Zagreb, 18th April, 2023.

**Refugees file a lawsuit to the Constitutional Court of Croatia: more than two years without effective investigation into a brutal pushback case which included sexual assault**

Today, on 18th April 2023, a new lawsuit was filed at the Constitutional Court of Croatia, for an ineffective and inadequate investigation into a pushback case, by a group of refugees who were victims of a particularly brutal pushback from Croatia to Bosnia and Herzegovina (BiH) in October 2020 which included severe violence and sexual assault. More than two years after filing a criminal complaint, the State Attorney has so far failed to open an official investigation. The details of the pushback were reported on by [the Guardian](https://www.theguardian.com/global-development/2020/oct/21/croatian-police-accused-of-sickening-assaults-on-migrants-on-balkans-trail-bosnia).

According to victims’ testimonies collected by the Danish Refugee Council in BiH, a group of five people entered Croatia in search of protection. Within the territory of Croatia, the group was apprehended by the Croatian police, and four of them were detained in the police station for approximately two days without provision of food and only limited access to the toilet. Afterwards, they were taken to court to testify against the fifth group member who was charged as the smuggler, however, they denied all allegations and exonerated the accused. Their names and the date and place of their apprehension are documented in the court decision. It also confirms that they were under the direct control of Croatian officers when on the same day they were transported to an unknown location and were handed over to masked and armed men in black uniforms, who, by the statement of the victims, tortured them and sexually assaulted them. According to their further testimonies, they pushed the group back to BiH almost completely naked. The victims still suffer from the consequences of the violence they experienced in Croatia.

After all the relevant information was collected, the Centre for Peace Studies filed a [criminal](https://www.cms.hr/en/azil-i-integracijske-politike/na-dan-ljudskih-prava-nove-kaznene-prijave-cms-trazi-istragu-povezanosti-mup-a-i-muskaraca-u-crnim-odorama-s-fantomkama) [complaint](https://www.cms.hr/en/azil-i-integracijske-politike/na-dan-ljudskih-prava-nove-kaznene-prijave-cms-trazi-istragu-povezanosti-mup-a-i-muskaraca-u-crnim-odorama-s-fantomkama) in December 2020 for crimes that the State Attorney should investigate ex officio, including abuse of power, criminal organisation, torture and other ill-treatment, rape, unlawful deprivation of liberty, and robbery. Although the law prescribes a deadline of six months to reach a decision on the criminal complaint, the initial pre-investigation phase is still ongoing after almost 2.5 years. Not even a decision on the official opening of an investigation has yet been taken. For this reason, the victims now decided to file a complaint to the Constitutional Court, which will need to examine whether such prolongation of the pre-investigative phase is justified and whether the prosecutor undertook adequate measures in an acceptable time frame, i.e. whether the investigation was effective and adequate. They are represented by lawyer Lidija Horvat, who supported legal steps because of the ineffectiveness of the case investigation where the most serious violations of human rights are in question.

Meanwhile, the group of refugees has reached Germany. Supported by PRO ASYL they went through the asylum procedure and were granted protection against deportation. Besides the Centre for Peace Studies and the PRO ASYL, they are also supported by the Dutch Council for Refugees, and the European Center for Constitutional and Human Rights.

Following repeated legal challenges by the Centre for Peace Studies, in collaboration with Croatian lawyers, the European Court of Human Rights recently condemned Croatia’s failure to conduct effective investigations into crimes committed against migrants and refugees in two judgments ([M.H. and Others v. Croatia](https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22002-13480%22%5D%7D) and [Daraibou v. Croatia](https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-222311%22%5D%7D)).

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