



**PERMANENT MISSION OF THE REPUBLIC OF CROATIA  
TO THE UNITED NATIONS OFFICE AND  
OTHER INTERNATIONAL ORGANIZATIONS  
GENEVA**

**No. 88/24**

The Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, Special Procedures Branch, and, referring to the joint communication from Special Procedures (REF: JAL CRO 1/2024) of 27 August 2024, has the honour to forward the response from the Government of Croatia.

The Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, Special Procedures Branch, the assurances of its highest consideration.

Geneva, 5 November 2024



**UNITED NATIONS OFFICE IN GENEVA  
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
SPECIAL PROCEDURES BRANCH**

**Ref: AL CRO 1/2024**

**OBSERVATIONS OF THE GOVERNMENT OF THE REPUBLIC OF CROATIA**

**25 October 2024**

**INTRODUCTION**

Following the joint communication of multiple UN special procedure mandate-holders (*the group comprising the UN Special Rapporteur on the situation of human rights defenders; the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the UN Special Rapporteur on freedom of peaceful assembly and of association; and the UN Working Group on Arbitrary Detention*), Reference No: AL CRO 1/2024 of 27 August 2024, related to the case of Mr. Vladislav Arinichev, whose request for international protection was denied by the Republic of Croatia, the Government of the Republic of Croatia (hereinafter: Croatia), would like to deliver the following response:

**BACKGROUND INFORMATION OF MR ARINICHEV**

Mr. Arinichev, applying for international protection in Croatia on 12 December 2022, declared that he is a citizen of the Russian Federation and that he has no other citizenship. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

It should be noted that he could have applied for the international protection in any of the said countries that he was traveling through.

**REQUEST FOR INTERNATIONAL PROTECTION**

The Ministry of the Interior (hereinafter: MoI) regularly provides adequate reception and accommodation to persons applying for international protection, as prescribed by the Act on International and Temporary Protection (Official Gazette 70/15, 127/17 and 33/23) and by the Ordinance on the provision of material reception conditions (Official Gazette 135/15 and 61/19). Croatia resolutely rejects Mr. Arinichev's claim that the living conditions at the Reception Centre for International Protection Applicants in Zagreb are poor and that they were improved only after he had uploaded a video clip on his YouTube channel. It is important to note that despite a large number of applicants in 2023, *all* persons staying at the Reception Centre were provided with adequate material reception conditions (food, clothing, personal

hygiene products, psychological and social support, financial assistance, and so on).

The MoI continually strives to provide the quality of life for the applicants at the Reception Centres as regulated by the legislation in force, and aligned with best European practice, in order to ensure effective protection of the applicants for international protection. Pursuant to Article 19 of the Act on International and Temporary Protection, special care is given to the protection of personal and other data collected during the procedure for approval of international protection, especially to the fact that the application has been lodged. This represents confidential information which is not disclosed to the authorities of the country of origin or to other authorities not involved in the procedure.

Since his arrival in Croatia in December 2022, Mr. Arinichev has been accommodated in the Reception Centre for international protection applicants in Zagreb, and has been provided with the same material conditions as all the other international protection applicants. Upon acquiring the right to work pursuant to Article 61 of the Act on International and Temporary Protection, the person in question was employed on a fixed-term basis in several companies in the period between May 2023 and April 2024. From October 2024 until the end of April 2024, he resided outside the Reception centre at a private address in Zagreb. He returned to the Reception Centre of his own volition in April 2024 and was again provided with all material conditions of accommodation, as all the other international protection applicants.

Mr. Arinichev, upon his arrival to the Reception Centre for International Protection Applicants in December 2022, was informed of the rights and obligations of an international protection applicant referred to in Article 52 of the Act on International and Temporary Protection. He was also informed of the fact that he is under obligation to respect the Constitution, laws and other legislation of Croatia. Despite all of the above, **he had filmed international protection applicants and uploaded their images on the internet, thereby jeopardizing their safety and the safety of their families, relatives or friends in their countries of origin. Furthermore, he had organised protests and publicly opposed and denounced Croatian institutions.** Through his conduct and his actions, and by appearing in the media using his full name and surname, nationality, and the circumstances of his case during the proceedings, he has sought to influence proceedings in his case without regard or concern for other applicants, or circumstances.

The MoI followed the stipulated administrative procedure regarding the application for international protection in Croatia, submitted in December 2022 by Vladislav Arinichev. The applicant was heard in June and November 2023 regarding the circumstances he had stated in his application, and additionally in April 2024. While initially the implemented procedure has determined that the person in question does meet the criteria for granting asylum pursuant to Article 20 of the Act on International and Temporary Protection. However, upon conducting a security check, the MoI received the opinion of the Security and Intelligence Agency in October

2023 stating that there are security obstacles to granting the application for international protection. Thus, it was necessary to act in accordance with Article 38, paragraph 1, item 4 of the Act, and the Ministry of the Interior issued a decision rejecting the request as conditions for exclusion were met, pursuant to Article 30 of the abovementioned act.

Due to the fact that the person in question is on the list of extremists and terrorists of the Federal Financial Monitoring Service of the Russian Federation, the conditions outlined in Article 30, paragraph 1, item 3 of the Act have been met.

Article 30 prescribes that asylum will not be granted to an applicant who meets the criteria referred to in Article 20 of this Act if:

1. he/she enjoys the protection of or is receiving assistance from an organ or agency of the United Nations, other than the UNHCR;
2. he/she already has approval of stay in a state in which on the basis of that approval he/she has the same rights and obligations as the nationals of that state,
3. there are serious reasons for considering that he/she committed, incited or in some other way participated in committing:
  - a crime against peace, a war crime or a crime against humanity as defined by the provisions of international instruments,
  - a serious non-political crime outside of Croatia, before his/her arrival in Croatia, also including particularly cruel acts, even if committed with an allegedly political objective,
  - acts contrary to the purposes and principles of the United Nations as set out in the Preamble and in Articles 1 and 2 of the Charter of the United Nations.

On 4 July 2024 at Zagreb's St. Mark's Square, where both the Croatian Government and the Croatian Parliament are located and in close proximity to them, Vladislav Arinichev protested and insulted a government authority (Security and Intelligence Agency, abbreviated in Croatian as SOA) in such a manner wherein he was wearing a T-shirt with offensive content in English: "FUCK SOA". He was put under arrest without force and taken to First Police Station Zagreb.

The Zagreb Police Administration, First Police Station Zagreb, issued a decision on 18 July 2024, to restrict the movement of Vladislav Arinichev by placing him in the Transit Reception

Centre for Third-Country Nationals in Trilj, pursuant to Article 54, paragraph 2, item 3 of the Act on International and Temporary Protection. In the procedure that was followed, it was established that on 4 July 2024, at 12:00 PM in Zagreb, at St. Mark's Square, Vladislav Arinichev was found by police officers in the act of insulting a state authority - the Security and Intelligence Agency - by standing on the south side of the square in question near the fence, wearing a short-sleeved green T-shirt with an offensive message written in English in black marker: "FUCK SOA". Thus, he insulted a state authority in relation to its official duties, committing a misdemeanour offence referred to in Article 17 of the Act on Misdemeanours Against Public Order and Peace. The procedure was conducted using the services of a Russian language interpreter, and Mr. Arinichev was informed of his right to legal remedy and the opportunity for using free legal aid, which he exercised by selecting a lawyer from the list of free legal aid providers and by lodging an appeal with the Administrative Court. On 9 September 2024, the Administrative Court in Zagreb issued a judgment and a decision on the appeal regarding the restriction of movement of Vladislav Arinichev, rejecting the respondent's case to annul the decision of the MoI, the Zagreb Police Administration, First Police Station Zagreb, on the restriction of movement and also rejecting the respondent's proposal to grant the suspensive effect of the claim. An appeal against this judgment is permitted before the High Administrative Court of the Republic of Croatia within 15 days from the date of delivery of the judgment. An appeal does not delay the execution of the challenged decision.

On 26 July 2024, an appeal was lodged before the Administrative Court in Zagreb against the decision of the MoI denying his request for international protection in Croatia. The person in question selected an attorney-at-law from the list of providers of free legal aid for international protection applicants.

The Administrative Court, in its judgment and decision confirmed the previous decision on the restriction of movement of the Ministry of the Interior dated 18 July 2024. Pursuant to the aforementioned decision, the movement of the applicant for international protection was restricted for a period of 3 months from the delivery of the decision (delivered on 18 July 2024). On 3 October 2024 Mr. Arinichev's attorney-at-law filed an appeal against the judgement and decision of the Administrative Court in Zagreb.

The applicant's request for international protection in the Republic of Croatia is a separate procedure from the movement restriction procedure. The request for international protection was rejected by the decision of the MoI of 25 June 2024. A complaint was filed against the aforementioned decisions before the Administrative Court in Zagreb on 26 July 2024 and a response to the complaint was issued on 8 August 2024. The case is being heard before the Administrative Court in Zagreb and the hearing was scheduled for 16 October 2024. However, the hearing was postponed for a later date, pending the examination by the Court of the recent submissions provided by Mr. Arinichev's attorney-at-law. Subsequently, on 18 October 2024., Mr. Arinichev was dismissed from Transit Reception Centre for Third-Country Nationals in

Trilj, due to the expiration of three months period of restriction of movement that was determined by the decision of the First Police Station Zagreb of 18 July 2024. Also, on 18 October 2024, he was instructed to report to the Reception Centre for International Protection Seekers in Zagreb, Sarajevska cesta 41.

Nevertheless, the MoI will act in compliance with the court's ruling, whereas until the ruling becomes final, the person in question holds the status of an international protection applicant with all rights and obligations he is entitled to.

To conclude, as regards the issue of compliance with the principle of *non - refoulement*, it should be emphasised that Croatia has mechanisms incorporated into its legislation which guarantee the compliance with this principle, i.e. the prohibition of forcibly removing third-country nationals to a country where their life or freedom would be threatened due to their race, religion, or nationality, membership in a particular social group, or political opinion, or where they could be subjected to torture, inhumane or degrading treatment or punishment, or where they could face the death penalty, or to a country where there is a risk of forced removal to such a country. This prohibition of forced removal is contained in the provision of Article 207 of the Foreigners Act (Official Gazette 133/20, 114/22 and 151/22) and Article 6 of the Act on International and Temporary Protection.