

Forced Return Monitoring Austria Riga, 26.05.2015

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Verein Menschenrechte Österreich (Human Rights Association Austria)

- NGO with offices in 11 cities
- 79 employees + 16 civil servants

Social work in detention centres

2014:
2.065 clients
4.650 consultations

Voluntary return counselling

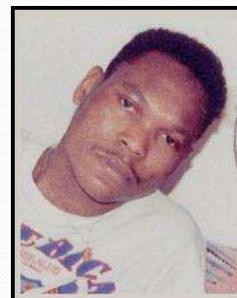
2014:
1.337 volun. returns
235 dublin-transfers

Legal counselling Asylum law, Aliens police act

2014:
13.713 clients
28.261 consultations

Forced return: Cases of death

2015 Adnan (Iraq – Sweden)
2014 Abdelhak Goradia (Algeria – France)
2010 Jimmy Mubenga (Angola – Great Britain)
2010 Joseph Ndukadu Chiakwa (Nigeria - Switzerland)
2007 Osamuyi Aikpitanhi (Nigeria - Spain)
2003 Mariame Getu Hagos (Somalia – France)
2002 Ricardo Barrientos (Argentina – France)
2001 Samson Chukwu (Nigeria - Switzerland)
2000 Christian Ecole Ebune (Kamerun - Hungary)
1999 Aamir Mohamed Ageeb (Sudan – Germany)
1999 Marcus Omofuma (Nigeria - Austria)
1999 Khaled Abuzarifeh (Palestine – Switzerland)
1998 Semira Adamu (Nigeria – Belgium)
1994 Kola Bankole (Nigeria – Germany)
1993 Joy Gardner (Jamaica – Great Britain)
1991 Arumugam Kanapathipillai (Sri Lanka – France)



Human Rights Observer

Austria: Recommendations of the Human Rights
Advisory Board (1999)

- ... an independent human rights observer should take part on the flight to avoid reproaches of lacking control of charter flights.
- ... the independent human rights observer should write a separate protocol about the deportation procedure, to be attached to the report of the escorting policemen.

Observing charter flights since 2001



- 27.10.2001 Anthony Onyeij + 2 returnees to Lagos, Nigeria
- observing the whole return operation
 - contact talk escort leader - returnee
 - transfer from detention centre to plane
 - boarding & flight
 - report to the MOI/Federal Office for Immigration and Asylum



- Lecturer in training sessions for escorting policemen
- no critical review of the legal procedures
- no intervention authority, just advice

Implementing Ordinance of the Aliens Police Act (FPG-DV) 2011

According to § 10 FPG-DV:

In returns, organized by the Ministry of the Interior or in a JRO, a Human Rights Observer must be present starting with the contact talk. He shall monitor the return until the arrival of the alien in the country of origin, insofar it is not a commercial flight.

The Human Rights Observer shall provide a written report within one week to the Ministry of Interior. The Ministry shall forward the anonymized report to the Volksanwaltschaft (Ombudsperson).

Monitoring 2014

13 return operations monitored

- 4 x Kosovo
- 3 x Poland (Dublin transfer)
- 2 x Bulgaria (Dublin trans.)
- 2 x Georgia
- 1 x Albania
- 1 x Nigeria

Monitoring 01-05/2015

13 return operations monitored

- 7 x Kosovo
- 3 x Poland (Dublin transfer)
- 1 x Bulgaria (Dublin transfer)
- 1 x Nigeria
- 1 x Pakistan

Forced return monitors



Georgia - Russia
Mag. Irma HOMMON
Legal counselling
Vienna



Kosovo
Zaim AZIRI
Return counselling
Social work in detention centres
St. Pölten



various destinations
Mag. Vesna Kolic
Deputy Director
Linz



Nigeria
Aderemi SAMI
Return counselling
Social work in detention centres
Vienna



various destinations
Mag. Delinka MILOJEVIC
Return counselling
Social work in detention
centres Vienna



various destinations
Delia SIPOS M.A.
Legal counselling
Linz



General findings

It could be observed, that the Austrian escorting policemen

- were dealing with returnees correct throughout the return procedure
- were trying to meet the returnees wishes as far as it was possible in an ongoing return operation
- acted very calm and professional – even in difficult or stressful situations
- were open to discuss human right problems and trying to find solutions

No excessive use of force could be observed

Some suggested improvements

- Pocket money if needed (50 Euro per returnee)
- Proper clothing and accompanied luggage
- Preparation of arrival and pick-up from the airport
- Typ of aircraft chartered for return operations
- Change in the use of hand-cuffs
- ...

Reported problems

- improper use of a special security cell (self harm)
- Transfer to the airport in a police-bus with damaged heating (-7° C)
- poor catering (airline)
- 2nd security check on the airport only 1-2 hours after 1st security check in the detention centre
- Security-problem belt
- general use of hand-cuffs/body-cuffs as precautionary measure

Use of hand-cuffs / body-cuffs

07-12/2011 (13): restrained:	135 Returnees 1 Returnee (0,7 %)
2012 (21): restrained:	206 Returnees 16 Returnees (7,8 %)
2013 (11): restrained:	114 Returnees 5 Returnees (4,4 %)
2014 (13): restrained:	157 Returnees 6 Returnees (3,8 %)
01-05/2015 (13): restrained:	275 Returnees 1 Returnee (0,4 %)



Human Rights Observer: Profile

- Experience with detention and forced return as well as human rights
- No ideological or ethical problems with forced return in general
- clear understanding to prevent returnees from being treated inhuman, not from being returned
- Ready for trustful cooperation AND critical discussions with escorting policemen and authorities
- Working with a long-term perspective for improvements in human rights standards

Inquiry EU-Ombudsman

- Frontex must do all in its power to promote independent and effective monitoring of JROs.
- More **effective** monitoring (only about half of JROs that have taken place so far have involved independent monitors physically present on board).
- Greater **cooperation** among monitoring bodies (at present, there are JROs in which several national monitors each accompany "their" returnee. It is questionable whether this duplication is necessary or effective).
- Frontex could, finally, prepare and publish country sheets on the allowed use of means of restraint in each Member State and provide training for monitors in this respect.

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Antonov AN-26
22.12.2006, Kosovo

- No toilet
- 98 dB noise
- 17° Celsius

