

Serious Incident Report no. 863

Reporting date: 06/08/2019 06:05 PM

Last modification date: 13/08/2019 04:21 PM

Reporting person: Text Removed -
Justification 1

Last modification done by: Text Removed -
Justification 1

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| FSC SIR Category | 3 Code of Conduct |
| Subject | Alleged violations of Code of Conduct |
| Type of SIR | 2 Formal SIR |
| JORA Incident number (if any) | |
| Joint Operation | Focal Points 2019 Land |
| Frontex SIR Coordinator | Text Removed - Justification 1 |
| Incident date/time | 01/08/2019 09:00 AM |
| Detection date/time | 06/08/2019 01:07 PM |
| Original source of the information | |
| Location of the incident | BCP Evzoni |
| Is latitude unknown | Yes |
| Latitude | |
| Is longitude unknown | Yes |
| Longitude | |
| Reference to the operational area | No |
| Frontex resources involved (Human resources / co-financed technical equipment) | Yes |
| Type of resources / involvement | Text Removed - Justification 1 TM deployed under JO Focal Points 2019 Land |
| Dead persons | |
| Injured persons | |
| Missing persons | |

Information/allegations

On 05/08/2019 Frontex received an email from a Greek/British citizen (resident of France) with information about alleged violations of code of conduct (event took place on 1 August 2019). The incident supposedly took place at the Greek border with North Macedonia in line for passport control; Description of the incident according to the complaint: The incident started with a traveller asking a border guard (whom he identified as Text Removed - Justification 1 officer) with a Frontex armband who he was, after the border guard allowed a line of cars to pass ahead of the traveller. The border guard did not answer the question. He became aggressive and started insulting the traveller verbally and using offensive gestures. He then asked the traveller and his family (wife and two children) for their passports. The passenger declined and said he would only identify himself to the Greek authorities. The traveller claims he and his wife saw the same border guard physically assaulting another passenger and started filming the incident. The border guard, having realised he was being filmed, became aggressive and told them to erase the video footage. Apparently the guard slammed the car door hitting the traveller's wife and kicked the car. After a while, the border guard returned in company of a Greek female officer who tried to calm him down and asked the traveller to come to the office to explain what happened. She then also asked them to erase the video. The border guard said he is from Frontex and threatened to sue the traveller. In the Word document, the Greek citizen claims that his wife, has suffered physical and verbal violence from a border guard deployed by Frontex at the Greek border with North Macedonia; In the attached mp3 file we can hear how somebody shouting in French and using inappropriate language, a woman and children can be heard crying in the background; In the video, a border guard wearing a Frontex armband can be identified arguing with a woman.

Measures

Immediately after receiving the email from the complainant, internal meetings were organized to discuss further actions; Although the only information about the location is that the incident took place at GRC/NM border, the area has been identified to be BCP Evzoni, under JO Focal Points 2019 Land. The daily report of 1 August filed by a Text Removed - Justification 1 officer (Text Removed - Justification 3) is inconsistent with the complainant received by Frontex on 5 August. It refers to an argument between two female travelers whom the officer needed to separate. Text Removed - Justification 1 has been appointed as SIR coordinator to assess the alleged violations of code of conduct and tasked with informing the complainant, Text Removed - Justification 3,4 NFPoC and the officer about the procedure. Hence adequate crisis communication was Frontex biggest concern, in close coordination with Frontex PRESS from scratch and within 24 hours the complainant received Frontex reply, demonstrating that Frontex professionally cares and takes the complaint seriously. An official apologize by the Text Removed - Justification 4 Border Guard Corps is expected to be addressed later. Direct communication between assigning Text Removed - Justification 3 and hosting MS has been facilitated by the SIR coordinator.

Assessment

The assigning home Text Removed - Justification 3 handled pro-actively the case by immediately repatriating the officer, initiating formal disciplinary investigations and provisionally suspension and no further deployment for Frontex for the duration of the investigations. Indeed the "vulgar, obscene or otherwise offensive speech" used by the TM represented an obvious violation of Art. 10 d) of Frontex Code of Conduct, but nevertheless his rude behaviour does not represent any relevant criminal infringement. The TM so far has been deployed for Frontex at least seven times since 2013 (Text Removed - Justification 1). So far he has performed well, without any complaints and/or negative occurrences. In addition, the

TM when confronted with the allegation credibly admitted that this day and the whole situation he experienced at the BCP “pushed him to his limits”. In this regard he stated that the complainant had provoked him and the duties had been very stressful with an overcrowded BCP and with a temperature of almost 40 degrees Celsius. In light of his positive previous overall performance in Frontex joint operations and his true regret, a removal from the pool is considered as not proportionate. Rather, it is recommended to oblige the TM to undergo ideally a stress management training or at least a psychological de-briefing in his home MS, and to maintain his suspension until this training is concluded. The home MS informally agreed to this solution and will take care of arranging such measure on its own part.

Final outcome

Suggestion to Text Removed - Justification 3, 4 NFPOC to arrange and to grant the TM ideally a targeted stress management training (already pre-communicated), or at least a targeted psychological de-briefing. From Frontex perspective the SIR case is seen as closed.