken bones are their immediate legacy and it is very easy to see how these weapons are an accessory to state contracted violence along the lines of mercenary work. A line of complicity is likewise relatively easy to draw between the myriad of advanced surveillance equipment which the Croatian government has at its disposal in order to track and control transit attempts.

Less visible, however, are the instruments of the Croatian authorities which enable this violence on a **psychological level**. As evidenced by the following quote from a report¹⁵, the use of black balaclava masks certainly contributes to this effect:

¹⁵ Full testimony available at: <https://www.borderviolence.eu/violence-reports/january-17-2019-2300-croatian-interior-on-the-road-to-kupljensko/>

“Me, I am afraid because he wore a ski-mask. I’m wondering: will he beat me, won’t he beat me? I am scared when they opened the door”

The uncertainty and fear caused by the faceless perpetrator is palpable in many accounts shared with the Network. It is also of note that the way in which POM have described these balaclavas in their own words has often reflected their own cultural and historical memories. One respondent in December described the balaclavas as follows:

“The masks were special for commandos, like when I worked for Americans in Iraq”.

Originating from Syria, another respondent from a different push-back¹⁶ likened an officer’s uniform and tactics to those used by the Islamic State back in his home community:

“[He wore a] black mask. Same D’aesh” “This D’aesh man [was dressed in] all black, he doesn’t show any of his body, just his eyes” “What you think D’aesh make in Syria, he make like this here”

Balaclavas and masks are depicted here as agents in the depersonalisation of violence perpetrated against POM. Their aesthetic impact acts as a trigger for POM, evoking the image of other mercenary/paramilitary actors such as the Islamic State group. This effort to hide the identity of perpetrators has a coherence within the logic of mercenary deployment. The Croatian Ministry of Interior have been slated by the national ombudswoman¹⁷, international press¹⁸ and groups such as Human Rights Watch¹⁹ for orchestrating this “hidden” pushback regime at the country’s borders. Whistleblower accounts²⁰ also speak of the way police divisions eviscerate the paper trail involved in their mandated role of identification, and asylum procedure, by logging pushbacks as border prevention cases. Therefore masks become

¹⁶ Full testimony available at: <https://www.borderviolence.eu/violence-reports/june-22-syria-13-people/>

¹⁷ Annual Ombudsman Report for 2018. Available at: <https://www.ombudsman.hr/en/reports/>

¹⁸ See The Guardian articles [‘They didn’t give a damn’: first footage of Croatian police ‘brutality’](#) and L’Espresso <https://espresso.repubblica.it/inchieste/2019/07/11/news/croazia-cosi-l-unione-europea-deporta-illegalmente-migliaia-di-profughi-1.336837>

¹⁹ Human Rights Watch (2019): Croatia: *Events of 2019 - Part of the EU Chapter*. Available at: <https://www.hrw.org/world-report/2020/country-chapters/croatia>

²⁰ Reported to the ombudswoman: [Institucije bez reakcije na anonimnu pritužbu policijskog službenika o nezakonitim postupanjima](#) and anonymously to media: [Policijci koji svakodnevno hvataju migrante](#); <https://espresso.repubblica.it/inchieste/2019/07/11/news/croazia-cosi-l-unione-europea-deporta-illegalmente-migliaia-di-profughi-1.336837>

a method of retaining anonymity within an overtly illegal set of actions, sitting in a continuum of violence contracted by the state to officers on the ground.

Masks and Physical Assault

In particular, respondents often describe balaclavas, or black ski masks, as being worn by those officers committing the most direct instances of violence during their pushback. Generally after being driven to areas of the green border by capturing officers, first hand accounts explain how masked officers are gathered in wait for transit groups, posed to beat them forcibly into Bosnia-Herzegovina or Serbia.

In case that took place on 22nd February 2020²¹ the affected transit group recall officers in ski masks taking a lead role in the violence. The perpetrators went on as follows:

“They make a circle around you. They take you by the collar. You will go on the middle. They beat you with the iron rods [batons], the hands and the kicks. When one policemen hit you, he gives you to the others. Do you know who they hit for the baseball ? They hit you until you fall on the knees”



Baton bruise sustained during attack by masked officers. Source: BVMN²².

²¹ Full testimony available at: <https://www.borderviolence.eu/violence-reports/february-22-2020-0500-katinovac-croatie/>

²² Full testimony available at: <https://www.borderviolence.eu/violence-reports/february-22-2020-0500-katinovac-croatie/>

In a case from January recorded by BVMN²³, as they were disembarked violently in the middle of the night, In the darkness the respondent could make out at least eight masked perpetrators posed to attack, and relays fear and confusion about the ensuing events.

“the officers were waiting for the group in a line, wearing ski masks and had batons. The group in transit had to exit the van and run past the officers while they beating them with batons. “Go, go, go, go to Bosnia”, the officers shouted at the group.”

Inducing fear is a key element of mask-wearing and shows how the self-representation of authorities can exceed operational necessity and become laden with additional meaning: to scare, intimidate and anonymise violence conferred onto the bodies of POM. Croatian authorities have been vocal as to the pride they feel over the effect that their enforcement of borders has on the emotional strength of transit groups during an event in Grabovac in June 2018²⁴, the head of the Korenica police station made the remark that *“the migrants return by themselves when they sense that we are coming”*. In this sense, the intentional deployment of psychological stressors during the push-back process cannot be overlooked. The cultivation of fear is a tool maximised by Croatian authorities with physical and psychological violence, and the use of the balaclava is an integral part of this.

Masks and Weaponry

The coupling of masks and balaclavas with excessive use of weaponry is also a dynamic which shifts Croatian border policing closer to actions of mercenary groups. In November 2019, the Border Violence Monitoring Network issued a short report detailing the massive presence of firearms violation within recorded pushbacks from Croatia²⁵. After the prominent shooting of a POM in the Croatian interior²⁶ during November, the Network found that in 19% of all recorded pushbacks the respondents reported officers firing weapons, or using them to threaten and intimidate.

²³ Full testimony available at: <https://www.borderviolence.eu/violence-reports/january-5-2020-2100-near-buhaca-croatia/>

²⁴ Ministry of Interior reports on their activities: <https://mup.gov.hr/vijesti-8/ministar-bozinovic-obisao-operativno-mjesto-za-koordinaciju-rada-policijskih-snaga-u-grabovcu/283536>

²⁵ Border Violence Monitoring (2019): PRESS RELEASE: CROATIAN POLICE SHOOT PERSON IN TRANSIT. Available at: <https://www.borderviolence.eu/croatian-police-shoot-person-in-transit/>

²⁶ Media report on the Ministry of Interior statements, available at: <https://balkaninsight.com/2019/11/18/croatia-suggests-police-unintentionally-shot-migrant/>

In a recent pushback that took place on 2nd February 2020 the respondent described how the masked authorities²⁷:

“forced the group members to walk into the river and swim to the other side to Bosnia-Herzegovina. They were not asked if everybody knew how to swim. The officers shot into the river while the group was crossing.”

Live weapons are given additional impact under the command of masked perpetrators, both to induce panic in the fleeing victim and embolden the wearer to carry out ultra-violence without the fear of detection. Alongside guns, masked Croatian officers also use improvised tools to brutalise people during pushbacks. In another case where POM were driven into a river on the border, the masked authorities fashioned clubs out of tree branches to beat POM²⁸. Much in the fashion of an illegal mercenary group, the Croatian police stripped the victims half naked and beat them with sticks.

“Those ones [the others three officers] had trees on their hands and beat me and my friend with it, on the arms, on the back, on the neck and on our face”

The convergence of unlicensed weapons and the use of face masks renders this act a prime example of extra-judicial violence along the lines of mercenary-like border activity.

Conclusion

The participation of state police in parallel actions of illegal border security mark a transformation from institutional violence, to a hybridity closely akin to the contracting of mercenaries. As outlined by the first hand material recorded by BVMN, the outsourcing of widespread violence against POM in Croatia can be seen with clarity through the deployment of masked authorities to carry out brutal collective expulsions. The masks sit within a schema of violence that also includes beating, stripping, water immersion and firearms abuse, and portray their wearers as quasi-mercenary actors operating beyond the legal remit of the state.

²⁷ Full testimony available at: [February 2, 2020 15:00 - near Gornji Oštrc, Croatia - Border Violence Monitoring Network](#)

²⁸ Full testimony available at: <https://www.borderviolence.eu/violence-reports/february-4-2020-0000-katinovak-croatia/>

RECOMMENDATIONS

- **Stop violent collective expulsions:** The cessation of illegal pushbacks from Croatia, and adherence to domestic and international law regarding the fundamental rights of asylum seekers and third country nationals.
- **Independent investigation:** Grant full access to the Ombudswoman of Croatia who has been previously blocked in carrying out independent investigation into violent border practices of the Croatian police.
- **Accountability for perpetrators:** Legal proceedings against actors on the ground carrying out violent pushbacks (masked authorities in the border area) and institutional/state level functions such as the Ministry of Interior.
- **Review of practices at state borders:** Review of guidelines on the use of weapons and masks by authorities in the border areas. Mandate authorities to wear identification numbers to ensure both transparency and possibility of identification in case of violation of national and international law.