



Andrej Plenković

Prime Minister of the Republic of Croatia

Davor Božinović

Minister of the Interior of the Republic of Croatia

Boris Milošević

Deputy Prime Minister of the Republic of Croatia in charge of social affairs and human and minority rights

Brussels, 19th March 2021

Dear Prime Minister, dear Minister, dear deputy Prime Minister,

We are writing to you to express our concern regarding criminalisation and intimidation of human rights defenders working with the refugee population in Croatia.

During our mandate as MEPs, we have been able to confirm the serious, genuine and in-depth work of the Croatian NGO Are You Serious (AYS), a founding member of the Border Violence Monitoring Network (BVMN), both in regards of their monitoring of fundamental rights violations and providing support to refugees and persons seeking international protection. Since 2016, we have repeatedly sought expertise from the representatives of AYS, which have been invited to speak about the situation of refugees on the so-called Balkan route in sessions of the LIBE committee, in the Schengen Scrutiny Working group and in numerous events organised in the EP by individual MEPs or political groups.

In 2018 we became aware of the defamation campaign against AYS that culminated with the court case against their volunteer Dragan Umičević, and the attempt of the Croatian Ministry of Interior to ban their work in Croatia. Over the years, representatives of AYS shared worrying accounts of police intimidation against them and their lawyers, and even an attempt to prevent them from holding a press conference by summoning the announced speakers for questioning in the police station at the time of the conference.

The immediate occasion for this letter is the revocation of the asylum status of Mr. Omar Mahdi, a case that is currently pending at the High Administrative Court of the Republic of Croatia. Mr. Mahdi is a life partner of Ms. Tajana Tadić, a human rights defender who works as a program manager with AYS. Omar Mahdi is an Iraqi citizen who arrived in Croatia on 26 April 2017 and was granted refugee status on 7 September 2018. The pair met at AYS during his asylum application process. He has been volunteering with AYS, assisting asylum seekers with translation and taking part in the educational and integration programs of the NGO. He also volunteered as an aid worker in the earthquake-affected areas of Croatia in 2020 and 2021.

The Ministry of Interior revoked Mr. Mahdi's refugee status on 11 May 2020 on allegations that he represents a "threat to national security" and that he misrepresented his sectarian affiliation. However, neither he nor his attorney have been given access to a part of his file which has been classified as "secret", after the Ministry of Interior objected to their requests.

As also reported by the international organisation Frontline Defenders published on 30 October 2020, on 9 October 2019, Mr. Mahdi received a phone call summoning him to the police station at Petrinjska Street No. 30 for an interview allegedly concerning "the register of persons who have entered the Republic of Croatia".

On 10 October 2019, he arrived to the police station where he was questioned, among other things, about his relationship with Tajana Tadić, the people he met in the Centre for Asylum Seekers, as well as about people he is not acquainted with. In addition, content on his mobile phone was checked by the agent, without a warrant. During the interview, he was asked by the agent to meet informally at a cafe and was told that he should help the police by providing them with information about other refugees. When he refused, the agent reportedly started to threaten him with revocation of his refugee status, and deportation to Iraq. Abruptly ending the interrogation, the agent confiscated his residence permit despite the fact that such an action was illegal, and returned it only after Tajana Tadić's intervention, after which the interrogation continued. Mr. Mahdi was given no official document to record the fact that he had been interrogated. It is also important to note that the interrogation took place without a translator. On 15 May 2020, Mr Mahdi was informed about the revocation of his asylum status, which was confirmed by the Administrative Court on 12 November 2020.

In a letter shared with us in March 2021, Amnesty International warns that a deportation and his possible return to Iraq could put Mr Mahdi at real risk of serious human rights violations, including torture or other ill-treatment, arbitrary arrest and detention, unfair trial, and imprisonment in cruel, inhuman and degrading conditions which would have as a result Croatia acting in breach of international human rights law.

It goes without saying that not only do we fully respect the independence of the Member States judiciary but, also, we do not wish to intervene in their procedures. However, we find ourselves obliged to urge you to look into the events that led to the revocation of the asylum status of Mr. Mahdi, as we strongly fear that it is linked to his refusal to become an informant for the Croatian Security and intelligence agency (SOA). We are concerned that the decision is solely based on the information from a classified file that his lawyers were denied access to, which made Mr Mahdi unable to exercise legal remedies. We are also urging you to abide by international and EU law and not return him to Iraq in light of the fact that this would constitute a refoulement and would entail a very high risk of serious violation of his human rights.

We are confident that you will look into this matter with the appropriate attention and that the outcome will be one in line with the respect of Rule of Law. Hence, we thank you in advance and we are looking forward to hearing back from you.

We remain at your full disposal.

Respectfully,

Malin BJÖRK, Member of the European Parliament, The Left Group
Clare DALY, Member of the European Parliament, The Left Group
Tanja FAJON, Member of the European Parliament, S&D Group
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Copy: Committee on Human and National Minority Rights; Domestic Policy and National Security Committee; Judiciary committee; Ombudsperson's Office.