

Zagreb, 23 April 2021

To Members of the European Parliament - as per the list of recipients

Esteemed Members of the European Parliament,

Following your letter of 19 March 2021 in which you pointed to the issue of the treatment of Mr Omer Esse Mahdi Mahdi, an international protection applicant in the Republic of Croatia, and his participation, together with his partner Ms Tajana Tadić, in the work of the Are You Syrious (AYS) organisation, please allow me to address your statements.

With regard to the claim that “in 2018 you became aware of the defamation campaign against AYS that culminated with the court case against their volunteer Dragan Umičević”, I consider it to be an entirely unjustified statement which implies that targeted judicial proceedings are taking place in the Republic of Croatia, aimed against the AYS organisation. In this context, I would like to point out that, on 19 January 2018, I personally signed an Agreement on the mutual cooperation between the Ministry of the Interior of the Republic of Croatia and the AYS.

Regarding the provision of support to international protection applicants accommodated at the Reception Centre for asylum seekers and persons who have been granted international protection, I signed that same Agreement once again with AYS on 6 September 2019. The Agreement was not renewed in 2020 due to epidemiological reasons. This was the case not only with the AYS, but also with all organisations with the access to the Reception Centre for asylum seekers in Zagreb prior to the COVID-19 pandemic. Ministry of the Interior adopted a Decision pursuant to which access to the Reception Centre was restricted - with the exception of the Croatian Red Cross and Medicines du Monde - in order to protect the residents at the Reception Centre from the spread of the virus. This Decision is still in force.

With the aforesaid in mind, it seems that you have clearly been misinformed regarding the alleged “the defamation against this organisation”. I see no logical connection between signing an agreement on cooperation with someone, while making defamatory statements against them and attempting to ban their work in the Republic of Croatia. As regards the court case against the AYS volunteer, Mr Umičević, the Misdemeanour court convicted him of punishable conduct due to assistance in illegal border crossing. The court issued this ruling on the basis of presented evidence and exclusively with regard to the personal responsibility of Mr Umičević, whereby his

engagement in AYS or any other organisation was in no way considered relevant in terms of the offence which he committed.

Furthermore, as regards the part of your letter in which you claim that police officers summon AYS representatives for questioning in order to prevent them from holding a press conference, I would like to point out that such statements misrepresent police actions that were taken in accordance with the legislative framework of the Republic of Croatia. More specifically, this is related to the complaint made by Ms Tajana Tadić, which this Ministry has addressed several times and has also established all of the circumstances related to the summoning for questioning.

Police summoned Ms Tadić for questioning on 18 April 2020 on the basis of a warrant issued by the County State Attorney's Office in Vukovar. The warrant was issued for the purpose of investigating a criminal offence in line with the Criminal Procedure Act due to reasonable suspicion that the criminal act of "Forging documents", described in Article 278 of the Criminal Code of the Republic of Croatia, had been committed by the law company Jelavić&Partneri j.t.d from Zagreb, to the detriment of an Afghan citizens Muslima Hussiny and others. Pursuant to the Criminal Procedure Act, the police are obligated to act without delay on a warrant issued by the State Attorney's Office of the Republic of Croatia in order to establish all of the relevant facts. The police had no manner of knowing that Ms Tadić was planning on holding a press conference at the exact time of the questioning. In any case, the actions taken by the police, apart from being in line with legal regulations, were in no way personally aimed against Ms Tadić.

Also, you warned that the rights of Mr Omer Esse Mahdi Mahdi were violated and that he is at risk of being returned to Iraq where he could, as you stated - according to the claims made by Amnesty International - face a real risk of serious human rights violations, including torture or other forms of ill-treatment. The High Administrative Court of the Republic of Croatia, following his appeal against the decision of the court in the first instance, is currently examining his case and I cannot make any assumptions as to what decision the Court will make. Either way, the Ministry of the Interior is obligated to respect the Court's decision, whatever it may be.

The claim in your letter that he was questioned without a translator is incorrect and I would therefore like to inform you in detail about the manner in which the procedure was carried out. Mr Mahdi Mahdi was informed, during the revocation of international protection, of all his rights and obligations, as well as the reasons for the interview. On that occasion, he was given an opportunity to comment on the circumstances which supported the revocation of international protection and to provide an explanation. Contrary to your claims, the interview took place on official premises and in the presence of an Arabic speaking translator.

The record was read to him and it was translated, to which Mr Mahdi Mahdi responded that he had no objections and he personally signed it. He was also given a copy of the record. Following the abovementioned, a decision was issued on the revocation of international protection, which also provided a detailed justification of all of the reasons for its issuance. Mr Mahdi Mahdi was informed of the possibility for appeal and the possibility of exercising his right to free legal aid at the expense of the Ministry of the Interior, which includes representation in the administrative dispute following the filed appeal. When receiving the decision on the revocation

of international protection, he was given the possibility of choosing a representative from the list of legal aid providers.

Considering all of these circumstances and the transparency of the procedure, I consider the claims that Mr Mahdi Mahdi's international protection was revoked due to the fact that he "refused to become an informant for the Croatian Security and Intelligence Agency" to be completely unfounded. His case is in no way based on refusing to cooperate with the institutions in the Republic of Croatia. Moreover, I have no information that Mr Mahdi Mahdi was even offered this type of cooperation.

Finally, I appreciate the part of your letter stating that you do not intend to intervene with the independence of the judiciary of the Republic of Croatia. Ministry of the Interior treats Mr Mahdi Mahdi's case in the same manner and it will respect the ruling of the High Administrative Court.

Regarding the treatment of international protection applicants, the Ministry of the Interior and the Croatian police act in consistent regard for their fundamental rights and their dignity. We are obligated in each individual case to examine all objective circumstances and information related to those specific cases, on the basis of which we make our decisions. In this context, I would like to point out that the Ministry of the Interior is investing efforts in the further strengthening of the framework for the protection of rights of migrants and international protection applicants in the Republic of Croatia, in cooperation with the European Commission, European Parliament, European Union Agencies, and international organisations. In that regard, I view the European Parliament as an important partner in strengthening the protection of fundamental rights, which I also expressed during my conversation with some of you in early February 2020 at the Ministry of the Interior in Zagreb, as well as during the presentation of priorities of the Croatian EU presidency in the European Parliament's Committee on Civil Liberties.

Yours sincerely,

DEPUTY PRIME MINISTER AND MINISTER

dr. sc. Davor Božinović

CC:

- Mr Andrej Plenković, Prime Minister of the Republic of Croatia;
- Mr Gordan Jandroković, Speaker of the Croatian Parliament;
- Mr Boris Milošević, Deputy Prime Minister of the Government of the Republic of Croatia;
- Mr David Sassoli, President of the European Parliament;
- Mr Juan Fernando López Aguilar, Chair of the European Parliament LIBE Committee;
- Mr Eduardo Cabrita, Chair of Home Affairs Council;
- Ms Ylva Johansson, European Commissioner for Home Affairs

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