

WRITTEN QUESTION E-2341/06

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to the Council

Subject: Decision of the JHA Council of 27-28 April 2006 to step up joint flights for the expulsion of illegal immigrants

At the JHA Council of 27-28 April 2006 the Member States supported more effective procedures for the expulsion of illegal immigrants in the form of joint flights, with the backing of the Frontex Agency.

How can the Council ensure that joint flights of this kind do not lead to collective expulsions, given that, contrary to what is commonly assumed, the mere fact of considering individual situations does not guarantee that there is no 'collective expulsion'? As soon as a number of conditions are fulfilled, such as an 'announcement effect', the presence of a large number of people of the same nationality or the existence of stereotyped decisions, it can be deemed that a collective expulsion has occurred (cf. the ECHR's *Conka* judgment, 5.2.2002). So the practice of charter flights presents a major risk of constituting collective expulsion in violation of Article 4, Protocol No 4 of the European Convention on Human Rights. What guarantees can the Council offer to counter these known risks?

Is the Council able to give figures on the cost of such operations? It has always been argued that the cost of the operations was reduced if they were carried out at European level. But there are grounds for doubting this, given that organising joint flights means that illegal immigrants are kept in detention longer, for as long as it takes to set up a joint flight, which not only means higher financial costs for keeping immigrants in detention, but also a high psychological price for the people being expelled. Should these costs not be taken into account in carrying out these operations?