

Personalised Risk Statement – Croatia (Dublin Return)

Applicant: Weicheng Kong

Nationality: Chinese

Purpose: Individualised risk assessment under Dublin III Regulation

1. Date, Place, and Context of Incident

- Date: 12 October 2024
- Time: approximately 23:44 (as recorded on photo metadata)
- Location: Southern border area near Velika Kladuša, Croatia–Bosnia border region
- Context: Irregular border crossing from Bosnia and Herzegovina into Croatia

The incident occurred in a remote border area at night, without access to legal assistance, interpretation, or any formal asylum procedure.

2. Description of Events (First-Hand Account)

While crossing the border near Velika Kladuša, I encountered Croatian police officers. The officers were wearing official police uniforms and were visibly armed with rifles.

Given the remote location, the absence of any formal procedure, and my status as an asylum seeker requesting protection, the presence of armed officers caused severe fear and psychological distress. I perceived the situation as coercive and intimidating.

Upon seeing the armed officers, I became frightened and attempted to move back toward Bosnian territory. I was then:

- Physically restrained and forced to the ground by Croatian police officers
- Searched (frisked) while under physical control

During this interaction:

- A police officer asked me where I was going
- I answered: Germany
- I was asked why I was going to Germany
- I replied clearly: to apply for asylum

After checking my belongings and finding no illegal items, the police escorted me back toward Bosnia.

While being escorted, I again stated that we wished to apply for asylum.

At this point:

- A police officer kicked me once
 - The gesture was clearly intended to silence me and prevent me from speaking
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3. Presence of Additional Officers and Police Vehicle

Shortly after the initial physical assault, a marked police vehicle arrived with additional officers.

The vehicle's headlights were directed at me and another asylum seeker who was travelling with me.

The presence and conduct of multiple uniformed officers, as well as the use of a police vehicle, indicate that the actions were carried out by state agents acting in an official capacity, rather than an isolated or unauthorized act.

4. Physical Injury and Evidence

As a result of this encounter:

- I sustained visible injuries to my face, including bleeding wounds

A photograph taken shortly after the incident (attached) shows:

- Blood on my forehead and face
- Signs consistent with physical force

The photo metadata confirms:

- Date: 12 October 2024
 - Location tag: Velika Kladuša region
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5. Nature of the Risk (Individualised)

This incident constitutes:

- Direct physical violence by state agents
- Occurring after I explicitly expressed intent to seek asylum

The risk is therefore:

- Individualised
- Event-based
- State-actor related

This is not a general allegation regarding Croatia, but a specific prior encounter creating a real fear of:

- Re-exposure to violence
 - Retaliation
 - Procedural intimidation
 - Inability to safely pursue asylum upon return
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6. Procedural Consequences and Psychological Impact

Following this incident:

- I lost trust in Croatian authorities
- I experienced fear of further harm if I insisted on asylum procedures

This directly affects my ability to:

- Engage freely with authorities
- File complaints
- Safely present my protection claim

This creates a real risk of procedural denial, and therefore indirect refoulement.

7. Legal Relevance

A prior act of violence by police rebuts the presumption of safety under the Dublin system.

Return to Croatia would expose me to:

- Risk under ECHR Article 3
 - Violation of the principle of non-refoulement (1951 Refugee Convention, Art. 33)
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8. Core Submission

This case involves documented, individualised harm by state agents, not general conditions.

The presumption that return to Croatia would be safe for this individual is therefore not sustainable.

9. Requested Measure

I respectfully request:

- Suspension of transfer to Croatia
 - Or discretionary examination of my asylum claim in Norway
 - Or enhanced individualised assessment under applicable safeguards
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One-line judicial summary (for counsel use)

“The applicant has already been subjected to physical violence by Croatian police after expressing intent to seek asylum; this constitutes a concrete, individualised risk that rebuts the presumption of safe return.”

Appendix A – Photographic Evidence

Description:

Photograph taken shortly after the incident described above.

Details:

- Visible facial injuries and bleeding
- Consistent with physical assault
- Photo metadata:
 - Date: 12 October 2024
 - Time: approximately 23:44
 - Location: Velika Kladuša region

