

M. Emmanuel Macron
Président de la République
Palais de l'Elysée
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75008 Paris

In Strasbourg, January 15, 2019

Honourable President,

I am writing to you once more given the severity of the situation of unjustifiably fined and sentenced lorry drivers commuting between the UK and France through the city of Calais. In the previous letter, I drew your attention to a particular case of the Czech lorry driver Mr. Jiri Sagan, who was in my opinion unjustly sentenced by a French court to 18-months of imprisonment. In this call, I would like to however discuss in general all the cases of drivers punished under the French law against smuggling.

Originally, the law against smuggling of migrants was introduced on the preconception that the affected drivers are aware of the presence of the illegal migrants in their trailers, and as such are complicit in human trafficking. Importantly, it was implemented to help with identification, prosecution and dismantling of the organised crime groups behind illegal migration. However, I am deeply worried with regard to the most recent cases, that the law does not fulfil its objective.

Unfortunately, the difficulty in clamping down on the illicit trade and on stopping migrants from crossing the English Channel is reflected in the fact that even innocent people are being penalized due to very strict conditions of punishment. There is no need for convincing evidence in order to initiate a people-smuggling trial. If migrants are found in a trailer, its driver is automatically considered guilty and is forced to pay the penalty, or in the worst case, is convicted and has to go to jail.

Criminals smuggling people into the UK are usually members of organised groups, which are very difficult to detect and punish. These people are very well aware of legal loopholes in the system, and also of the practical arrangements necessary for getting the migrants into the cargo area of trucks without any signs of damage on the lock on the back door of the truck. Without further investigation, these criminals are never caught, whereas innocent drivers are punished.

Of course, there are also cases where a guilty person is accused. In case a criminal is found guilty, he quickly adapts and ensures the smoothest possible penalty with the help of the others involved, since he is prepared for this possibility. These smugglers are usually very rich due to the large sums they have earned by smuggling (migrants pay between £5,000 and £10,000 to travel to the UK), therefore fines are not destructive for them. Nor is prison a dissuasive punishment since smugglers can afford to pay highly capable lawyers. There is also suspicion that some of these lawyers have very good connections with judges, which is confirmed in particular by cases in which the criminals are repeatedly convicted and, after serving a sentence of 3 months, released. They usually have such favourable conditions because of a permanent residence status in France as they cannot be expelled. But should these recidivists not receive exemplary punishments to deter further criminals from acting?

It is alarming that the number of drivers who had become victims of an unjust system has been gradually rising and we are still counting new ones asking for help.

I call on you, as the President of the French Republic, to appeal to the French government to amend laws against the smuggling of migrants in France. I am deeply convinced that the current system is unbelievably unjust. The approach of the French law enforcement and the judiciary breaches the principle of subsidiarity of criminal proceedings, the right to a fair trial, the presumption of innocence and the right of defence. I ask you to ensure fair decision-making of other cases of unjustifiably sentenced drivers as well as smugglers.

I repeatedly call on you to intervene in order to immediately release Mr. Sagan from prison. I am deeply convinced that Mr. Sagan is innocent and this case is an unbelievable injustice.

Thank you very much for your attention and consideration of my appeal.

With my deepest regards,



Tomáš ZDECHOVSKÝ

Member of the European Parliament