

Warsaw, 30 April 2020

FINAL SIR REPORT

SIR incident: 11095/2020: FORMAL SIR - Frontex Surveillance Aircraft's Sighting in Eastern Aegean

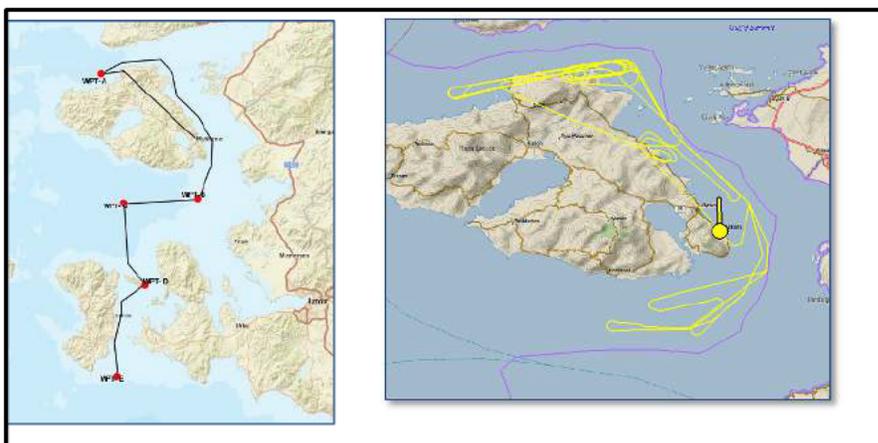
1. Executive summary

Serious Incident	There is no Frontex Human Resources or Technical Equipment involved in the Serious Incident
Code of Conduct	N/A - Hellenic Coast Guard asset involved in the Serious Incident is not considered as a participant in the Frontex activities (RBI/JO)

2. Scope of the report

Report consists a collection of information related to the SI: 11095/2020: FORMAL SIR - Frontex Surveillance Aircrafts Sighting in Eastern Aegean gathered by the Serious Incident Coordinator (SI-Coordinator) till 30/04/2020. As an administrative fact-finding exercise determines whether a Serious Incident has occurred and provides an assessment of the situation with explicit focus on the elements described in SIR Standard Operating Procedure.

3. Mission planning and mission execution



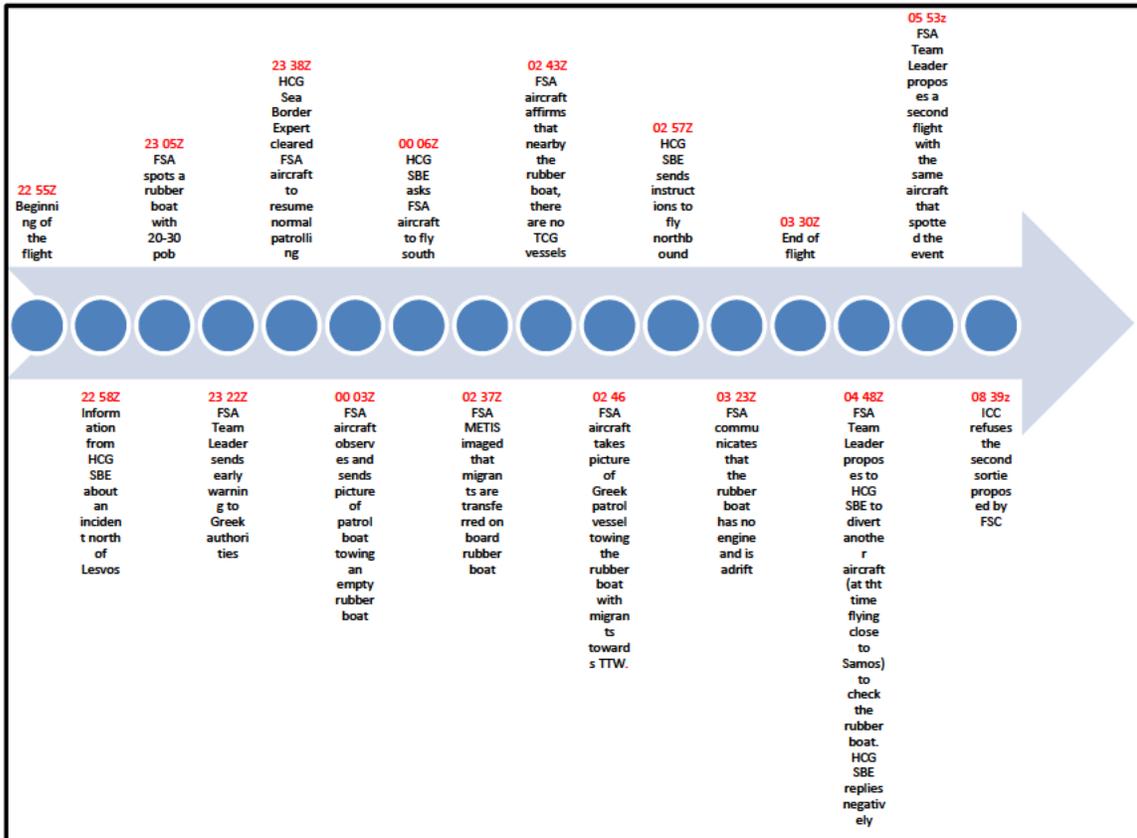
4. Description of the event

Chronological order (Zulu time) of events occurred on 18-19/04/2020 in which the Frontex Surveillance Aircraft intervened while performing a surveillance flight between the Greek and Turkish maritime border near the island of Lesbos:

DATE TIME	EVENT
18.04.2020 22:55 hrs	Frontex contracted aircraft (METIS) took off from MYTILENE airport (LGMT) and was directed to investigate an incident at 39°26'45''N 026°26'21''E.
18.04.2020 22:58 hrs	Hellenic Coast Guard (HCG) Sea Border Expert, based in International Coordination Centre (ICC) Piraeus informed FSC Team Leader about an incident north of Lesbos (39° 26' 45''N - 026° 26' 21''E) asking to reach the point.
18.04.2020 23:05 hrs	METIS sighted a migrant boat in vicinity of (IVO) 39°25'N 026°23'E, stopped with approximately 20-30 Persons On Board (POB). There were 2 HCG and 1 Turkish Coast Guard (TCG) patrol vessel in close attendance. The migrant boat was taken under tow by an HCG vessel heading 025° at 3kts.
18.04.2020 23:22 hrs	FSC Team Leader sends the Early Warning report to the competent Greek Authorities (incident inside Greek Territorial Waters (TW) - Two HCG patrol boats and one TCG are in the vicinity of the target).
18.04.2020 23:38 hrs	HCG Sea Border Expert instructed Metis to resume normal patrolling. At 23:46Z, METIS reached WP-A, NEXT turned towards WP-B.
19.04.2020 00:03 hrs	HCG patrol vessel was observed in vicinity of (IVO) 39°24'N 026°24'E having taken the migrants on board and towing the empty rubber boat.
19.04.2020 00:06 hrs	HCG Sea Border Expert asks METIS to fly south, contrary to flight schedule to fly south-east.
19.04.2020 00:23 hrs	METIS passed WP-B and continued towards WP-C. At 0027, METIS was directed to reverse track for de-confliction.
19.04.2020 00:34 hrs	METIS passed WP-B and continued towards WP-A.
19.04.2020 01:04 hrs	METIS turned at WP-A to reverse track. At 0135, METIS passed WP-B towards WP-C.
19.04.2020 01:42 hrs	METIS was directed to reverse track for de-confliction and continued towards WP-B.
19.04.2020 01:47 hrs	METIS passed WP-B and continued towards WP-A. At 0221, METIS turned at WP-A.
19.04.2020 02:40 hrs	METIS imaged HCG patrol vessel reloading the migrants onto the rubber boat IVO 39°15'N 026°32'E. A nearby RHIB (Rigid Hull Inflatable Boat) then took the rubber boat on tow hdg 051° at 2.5kts towards Turkish Territorial Waters.
19.04.2020 02:43 hrs	METIS affirms that nearby the rubber boat with migrants on board there are no TCG vessels, only Greek HCG.
19.04.2020 02:46 hrs	METIS takes a picture of a Greek patrol vessel towing the rubber boat with migrants on board towards Turkish Territorial Waters with course 051°. HCG Sea Border Expert requests to fly North.

19.04.2020 02:57 hrs	HCG Sea Border Experts sends instructions to fly northbound for the remaining 30 min of flight, when the FSC Team Leader asks if there is any specific reason to fly north the reply is "negative".
19.04.2020 03:15 hrs	METIS declared BINGO (fuel limitation time) and began to RTB (Return to Base). Its final image showed the migrant boat adrift IVO 39° 16'N 026° 35'E.
19.04.2020 03:21 hrs	METIS communicates that the rubber boat has no engine and it is adrift at 39° 16'N 026° 35'E. Greek assets are departing the area leaving the rubber boat adrift.
19.04.2020 03:30 hrs	METIS landed at LGMT (Mitilini airport).
19.04.2020 04:48 hrs	FSC Team Leader proposes to HCG Sea Border Expert to divert TASTY, aerial asset already airborne, to check the rubber boat. HCG Sea Border Expert replies: "Negative. Tasty will continue its normal route".
N/A	Once Frontex aircraft had landed, FSC Team Leader offers a second flight to Greek authorities to collaborate with the mentioned SAR being rejected the aid on the grounds that the Turkish Coast Guard had assumed the coordination of the incident.
19.04.2020 09:38 hrs	Ho.CCO informed the Operational Manager of JO Poseidon about the sighting and requested to collect the additional information from the ICC.
19.04.2020 10:00 hrs	Frontex Coordinating Officer (FCO) contacted the ICC coordinator by the phone: informed about the incident and requested for the position of the HCG on the incident. ICC coordinator initially did not provide any reply, instead requested a written report with all the facts to be considered internally by the HCG.
19.04.2020 15:55 hrs	Greek Authorities informed that according to information received, that same morning the rubber boat landed safely on the Turkish shores under the monitoring of a Turkish Coast Guard vessel.

5. Timeline analysis



6. Information gathered within the frame of the Serious Incident: 11095/2020

- HCG patrol boat involved in the incident is not co-financed by Frontex.
- HCG assets on the scene were not operational assets of the JO Poseidon 2020 or RBI Aegean 2020.
- There is no co-financed host MS CPB deployed.
- The ICC Piræus was represented by the Hellenic Coast Guard Sea Border Expert (SBE), having both: law enforcement and search & rescue function. This profile is usually deployed to the Frontex Situation Center (FSC) European Monitoring Room but due to the COVID-19 restrictions, SBE was based in the ICC Piræus. SBE is also responsible for the operational communication with the ICC Piræus or JRCC in case of any Search & Rescue (SAR) event. SBE representation is part of the coordination of the deployment of the Frontex coordinated aircrafts, not directly coordination part of the Joint Operation/Rapid Border Intervention.
- Before each flight, the Sea Border Expert representing the ICC participates in a pre-briefing when the Operation Order (OPORD) is defined. For flights taking place within the Joint Operation, the exact flight plan and the schedule of the mission are always pre-approved by the ICC. The Sea Border Expert approved the OPORD on the basis of ICC instructions.
- The flight was scheduled by the ICC Piræus and it was conducted inside the JO Poseidon Operational Area.

- g) The HCG expert giving instructions was a Hellenic Coast Guard Sea Border Expert (SBE) nominated for the purpose of coordinating FSC flight.
- h) The asset involved in the SI was under a direct command of the HCG.
- i) The Frontex Coordinating Officer together with a Frontex Operational Manager were informed by FSC on 19.04.2020 around 08:00 hrs, with the request to collect all the additional information about the incident from the ICC. FCO contacted by phone the ICC coordinator and informed about the incident, at the same time requesting a statement/report from the HCG with regard the incident in question. ICC coordinator initially did not provide any reply, later on requested a written report with all the facts to be considered internally by the HCG. The reply is still pending from the HCG.
- j) The mission report of the asset was sent to HCG on 22/04/2020 at 15:41 hrs by FSC.
- k) FSC proposed Head of Field Deployment Unit to be act as the Serious Incident Coordinator (SI-Coordinator).
- l) SI-Coordinator - coordinated the collection of information by requesting all the relevant information and intelligence concerning the SIR incident: 11095/2020: FORMAL SIR - Frontex Surveillance Aircraft's Sighting in Eastern Aegean, including the exchange of communications.
- m) SI-Coordinator requested support of FSC and FDU (OIS): demanding the timeline analysis and asked to keep track on the actions taken (logs).

7. Additional information related to the Serious Incident and undertook actions

- a) On 29/04/2020 Frontex Coordinating Officer requested formal information/statement from the Greek authorities setting up a deadline on 30/04/2020 EOB.
- b) On 30/04/2020 16:40 hrs Frontex Coordinating Officer received on behalf of the Operational Cooperation Unit an answer form the Integrated Maritime Surveillance Bureau Hellenic Coast Guard HQ as regards the circumstances of the event that took place on 19/04/2020 as following:

According to the Greek authorities the circumstances described in the SI involved a boat carrying a number of people which was first sighted by a Frontex participating unit in Turkish territorial waters. The Turkish authorities were promptly informed and the Hellenic Coast Guard authorities took the appropriate measures to address the illegal border crossing of the persons onboard the boat. To this end the Greek authorities undertook all the necessary steps and decided the course of action, including appropriate measures to ensure the safety of the persons concerned, in conformity with the international law and the European legislation.

In this context, the situation ended with the efficient on the field coordination between the Greek and the Turkish authorities. All these actions, in full compliance with international law, were conducted smoothly, without raising any complaints nor objection, while each side assumed its responsibilities.

The above actions, considering the difficulties of such situations at sea, were carried out in full respect of the rights of all parties involved. Moreover the need to intensify the efforts for the prevention of unauthorized border crossings due to serious health risks related to the COVID 19 outbreak was taken under consideration.

This constitutes the complete full picture of the event which occurred on 19 April 2020, and is provided in order to avoid any misconception that might arise from fragmented and incomplete information on the matter.

- c) All the information collected within the frame of SI are stored and logged by FSC.

8. Assessment

- a) Frontex Coordinating Officer responsible for JO Poseidon 2020 and RBI Aegean supported the information gathering in relation to the SI in close cooperation with Frontex Situation Center (FSC) and SI-Coordinator to ensure proper and timely transmission of the information, for further monitor situations and to subsequently report SI to FSC.
- b) All the appropriate reporting channels were followed as specified in the respective Operational Plan.
- c) Most of the available information collected came from the Frontex Situation Center (FSC) considered as a recognised and reliable source of data. Information provided is accurate and precise, supported by the preserved surveillance camera footages.¹ Information collected by the HCG are reflected in the correspondence with FSC² and FDU: response to the the Frontex Coordinating Officer's request.
- d) Based on the initial information it is suspected that the incident has characteristics of a case of an unprocessed return and violation of the principle of non-refoulement.

9. Final conclusion

- a) Information collected within the framework of SI, including the Frontex Surveillance Asset camera footage, proved that no Frontex asset or Frontex co-financed asset was involved in the Serious Incident.
- b) However, due to the nature of the incident and taking into consideration the complexity of the situation where migrants were safe when they were on board the patrol vessel and then placed back in the rubber boat, put again in a distress situation and left adrift without means of propulsion (the engine was missing on the rubber boat when it was left drifting in the Turkish TTW³) there is a strong believe that presented facts support an allegation of possible violation of Fundamental Rights or international protection obligations such as the principle of non-refoulement.

10. Way forward

- a) To address HCG with an official letter requesting to launch an internal investigation.
- b) To coordinate the possible follow up measures on the SI in cooperation with the respective MS authorities, if applicable.
- c) To send a Final SIR to the FSC Senior Duty Officer; attached to the respective SIR in JORA and to close the SI in JORA.

¹ All surveillance camera footage is the property of the Hellenic authorities in accordance with the Operational Plan/MASS/FASS Framework Contract

² Request for continuation of the flight, which was rejected by the HCG, and the information provided by the HCG, informing FSC about the landing of the migrants at the Turkish coast

³ FSC Mission Report, p 11