

## Disclaimers of Non-disclosure

1	Personal Data	<p>Names and/or contact details</p> <p>The non-disclosed text contains personal data, in particular, the name of an individual. Its disclosure would affect the privacy and integrity of the individual and is therefore precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.<sup>1</sup></p>
2	Number and profile of Human Resources	<p>The non-disclosed parts contain information regarding the number and profiles of officers deployed in the operational area. Disclosing such information would be tantamount to disclosing the weaknesses and strengths of Frontex operations and pose a risk to their effectiveness. As a result, the course of ongoing and future similar operations would be hampered, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. Consequently, the disclosure of such information would undermine the protection of the public interest as regards public security as laid down Article 4(1)(a) first indent of Regulation (EC) 1049/2001<sup>2</sup>.</p>
3	Reporting tools and methods used by law enforcement officials	<p>The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001<sup>3</sup>.</p>
4	Operational Area of Joint Operation	<p>The non-disclosed parts refer to details of the operational area and cannot be released. As ongoing operations tend to cover similar operational areas as the operations conducted in preceding years, disclosing details of previous operational areas would be tantamount to disclosing the current state of play. This would provide smuggling and other criminal networks with intelligence, enabling them to change their modus operandi, which would ultimately put the life of migrants in danger. Consequently, the course of ongoing and future operations of similar nature would be hampered by depriving the operations of any strategy and element of surprise,</p>

<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

<sup>2</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

<sup>3</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

	ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of documents containing such information would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 <sup>4</sup> .
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<sup>4</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

## Serious Incident Report no. 360

**Reporting date:** 12/04/2016 04:11 PM

**Last modification date:** 27/12/2016 04:37 PM

**Reporting person:** Text removed –  
Justification 1

**Last modification done by:** Text removed -  
Justification 1

FSC SIR Category	2 Fundamental Rights
Subject	Information from open sources about "Citizen's arrest" of migrants at the BGR - TUR land border
Type of SIR	3 Updated SIR
JORA Incident number (if any)	
Joint Operation	FOA 2016 land on border surveillance / SE
Frontex SIR Coordinator	
Incident date/time	12/04/2016 12:00 AM
Detection date/time	12/04/2016 04:08 PM
Original source of the information	open sources
Location of the incident	Bulgarian Turkish land border (unknown location)
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)	No
Type of resources / involvement	
Dead persons	
Injured persons	

## **Missing persons**

### **Information/allegations**

There has been footage released in internet showing some persons “arresting” some migrants and requesting them to leave Bulgaria and go back to Turkey. The video is available in Internet in the following link:[https://www.youtube.com/watch?v=tnA\\_XLjuiLQ](https://www.youtube.com/watch?v=tnA_XLjuiLQ) The location appears to be in Bulgaria and the persons in the background are talking in Bulgarian. The video is titled “Citizen’s arrest of migrants in Strandza” (Strandza is the mountain in the Eastern part of the BGR-TUR border).

### **Measures**

The Bulgarian NFPoC has been informed about the online video and was requested to provide comments/ remarks on the issue as well as any other additional information that may be available.

### **Assessment**

### **Final outcome**

UPDATE 13/04/2016: BGR NFPoC provided the feedback that the case mentioned has gained popularity in Bulgarian as well as in foreign media. Bulgarian authorities condemn these kind of deeds, since the citizens who took part in the “migrants` arrest” do not absolutely have any police powers and act on their own will and convictions, which is completely illegal. The person who made the video is arrested and there are pre-trial proceedings and investigation being executed by the Prosecution in the District of Burgas.

## Serious Incident Report no. 361

**Reporting date:** 12/04/2016 04:17 PM

**Last modification date:** 27/12/2016 04:39 PM

**Reporting person:** Text removed -  
Justification 1

**Last modification done by:** Text removed -  
Justification 1

FSC SIR Category	2 Fundamental Rights
Subject	Information obtained during an interview about alleged violation of Fundamental Rights
Type of SIR	2 Formal SIR
JORA Incident number (if any)	
Joint Operation	FOA 2016 land on border surveillance / SE
Frontex SIR Coordinator	
Incident date/time	08/04/2016 02:00 PM
Detection date/time	12/04/2016 04:11 PM
Original source of the information	Text removed- Justification 2 & 3
Location of the incident	Bulgarian Turkish land border
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)	No
Type of resources / involvement	
Dead persons	
Injured persons	
Missing persons	

### **Information/allegations**

Please, find below the information, reported by the Text removed - Justification 2,3, deployed in Text removed - Justification 4, obtained during the interview with an IRQ migrant, performed on 07.04.2016 in the premisses of apprehension of Text removed - Justification 3 & 4: "During that interview he described one subject to report regarding an incident which happened around 3 weeks ago (he couldn't remember the precise day and the exact area) at the Turkish-Bulgarian border: On that night there was his first attempt to cross the border to Bulgaria. Together with a group of around 15 migrants he was guided by a Turkish (Kurdish) facilitator towards Bulgaria. The interviewee could only describe the scene as hilly and woody; he saw no technical obstacle. After 30 minutes of marching the facilitator told the group that they would have reached Bulgarian territory and another 60 minutes passed by when they were stopped by a group of 3 men. These men were armed with automatic weapons and wore masks to hide their faces; their clothes were just black. The interviewee assumed that these men were Bulgarian because he thought to hear them talking in Turkish and in Bulgarian language. This armed group thereupon threatened both, the migrants as well as the facilitator and finally searched all of them, even the women and the children and babies. They put their money and their personal belongings, which has been of value, like mobile phones and jewelry. Finally these men bond the men and furthermore hit the facilitator with a hard object and broke his arm. After this the group of migrants was ordered to lay on the ground with their faces at the bottom and remain silent plus to wait until they will come back to hand them over to Bulgarian Police Forces. Then the men disappeared. After around 15 minutes of waiting the group of migrants could release themselves and dared to continue their march - still accompanied by the facilitator."

### **Measures**

Bulgarian NFPoC was informed about the allegations of the migrant and initiated procedure to collect additional information. Based on email sent to Text removed - Justification 2 & 3 on 11/04/2016, "despite the efforts of Bulgarian Border Police to collect more concrete details on the incident, due to the shortage of initial information, it turns out to be relatively impossible. Therefore, we would like to suggest that Serious Incident Report should not be prepared or in case it is, then it should officially be considered as closed."

### **Assessment**

It is suggested to implement SIR and, due to the fact that already the national authority was unable to collect additional information on the case, to close the SIR without further requests to BGR NFPoC.

### **Final outcome**





## Serious Incident Report no. 488

**Reporting date:** 28/10/2016 01:48 PM

**Last modification date:** 17/04/2018 12:42 PM

**Reporting person:** Text removed - justification 1

**Last modification done by:** Text removed - justification 1

FSC SIR Category	2 Fundamental Rights
Subject	Information about alleged violation of Fundamental Rights obtained during an interview
Type of SIR	2 Formal SIR
JORA Incident number (if any)	
Joint Operation	FOA 2016 land on border surveillance / SE
Frontex SIR Coordinator	FRO
Incident date/time	24/10/2016 12:00 PM
Detection date/time	26/10/2016 11:00 AM
Original source of the information	Text removed - Justification 2 & 3
Location of the incident	Bulgarian Turkish and Greek Turkish land border
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)	No
Type of resources / involvement	
Dead persons	0
Injured persons	
Missing persons	

### Information/allegations

During an interview which took place in the open refugee camp in Kiskunhalas Hungary on 24.10.2016 by the joint debriefing team, a 30 year old woman from Ilam, Iran, Kurdish Muslim, married and having 2 children, stated among else the following: "They spend around 1 month in this safe house in Istanbul. First they tried to cross the land border to Greece 3 times. Every time they were caught and send back to Istanbul. After the 3rd attempt they were "sold" to another facilitator without even knowing it. This facilitator took them towards the Bulgarian border by car the next day. They were taken in a Turkish car with a Turkish driver towards the Bulgarian border. After 8 hours of walking they already reached Bulgarian territory. The Turkish facilitator who joined them immediately left when they reached Bulgaria. Probably he knew the Police was coming. Because after a few minutes they were arrested by the Bulgarian police. A big police truck came to bring them to a Police station. When they arrived at this police station they had to undress themselves until they were totally naked. They even forced the children to take off their clothes. It was humiliating! The Bulgarian police took all their belongings, documents, clothes and cell phones. According to her everybody was forced to apply for asylum immediately. She didn't want to apply for asylum and give her fingerprints. Because of that she was beaten by the Bulgarian police. They all were accused of damaging the fence. After 2 days they were taken to a closed camp/prison. After a few days they told her she wasn't sentenced of damaging the fence but if the police caught her again she will be sentenced with 6 months of prison. After 21 days they were released from this closed camp and they were taken to an open camp in the area of Sofia".(Update 5.11.2016) attached

### Measures

The Text removed - Justification 2, 3 received the information from the submitted interview template sent on 25.10.2016 by the Hungarian Text removed - Justification 2 in Kiskunhalas and informed accordingly the operational team. Due to the lack of detailed information on the location and time of the incidents it is not possible to follow up the case with host MSs Greece and Bulgaria. (Update 5.11.2016) The Operational team requested, through the Text removed - Justification 2, 3, Text removed - Justification 2 to collect additional information on the allegations. To this end the Text removed Justification 2 deployed in Hungary carried out a second interview with the same person.

### Assessment

The exact date of the alleged attempt to cross the GRC-TUR and BGR-TUR border is not known. From the text of the whole interview it can be only estimated to approximately 3 to 4 months ago. The exact place at the GRC-TUR and BGR-TUR border is not defined. In regard with the attempt at the GRC-TUR border it is not defined if they were arrested by TUR authorities before crossing or by GRC authorities after crossing the borderline. It is suggested to implement SIR and ask the Text removed - Justification 2,3 to perform a second interview to clarify the above mentioned points, as well as to inform the person stating the allegations on her right and procedure to submit complain through the Complaint Mechanism. (Update 5.11.2016) According to the assumptions of the Text removed - Justification 2 on the basis of the second interview, if allegations are true the police station in Bulgaria could refer to Elhovo. In this case it might be possible for Bulgarian authorities to find her alias on the list in the police station in Text removed - Justification 3 to see what her exact date of arrival was. In regard with Greece and if again the allegations are true the place of apprehension could refer to Text removed - Justification 2,3. Personal data with reference to the interviewee is in possession of Hungarian authorities, thus in case national authorities consider they need it they could ask them directly.

### **Final outcome**

For the mentioned period 20 - 25.06.2016 4 cases of irregular border crossings were reported by LCC Elhovo: - 21.06.2016 - 4 persons, claiming to be from AFG (3 adults, 1 minor) were apprehended in the AoR of BCU Svielngrad; - 23.06.2016 - 2 persons, claiming to be from IRQ (adults) were apprehended in the AoR of BCU Svilengrad; - 23.06.2016 - 1 person, claiming to be from SYR was apprehended in the AoR of BCU Malko Tarnovo; - 23.06.2016 - 12 persons (8 adults, 4 minors), claiming to be from: 10 AFG, 2 IRN were apprehended in the AoR of BCU Svilengrad. In the above mentioned cases there was no family of a mother with two children. In the two cases with minors in the groups (21.06. and 23.06.2016) women and children were transferred to the Migration Directorate and accommodated in the Detention center Luybimets within the 24 hrs after their apprehension. Based on the fact that there is no evidence to support the claim the case should be considered as closed.



## Serious Incident Report no. 542

**Reporting date:** 08/02/2017 10:39 AM      **Last modification date:** 11/04/2017 08:52 AM  
**Reporting person:** Text removed - justification 1      **Last modification done by:** Text removed - justification 1

FSC SIR Category	2 Fundamental Rights
Subject	Alleged violation of Fundamental Rights - Use of force against migrant, reported in Svilengrad
Type of SIR	1 Initial SIR
JORA Incident number (if any)	
Joint Operation	FOA 2017 land on border surveillance / SE
Frontex SIR Coordinator	
Incident date/time	06/02/2017 12:00 AM
Detection date/time	07/02/2017 12:00 AM
Original source of the information	Interviewed migrant / Text removed - justification 2
Location of the incident	Bulgarian Turkish land border (unknown location)
Is latitude unknown	Yes
Latitude	
Is longitude unknown	Yes
Longitude	
Reference to the operational area	Yes
Frontex resources involved (Human resources / co-financed technical equipment)	No
Type of resources / involvement	No Frontex resources involved
Dead persons	
Injured persons	
Missing persons	

### **Information/allegations**

Text removed - justification 2 was interviewing migrant, AFG male, in Svilengrad (BGR), on 7 February 2017. Information below was provided in Screening expert's daily report: During the interview, the migrant was complaining about use of force of local authorities. He told that he was beaten with a wire. Migrant also said that food and water were not provided while he was detained in BCU Kapitan Andreevo.

### **Measures**

Screening expert try to reach interviewed migrant again in order to clarify the location and time of the incident mentioned above and to get additional information related to incident. Text Removed- Justification 2 has discussed with a representative of BGR NFPOC about the incident and planned measures.

### **Assessment**

Migrant's statement does not indicate exact time or place of incident and therefore it cannot be confirmed, where the incident happened and which authority has used the force. Also any details related to authority (uniform, badges, etc.) were not mentioned.

### **Final outcome**

Chief Directorate Border Police Bulgaria informs: due to the insufficiency of the facts and lack of more concrete details the investigation was exceptionally obstructed thus no additional information was to be obtained in this regard.