

Serious Incident Report no. 520

Reporting date: 14/12/2016 05:35 PM

Last modification date: 21/06/2019 06:16 PM

Reporting person: Text Removed -
Justification 1

Last modification done by: Text Removed -
Justification 1

FSC SIR Category	2 Fundamental Rights
Subject	Child abuse at Souda Camp on Chios
Type of SIR	
JORA Incident number (if any)	
Joint Operation	Poseidon Sea 2016
Frontex SIR Coordinator	
Incident date/time	12/12/2016 12:00 AM
Detection date/time	14/12/2016 10:52 AM
Original source of the information	Text Removed - Justification 2 Chios
Location of the incident	Souda Camp - Chios Island
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	
Dead persons	
Injured persons	
Missing persons	

Information/allegations

1 IRQ migrant has been arrested in the Souda camp on 12.12.2016 by Hellenic Police officers for having abused physically his 4 year old son. Currently the case is under investigation.

Measures

Assessment

Having in mind the information sent by Hellenic police on the 21.06.2019, this SIR is hereby closed.

Final outcome

In accordance with information sent by Hellenic Police (21.06.2019), the accused was brought to trial before the Criminal Court of Chios and found guilty for domestic physical damage against a minor member of his family and domestic violence. The sentence was imprisonment for five years, without suspension.

Serious Incident Report no. 542

Reporting date: 08/02/2017 10:39 AM

Last modification date: 13/02/2020 01:06 PM

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 Text Removed - Justification 3
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 4
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 4 was interviewing migrant, AFG male, Text Removed - Justification 3, on 7 February 2017. Information below was provided in Text Removed - Justification 4 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

Text Removed - Justification 4 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 4 has discussed with a representative of BGR Text Removed - Justification 2 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

Text Removed - Justification 2, 4 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.

Serious Incident Report no. 591

Reporting date: 13/05/2017 02:30 PM

Last modification date: 06/01/2018 01:04 PM

Reporting person: Text Removed -
Justification 1

Last modification done by: Text Removed -
Justification 1

FSC SIR Category	2 Fundamental Rights
Subject	Sexual abuse of PAK unaccompanied minor
Type of SIR	2 Formal SIR
JORA Incident number (if any)	
Joint Operation	Poseidon Sea 2017
Frontex SIR Coordinator	
Incident date/time	12/05/2017 11:00 PM
Detection date/time	13/05/2017 02:10 PM
Original source of the information	Text Removed - Justification 2 Kos
Location of the incident	Pyli Hotspot - Kos Island
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

Last night (12/13.05.2017 - the exact time is not confirmed) in RIC Pyli 01 PAK UAM (13 year old) was rapped by an adult PAK migrant. As initially reported there were 3 PAK adults involved in the incident (2 of them bound minor`s hands and the third one rapped the UAM).

Measures

The 3 PAK alleged perpetrators have been apprehended and transferred to the HP Station in Kos. The PAK UAM is going to be examined by doctors and receive adequate medical and psychological assistance.

Assessment**Final outcome**

Serious Incident Report no. 606

Reporting date: 08/06/2017 12:02 PM

Last modification date: 13/02/2020 01:07 PM

Reporting person: Text Removed -
Justification 1

Last modification done by: Text Removed -
Justification 1

FSC SIR Category	2 Fundamental Rights
Subject	Allegation by HLHR of Greece sending asylum seekers back to Turkey
Type of SIR	1 Initial SIR
JORA Incident number (if any)	
Joint Operation	FOA 2016 land on border surveillance / SE
Frontex SIR Coordinator	Fundamental Right Officer
Incident date/time	24/05/2017 09:00 AM
Detection date/time	08/06/2017 11:57 AM
Original source of the information	Open Source, https://www.fidh.org/en/issues/migrants-rights/turkish-journalist-imprisoned-in-turkey-after-refoulement-from-greece , https://www.fidh.org/en/issues/migrants-rights/greek-police-continues-to-illegally-hand-over-turkish-asylum-seekers
Location of the incident	Evros River , Didymoteicho
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

An unofficial refoulement from Greece to Turkey took place along the Evros River on May 24th. This time, it concerns Turkish citizens seeking asylum in Greece, among them Murat Çapan, who was a journalist for the magazine Nokta, and is now imprisoned in Turkey where he was previously sentenced for 22,5 years. The incident took place in Didymoteicho. According to the reports, on 2 June at 9am, a family of six, including an infant, and three men who wished to apply for international protection in Greece because of persecution in Turkey were handed over by Greek police to a group of masked gunmen. The unprocessed return was witnessed and the Hellenic League for Human Rights (HLHR) has in its disposal the license plate numbers of the Greek police van that transferred the asylum seekers. The incident took place in Evros river by boat. The HLHR has already contacted the United Nations High Commissioner for Refugees and will bring the matter to the attention of Greek courts and tribunals

Measures

Text Removed - Justification 2 and Text Removed - Justification 2 initiated FR SIR procedure in order start FR procedure official.

Assessment

Final outcome

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 1049/2001.¹</p> <p>Medical data</p> <p>The non-disclosed text contains information about the medical condition of an individual participating in Frontex activities. The disclosure of such information would undermine the protection of the privacy and the integrity of the individual as protected by European Union laws regarding the protection of personal data. In this regards the text is not disclosed pursuant to the exception laid down in Article 4(1) (b) of Regulation (EC) No 1049/2001.²</p> <p>(plural)</p> <p>Names and/or contact details</p> <p>The non-disclosed text contains personal data, in particular the names of individuals. Its disclosure would affect the privacy and integrity of the individuals and is therefore precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.³</p> <p>Medical data</p> <p>The non-disclosed text contains information about the medical condition of the individuals participating in Frontex activities. The disclosure of such information would undermine the protection of the privacy and the</p>
---	---------------	--

¹ 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).

² 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).

³ 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).

		integrity of the individuals as protected by European Union laws regarding the protection of personal data. In this regards the text is not disclosed pursuant to the exception laid down in Article 4(1) (b) of Regulation (EC) No 1049/2001. ⁴
2	Reporting tools and methods used by law enforcement officials	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 ⁵ .
3	Sensitive operational information	<p>The non-disclosed text cannot be released as it refers to details crucial for situational awareness at the external borders of the European Union which is used by Frontex to conduct its operational activities and to develop risk analyses. The disclosure of this information would hamper the effectiveness of Frontex operations and jeopardise the efforts carried out by the European Union and Member States to curtail criminal activities at the external borders. It would thus benefit criminal networks especially those involved in people smuggling and trafficking in human beings, which would put the life of migrants in danger. Hence, the disclosure of the information pertaining to this variable would undermine the protection of the public interest as regards public security and has to be refused based on Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.</p> <p>The information related to this non-disclosed text is also used for the development of risk analyses, which constitute a specific form of internal decision-making processes based on the intelligence derived from previous and presently ongoing activities and have a bearing on the conduct of current and future operations. Being an important base for determining the strategic orientation of the Agency, the possibility to conduct such analyses without interference is crucial for Frontex to effectively exercise its mandate. Consequently, releasing this information would enable third parties to gain insights into this decision making process and, with ascertainable likelihood, result in depriving Frontex of the possibility to conduct such analyses wholly independently, free from any external pressure or third-party influence. In sum, releasing this information would seriously undermine Frontex internal decision making-processes. As no overriding public interest that is objective and general in nature and not indistinguishable from individual or private</p>

⁴ 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).

⁵ 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).

		interests for the release of this information is ascertainable in the present case, information pertaining to this variable cannot be released based on Article 4(3) of Regulation (EC) No 1049/2001.
4	Number and profile of Human Resources	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 ⁶ .

⁶ 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).

