

Monitoring Report – National Return Operation	
Monitor:	████████ Austria
National Return Operation (NRO) to Afghanistan by Germany	
Date	07.01.2019
Destination(s)	████████ Afghanistan)
Organised by	Germany
Transportation	Chartered flight
Escort leader	████████████████
Number of returnees	36 (all male)
<p>Summary:</p> <p>Dealings of the police officers from Germany with the returnees were correct at any time of the process and – as much as possible – forthcoming.</p> <p>It could be observed that police officers took a great deal of human interest in the returnees and their physical complaints, reporting their needs to medic or interpreter. Despite the number of returnees, the procedure was very calm and professional, without any inappropriate remarks of the escorts towards the returnees.</p> <p>Clearly recognizable was the effort of the escort leader and his team to use coercive measures in appropriate account of the individual circumstances of each returnee, for example to use velcro strips to restrain the hands of ██████████. ██████████ ██████████ ██████████ and ██████████ ██████████ ██████████ only for the first part of the return operation and remove them at the terminal in ██████████ or shortly after take-off.</p> <p>The use of physical force and/or restraints (velcro strips, body-cuffs, plastic tie wraps, helmet) was considered reasonable in intensity and duration, necessary in the circumstances and proportional to the assessed risk of harm. Only in case of ██████████ no reason could be recognized, why he was restrained (hands and legs with 3-piece sets of plastic tie wraps, ██████████</p> <p>17 Returnees were not restrained at all after handed over to the federal police on the airport in ██████████</p> <p>The Afghan authorities partly justified the rejection of ██████████ with an agreement not to accept mental cases. Neither made the Implementation Plan aware of this restriction, nor was a mental illness of ██████████ addressed during the terminal procedure. Since the returnee has not talked to anyone at the airport and the whole flight to ██████████: here was no further indication, that he could potentially be a mental case.</p>	

Results:

35 from 36 listed returnees were effectively returned to Afghanistan.

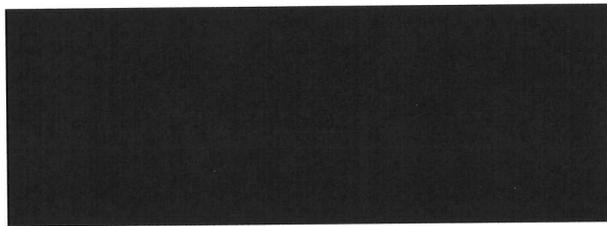
Starting at the airport in [REDACTED] the return operation could be monitored without restrictions until [REDACTED] but not the return flight [REDACTED] with returnee [REDACTED] on board. The well organised NRO to Afghanistan was carried out in a human manner and with full respect for human dignity and fundamental rights.

Recommendations:

According to Article 7.4 of the "Code of conduct for return operations and return interventions coordinated or organised by Frontex" the OMS and Frontex must provide a list of authorised restraints in the operational documents in advance of the RO or RI.

It was highly welcomed that after the discussions the year before in 2019 an updated list of authorised restraints was offered, including yes/no-options for leg cuffs, holding bands and Plastic Tie wraps.

Unfortunately, the document [REDACTED]-Annex_I" as part of the Implementation Plan (IP) for this return operation to Afghanistan offered only the old version of "Authorised restraints":



Therefore, no means to restrict movement of legs were listed as authorised restraints in the Implementation Plan for [REDACTED]. The use of plastic ties was not listed as well. It is strongly advised to use the latest IP-template.

The Implementation Plan with its annexe should provide precise information for the preparation and execution of a RO. The document "[REDACTED]Annex_I" (Operational Overview) listed as remarks:

- "1. Returnees NOT allowed on board: Unaccompanied minors: not allowed": if there is an agreement with Afghanistan not to return mental cases, it should be mentioned in the IP.
- "2. Interpreter available during the RO: NO": in contrast, an interpreter was present

As long as a returnee is escorted by policemen in a chartered flight this flight should be monitored by a forced return monitor, even if only a single returnee is flown back to the starting point of his forced return.

Preparation:

On [REDACTED] "Verein Menschenrechte Österreich" as national monitoring body was informed by the ABT team, that Frontex has selected [REDACTED] as forced return monitor for the NRO to Afghanistan organized by Germany on 07.01.2018 according to the offer made on [REDACTED]

On the same day [REDACTED] (European Centre for Returns, Operational Response Division) informed about the flight schedule and contact persons in Germany. Afterwards the arrangements for the arrival and departure were discussed in direct contact between Federal Police/EL and Monitor.

Flight and hotel bookings were made by OMS Germany.

The Implementation Plan with Annex I (Operational Overview, old version) and Annex II (Contact List) was made available: Unaccompanied minors were not allowed on board. Authorised restraints were hand cuffs (steel, velcro, plastic, textile), body cuffs, helmet and spit mask as head protection.

A list of returnees was provided to the monitor on 08.01.2019.

Participants:

Other participants in the flights than escorts and returnees were:

■■■■ medic

■■■■ Interpreter

Extent of the monitoring process (MEZ):

07.01.2019

■■■■ Meeting at the police station on the airport ■■■■

Briefing

Arrival of the returnees and take-over of returnee's personal belongings

Transport to the aircraft and boarding

■■■■ Departure to ■■■■ Afghanistan

08.01.2018

■■■■ Arrival in ■■■■ airport and then hand-over of returnees

Departure to ■■■■ Uzbekistan

Arrival in ■■■■ Uzbekistan

Departure to ■■■■ Georgia

■■■■ Arrival in ■■■■ Georgia

09.01.2018

■■■■ Departure to ■■■■

■■■■ Arrival in ■■■■

Pre-Return Phase:

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Pre-Departure Phase:

All Returnees were transferred to the airport ■■■■ by local authorities and handed over to officials of the Federal Police.

■■■■ was transferred without restrains to the airport. It was reported that he is not willing to go back to Afghanistan, but he is calm. At the airport he started crying and asking the escorts why they were sending him to Afghanistan. He has problems in his home country. The responsible

escorts took him to a separate room where they started a body search, later they decide to restrain his hands with Velcro strips [REDACTED]

[REDACTED] was transferred directly from prison without handcuffs, the handcuffs were removed on the way to the Airport. He was calm and cooperative.

[REDACTED] arrived at the airport without restrains. He was calm and cooperative. He was asking the escort to inform his employer that he will not come to work. The responsible escort promised to call. During the waiting time the escort called the employer and [REDACTED] could also talk with his employer himself.

[REDACTED] was transferred to the airport handcuffed (steel). The restrains were removed immediately after arriving at the terminal. It was reported that he has not been cooperative all the way to the airport. The returnee was yelling that he will not go back to Afghanistan. During the handover procedure to the responsible escorts the returnee started yelling louder, was using physical force to push the police officers. He dropped to the floor and lay on his back, trying to prevent the policemen to from returning him to an upright position. 7 officers were using physical force to turn him around and hold the returnee down to the ground in order to restrain him with body-cuffs [REDACTED]. After that, the escorts restrained his legs with a 4-piece set of plastic tie wraps [REDACTED] and later they put a helmet on to protect his head [REDACTED]

[REDACTED] arrived without restrains at the airport. He was calm and cooperative.

[REDACTED] arrived without restrains at the airport. He was calm and cooperative.

[REDACTED] was transferred directly from prison, the handcuffs were removed on the way to the airport. He was calm and cooperative at all time.

[REDACTED] was brought to the airport handcuffed (steel) and ankle shackles (steel). It was reported that he was not cooperative at all. He has yelled all the way to the airport. His wife and 2-year-old child are living in Germany, so the returnee refused to cooperate with the police. The responsible escorts took him by his arms to escort him to a separate room for the body search. [REDACTED] refused to go along and tried to wriggle out of the policemen's grip. The escorts asked him to cooperate and tightened the grip to escort the restrained returnee to the body search. After the body search the restrains were exchanged with a body cuff and a 3-piece set of plastic tie wraps for his legs [REDACTED]

[REDACTED] was transferred directly from prison, the handcuffs were removed on the way to the airport. He was calm and cooperative.

[REDACTED] arrived at the airport without restrains. He was calm and cooperative.

[REDACTED] arrived at the airport without restrains. He was calm.

[REDACTED] arrived at the airport without restrains. Information was, that during the transfer he was not cooperative and used very aggressive language to the police officers. The responsible escorts took him to a separate room where they started a body search. Due to his previous behaviour the escorts decided to restrain his hands with Velcro strips [REDACTED]

[REDACTED] was transferred directly from prison to the airport without restraints. He was complaining why the German Law decided to return him to Afghanistan when his family (wife with his children) is living in Germany. He was calm. He was in prison in the past 4 years. The responsible escorts explained to him that this is not their decision, they took him to the separate room where they started a body search. Afterwards the escorts restrained his hands with Velcro strips [REDACTED]

■■■■ arrived at the airport without restrains. He asked why he was going to be returned to Afghanistan, because his whole family (parents and his siblings) are living in Germany. He was calm and cooperative.

■■■■ was brought to the airport in hand-cuffs (steel) fixed to a belt. The restrains were removed at the terminal. He was calm.

■■■■ was brought to the airport handcuffed (steel). It was reported that he is not willing to go back to Afghanistan. He was not cooperative on the way to the airport. The restrains were removed at the terminal. The responsible escorts took him to the separate room for a body search, afterwards the escorts restrained him with body-cuffs and the legs with a 4-piece set of plastic tie wrap: ■■■■

■■■■ was brought to the airport handcuffed (steel). The restrains were removed after arriving at the terminal. He was calm.

■■■■ arrived at the airport without the restrains. He was calm.

■■■■ was brought to the airport handcuffed (steel). It was reported that he refused to cooperate with the police officers and had a fight with them. During his transfer to the airport he tried everything to stop his forced return to Afghanistan. As he tried to hurt himself on the head or to beat around the whole way, he was positioned between two policemen, who prevented him from any self-harm. The responsible escorts took him with the restrains to the separate room where the start the body search. Afterwards the hand-cuffs were replaced by body-cuffs and a 3-piece set of plastic tie wraps for his legs ■■■■

■■■■ was transferred directly from prison to the airport in hand-cuffs and ankle shackles (steel). The restrains were removed at the terminal. He was calm.

■■■■ arrived at the airport without restrains. He was calm. After the body search the escorts restrained his hands and legs with 3-piece sets of plastic tie wraps ■■■■

■■■■ was transferred to the airport handcuffed (steel). It was reported he was fighting all the way to the airport, he was trying to hurt himself. The returnee was not cooperative. He started yelling that he cannot go to Afghanistan without his new born baby and his wife. The responsible escorts took him to the separate room for a body search. During the body search he was yelling louder, started crying and complaining that no one can understand him, he cannot go back to Afghanistan. The escorts restrained him with body-cuffs and a 3-piece set of plastic tie wraps for his legs ■■■■

■■■■ was brought directly from a prison without restrains to the airport. He was calm and cooperative.

■■■■ was brought without restrains to the airport. He was calm.

■■■■ was brought handcuffed (steel) to the airport. The restrains were removed at the terminal. He was calm.

■■■■ was brought directly from a prison to the airport without restrains. He was calm.

■■■■ was transferred to the airport directly from the prison without restrains. He was complaining about his forced return to Afghanistan as his family (wife and his children) are still living in Germany. He was calm and cooperative.

■■■■ was living in Germany for 8 years, 4 of them in prison. He was brought handcuffed directly

from prison to the airport. The handcuffs were removed at the terminal immediately. The responsible escorts took him to a separate room for a body search. Escorts informed that during the body search the returnee tried to run away and was not cooperative at all. The Returnee refused to talk with the responsible escorts. The escorts decided to restrain him with body-cuffs and a 3-piece set of plastic tie wraps for his legs [REDACTED]

[REDACTED] arrived at the airport without any restrains. He was calm.

[REDACTED] was brought handcuffed (steel) to the airport. The restraints were removed at the terminal. He was calm.

[REDACTED] was transferred directly from the prison to the airport. It was reported that he is schizophrenic. It was reported, that during the transfer calm and restless phases have alternated. The escorts took him to a separated room where they started the body search, afterwards they restrained his hands with Velcro strips: [REDACTED]

[REDACTED] arrived at the airport without restrains. He was telling that he is not from Afghanistan but from Pakistan. He refused to cooperate with the escorts. The escorts took him with physical force to the separated room for a body search. He was yelling not to be an Afghan, but a Pakistani. Afterwards the escorts restrained him with body-cuffs and a 3-piece set of plastic tie wraps for his legs [REDACTED]

[REDACTED] was brought handcuffed (steel) to the airport. The restrains were removed at the terminal. He was calm.

[REDACTED] arrived at the airport without restrains. He was calm but during the body search he tried to bite an escort. He was yelling that he is going to kill himself. After the body search the escorts restrained him with body-cuffs and a 3-piece set of plastic tie wraps for his leg. A helmet was put on to protect his head [REDACTED]

[REDACTED] was transferred handcuffed (steel) to the airport. He was calm. It was reported that he had tried to commit suicide. The escorts took him to a separate room for a body search. Afterwards the escorts restrained him with body-cuffs and a 3-piece set of plastic tie wraps for his legs [REDACTED]

[REDACTED] was brought handcuffed (steel) to the airport. The restrains were removed at the terminal. He was calm.

Information on the state of health of the returnees relevant for the return procedure were announced to the doctor of OMS Germany by the Aliens Authority.

A security check was conducted directly after the arrival of each returnee. Afterwards the returnees could wait for the departure in the waiting area. Two interpreters and a medic were present until boarding. On request of returnees' medicine for headache and sickness were prescribed.

Baggage, which was transported in the hold of the aircraft, was properly labelled with the names of returnees. Returnees' personal belongings and valuables were kept by the respective escorts, stored in a transparent plastic bag and marked with the name of the returnee. The returnees were informed that personal items and luggage will be handed back after landing in [REDACTED]

The returnees were properly clothed, all returnees were fit to fly.

While waiting at the terminal the returnees were adequately supplied with food and drinks. There was a possibility for everyone to visit the toilet. The waiting area is located in [REDACTED] and

therefore in a non-smoking area. But no complaints were noticed by the monitor.

██████ was calm during the waiting time and the escorts replaced the velcro strips with a 3-piece set of plastic tie wraps ██████. Because of his well behaviour the escorts removed the restrains at all ██████.

During the waiting time the escorts replaced the velcro strips restraining the hands of ██████ with a 3-piece set of plastic tie wraps ██████.

Everything was executed without any incidents or disturbance.

The returnees were driven to the aircraft in an airport bus, accompanied by German policemen. German policemen escorted the returnees individually the covered gangway upstairs to the plane door and further to the seat. Boarding was done without any problems.

██████ was calm during the waiting time at the terminal. The escorts removed his hand restrains shortly after boarding because of his well behaviour at all ██████.

In-Flight Phase ██████

There were no incidents during the flight. The catering provided by the airline was enough for everyone. Overall, an appropriate and friendly behaviour between escorts and returnees could be observed. Medical staff was available on board of the flight. The atmosphere was, in regard to the purpose of the flight and the amount of people involved, very calm and professional.

██████ was calm during the flight and the escorts removed at first his helmet ██████.

██████ was calm and cooperative during the waiting time at the terminal. The escorts removed his hand restrains shortly after the take-off to ██████.

██████ was calm during the flight and the escorts removed firstly the restraints on his legs ██████ and later on his hands ██████.

Returnee ██████ was calm and the escort removed his leg restrains ██████.

Returnee ██████ was calm and cooperative during the flight and the escorts decided to remove the restrains at all ██████.

██████ was calm during the flight and the escorts removed his leg restrains ██████.

Returnee ██████ was calm during the flight and the responsible escorts removed his leg restrains ██████.

██████ was calm during the flight time but refused to talk with the escorts and did not eat all the way to ██████. The escorts took the helmet off one hour before landing to ██████.

██████ was calm during the whole flight and the escorts removed his restrains at all ██████.

██████ was calm during the flight, shortly before landing the escorts removed his hand restrains at all ██████.

Arrival Phase ██████

all were calm during the flight and the restrains still in use were removed one by one shortly after landing in [REDACTED]

After landing at [REDACTED] airport, all personal items were handed over from the escorts to the returnees who left the aircraft one by one without any incidents. A Afghan migration officer and a German military attaché led the returnees to the terminal.

After 1,5 hour the Afghan Authorities drove returnee [REDACTED] back to the plane. He was not accepted as an Afghan citizen. In addition, attention was drawn to the state of health of the returnee as not so good. It was said, that he has mental problems. Due to agreed restrictions (unaccompanied minors, mental cases, ...) he will not be accepted by the local authorities.

The emergency certificate (EC) for [REDACTED] was issued by the Consulate General of Islamic Republic of Afghanistan in [REDACTED]. In the EC an untranslated comment in Dari language was added in red: "We ask the border police to note that his identity has not been confirmed." This comment was obviously meant for the border police at the airport in [REDACTED] to check the nationality of [REDACTED] on the spot.

The monitor, born in Afghanistan herself, gained the impression during the return operation that [REDACTED] is of Afghan origin. This was confirmed by the returnee on the flight from [REDACTED] as he told her not to be from [REDACTED] but from [REDACTED], a province located in the northeastern part of Afghanistan.

In-Flight Phase [REDACTED]

[REDACTED] had to be taken back to Germany. The returnee was calm and not restrained. There were no incidents during the flight. The catering provided by the airline was enough for everyone. Overall, an appropriate and friendly behaviour between escorts and [REDACTED] could be observed. A medic and an interpreter were available on board of the flight.

On the flight from [REDACTED] the returnee - unlike the outbound flight - spoke to the monitor on Pashto. He expressed the hope to be released after returning to Germany. He was asked not to expect that, as part of the prison sentence is still open.

Arrival Phase [REDACTED]

After landing in [REDACTED] the Georgian Border Police did not allow the escorts to enter the country with rejected returnee [REDACTED]

The returnee with 3 escorts and the doctor had to stay on board until the aircraft to fly [REDACTED] back to Germany - organized in the meantime by the EL and the Federal Police - was available in [REDACTED] EL asked everyone else to leave the plane. The request of the monitor to accompany the flight from [REDACTED] with the Returnee was rejected by the EL, because the returnee was not restrained, and it was not considered necessary. The interpreter also remained in [REDACTED] as the returnee spoke German relatively well.

In-Flight Phase [REDACTED]

The flight from [REDACTED] could not be monitored.

Debriefing and reporting:

On 09.01.2019 the Escort Leader informed about a call from the escorts, that they landed safely in [REDACTED] and [REDACTED] was driven directly to a hospital.

Before landing to [REDACTED] the Escort Leader thanked everyone for a well organised NRO. There was no debriefing.

13.01.2018

