

Serious Incident Report no. 19

Reporting date: 10/04/2015 11:30 AM

Last modification date: 13/02/2020 12:55 PM

Reporting person: Text Removed -
Justification 1

Last modification done by: Text Removed -
Justification 1

FSC SIR Category	2 Fundamental Rights
Subject	Female migrants allegedly beaten by Bulgarian police guard
Type of SIR	4 Final SIR
JORA Incident number (if any)	
Joint Operation	Attica 2014
Frontex SIR Coordinator	FRO
Incident date/time	24/02/2015 04:30 PM
Detection date/time	23/02/2015 12:00 AM
Original source of the information	Text Removed - Justification 2
Location of the incident	Text Removed- Justification 3
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	Text Removed - Justification 2
Dead persons	
Injured persons	
Missing persons	

Information/allegations

Tuesday 24-02-2015 at 16.30 hrs, Text Removed - Justification 2 visited the Text Removed - Justification 3. On the 23-02-2015, the Text Removed - Justification 2 was informed by the local screener that a bus with approx. 70 illegal migrants was intercepted and brought to the Text Removed - Justification 3. Due to this amount of migrants, the screener requested extra manpower. On 24-02-2015 extra screeners and interpreters arrived on scene. - During the visit the Text Removed - Justification 2 visited a screening room. - A young female migrant from Iraq origin was seated. She displayed a behaviour of frightness. At this time in the room were present, the interpreter, Text Removed- Justification 2 and the Text Removed- Justification 2. The interpreter started the screening and upon answering, she asked directly if she will be beaten again. - She stated that last night she was pushed and beaten by a female guard (probably Bulgarian police guard). She mentioned that some other female were also pushed and beaten. The interpreter asked her, if she wanted to file a complaint, which she refused due to anxiety. The interpreter confirmed to the Text Removed - Justification 2, 3, that in earlier interviews, with 3 or 4 female migrants, they stated the same that they were pushed and beaten. The Text Removed - Justification 2 informed the Text Removed - Justification 2, 3, who confirmed that several women had the same complaints.

Measures

- The Text Removed- Justification 2 has been informed about this situation by the Text Removed - Justification 2, 3,. An investigation will be conducted in close cooperation with the Host Nation. Text Removed - Justification 2, 3, was informed. He also stated, that the chain of command will be informed reference this SIR. Further detailed information will be provided through an updated SIR.

Assessment

Final outcome

Serious Incident Report

Subject	Allegations on violation of Fundamental Rights
Joint Operation	JO Focal Points 2014 land extension (operational area of former JO Poseidon 2014 land)
Location of the incident	Text Removed - Justification 3/ Bulgaria
Incident date/time	12.01.2015 / 20:00
Finding date/time	13.01.2015 / 14:00
Source of information	Text Removed - Justification 2/ Text Removed - Justification 2
Reporting unit/person	Text Removed - Justification 2 (Text Removed - Justification 4)

1. Fact of the case

On 13.01.2015 Text Removed - Justification 2,3 was informed on the following:

« On 13.01.2014 at around 14:00, the Text Removed - Justification 2, comprised of Text Removed - Justification 2, 3, performed an interview in Text Removed - Justification 3, containing claimed violation of fundamental rights.

According to the Text Removed - Justification 2, the Syrian migrant mentioned:

“During the interview, the migrant said that after apprehension on 12/01/2015 at 20:00 the group was brought to the detention facility of Text Removed- Justification 3. There, before they were searched, one policeman (dark blue uniform) brought him alone to the WC. In WC they were alone, the policeman and he. Policeman then said “Give me money! Money!” and showed it by gesture. He showed him his phone and policeman took it and immediately gave it back and with a gesture showed him that he must put it (the phone) back in pocket. After that policeman asked him to wash his hands the migrant joined again the group and procedures of persecution started. Then another policeman was asking him to do something in Bulgarian language but the migrant did not understand him. This policeman punched him on the back side of the migrants neck.”

Text Removed - Justification 2 asked the migrant whether he would like to report the incident officially but the migrant replied negatively».

2. Measures

- Local authorities and Text Removed - Justification 2, who was already present in the BCU premises, were immediately informed.
- Text Removed - Justification 2 was informed.
- Text Removed - Justification 2,3 contacted the Text Removed - Justification 3 Coordinator who informed that *“according to the process followed by the BGR authorities all migrants undergo body search and they are obliged to hand over all their personal belongings. After the responsible authorities decide on the facility*

where the migrant will be accommodated and in 24 hours all these belongings are returned to the migrant. The BGR authorities will further investigate this case”.

3. Assessment

N/A



Serious Incident Report		
* Subject	Category 4	
Joint Operation	JO EPN Minerva 2015	
JORA incident no. (if any)	Text Removed - Justification 3	
* Reporting unit/person	Text Removed - Justification 2 in Text Removed - Justification 3, Text Removed - Justification 1	
FSC part	Category	Fundamental Rights
	Date of reporting	05/08/2015
	SIR coordinator	Fundamental Rights Officer
	Log-No	3884/2015
* Incident date/time	04/08/2015 16:10	
* Detection date/time	04/08/2015 15:50	
Original source of information		
* Location of the incident	Operational Area of JO EPN Minerva, inside port of Ceuta	
Latitude / Longitude		
Reference to the operational area	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside	
* Involved Frontex resources (Human resources/co-financed technical equipment)	<input type="checkbox"/> Yes Type of resources/action performed <input type="checkbox"/> No	

1. Facts of the case

In the port of Ceuta, on 04.08.2015, around 1550 hrs, two MAR nationals, who claimed to be minors, were hiding in a truck; one were hiding underneath and the other hiding on top of the truck. They were detected before the truck drove onto the ferry that was scheduled to Algeciras.

The migrants were brought to the police office at Ceuta port.

At 1610 hrs Text Removed - Justification 2 deployed in Ceuta witnessed that an officer of Text Removed - Justification 2 handcuffed the migrants. The CNP officer in question is not deployed as host staff in JO EPN Minerva 2015. The Text Removed - Justification 2 then witnessed that the CNP officer hit the migrants in the face twice. The Text Removed - Justification 2 asked the CNP officer to stop hitting the migrants.

The Text Removed- Justification 2 reported the incident using the chain of command.

2. Measures

Text Removed - Justification 2 was made aware of the incident by the ICC coordinator today, 05.08.2015, Text Removed - Justification 3.

The ICC coordinator has informed Text Removed - Justification 2 that CNP has started appropriate internal procedures against the CNP officer.

The migrants have ben brought to the Children Protection Centre in Ceuta.

3. Assessment

Serious Incident Report

Subject	Alleged violation of Fundamental Rights
Joint Operation	JO Flexible Operational Activities 2015 Land / SE
Location	Elhovo, BULGARIA
Incident date/time	Unknown
Finding date/time	13/03/2015
Source of information	Text Removed - Justification 2/ Text Removed - Justification 2
Reporting unit/person	FOC JO Flexible Operational Activities 2015 land

1. Fact of the case

On 13/03/2015, the Elhovo Text Removed- Justification 2, comprised of Text Removed – Justifications 2/3, performed an interview with an Iraqi national apprehended the day before in Text Removed- Justification 3 in Elhovo (distribution centre).

During the interview the migrant claimed that:

- *This is his 4th attempt to cross over to Europe, having tried to go to Greece twice and Bulgaria once;*
- *His first attempt was by sea to Greece, with a group of approximately 70 people, in various boats. They were arrested by the Greek police inland, but he doesn't know the name of the village. The Greek police freed them and took them, during the night, to a seaside port where a boat with a motor was waiting, with two Greek policeman on board. These policemen drove the boat till the Turkish coast and told them to get off. They walked for 1 hour and were arrested by the Turkish police;*
- *His second attempt was again from Turkey to Greece, this time through the border, and using a fake Dutch passport (he refused to say where he got it nor how much it cost). He was caught and arrested by the Turkish border police, who beat him and threatened him, and was sent 90 days to a refugee camp near the Turkish-Syrian border.*
- *His 3rd attempt was from Istanbul to Bulgaria with a group of 11 other migrants. They managed to cross over the border on foot and were apprehended by the Bulgarian police in a field. Close to them was another group of approximately 36 migrants and the Bulgarian police rounded them all up and put them in jeeps. There were a lot of jeeps, he couldn't say how many. They took them to a location and pointed out lights coming from one direction, saying that the lights were in Greece and told them to walk there. They took their cell phones (around 6) and all the money they had (around 2000€). It was Turkey, not Greece, and they were arrested.*

The migrant was informed of his right to place an official complaint.

The migrant does not wish to make an official complaint or any further claim against the Border Police Officer.

2. Measures

Local authorities (Text Removed - Justification 3 Coordinator) were informed about the case and afterwards Text Removed - Justification 2
The Text Removed - Justification 2/3 Coordinator informed Text Removed - Justification 2/3 of the JO FOA 2015 land.

Incident is reported as an alleged Violation of the Fundamental Rights.

3. Assessment

Serious Incident Report no. 15

Reporting date: 04/04/2015 10:08 AM

Last modification date: 04/12/2016 10:02 AM

Reporting person: Text Removed –
Justification 1

Last modification done by: Text Removed –
Justification 1

FSC SIR Category	2 Fundamental Rights
Subject	SIR with suspected violation of fundamental rights/international protection obligations - BGR police allegedly returned migrants to TUR
Type of SIR	1 Initial SIR
JORA Incident number (if any)	
Joint Operation	FOA 2015 land on border surveillance / SE
Frontex SIR Coordinator	FRO
Incident date/time	28/03/2015 09:42 AM
Detection date/time	03/04/2015 09:42 AM
Original source of the information	IRQ migrant
Location of the incident	Text Removed - Justification 3
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)	Yes
Type of resources / involvement	Text Removed – Justification 2
Dead persons	
Injured persons	
Missing persons	

Information/allegations

On 03.04.2015 an IRQ migrant stated during an interview conducted in Text Removed - Justification 3 (SVI) by Text Removed – Justification 2, that some days ago (around 28.03.) he and other migrants were arrested by the Bulgarian police during an attempt to enter Bulgaria. After they had been arrested the police took their belongings (mobile phones, jewels, and sunglasses) except the money, and brought them back to Turkey through a door in the engineering technical obstacle between BGR and TUR. When the migrants walked through the fence", one of the police officer fired a shot in the air with his service weapon. The migrant's belongings were not returned. Based on pictures presented, the migrant claimed that the incident took place next to Text Removed- Justification 3. He expressed his willingness on reporting officially his claim to the BGR authorities.

Measures

Local authorities and Text Removed – Justification 2 were informed about the case.

Assessment

N/A

Final outcome

Serious Incident Report no. 18

Reporting date: 10/04/2015 11:21 AM

Last modification date: 29/12/2016 10:54 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
Type of SIR	4 Final SIR
JORA Incident number (if any)	
Joint Operation	Focal Points 2015 Land
Frontex SIR Coordinator	FRO
Incident date/time	11/02/2015 12:00 AM
Detection date/time	13/02/2015 12:00 AM
Original source of the information	Text Removed - Justification 2
Location of the incident	Text Removed - Justification 3
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	Text Removed - Justification 2
Dead persons	
Injured persons	
Missing persons	

Information/allegations

Today 13/02/2015,), the Text Removed- Justification 2 Elhovo, comprised of Text Removed - Justification 2, performed an interview with an Iraqi national apprehended two days ago at the Text Removed - Justification 3 for carrying a forged passport while travelling by bus with destination Romania in Elhovo (distribution centre). During the interview the migrant requested that the BGR officer would exit the room; the BGR officer exited the room and the Text Removed - Justification 2 expert received the following information / claim from the migrant: During the border check, the migrant left the bus and was asked to get his passport by a Bulgarian Border Police officer. The officer's uniform was described as being green and having written "Border Police" on the jacket's forearm. According to the statement, while being outside of the bus and alone with the Bulgarian Border Police Officer the migrant was asked to pay 400\$ to avoid passport control. When the migrant said he just had 200 \$ the officer started hitting him (several slaps in his face and kicks in the back). Afterwards he was taken into the facilities of the BCP and put alone inside a room. Further details concerning the time of the incident and the exact circumstances have not been provided. The migrant does not wish to make an official complaint or any further claim against the Border Police Officer.

Measures

Local authorities and Text Removed - Justification 2 were informed about the case and afterwards Text Removed - Justification 2. Text Removed - Justification 2 provided the information to the ICC (Text Removed - Justification 2 JO FOA 2015 land). Incident is reported as an alleged Violation of the Frontex Code of Conduct Text Removed - Justification 3, 4, 5. There is no indication that Text Removed - Justification 2 were present in the BCP during the time of the incident.

Assessment**Final outcome**

Serious Incident Report no. 48

Reporting date: 12/05/2015 02:24 PM

Last modification date: 13/02/2020 12:56 PM

Reporting person: Text Removed -
Justification 1

Last modification done by: Text Removed -
Justification 1

FSC SIR Category	2 Fundamental Rights
Subject	Claimed violation of fundamental rights
Type of SIR	1 Initial SIR
JORA Incident number (if any)	
Joint Operation	FOA 2015 land on border surveillance / SE
Frontex SIR Coordinator	FRO
Incident date/time	06/05/2015 12:00 AM
Detection date/time	12/05/2015 12:00 PM
Original source of the information	Text Removed - Justification 2
Location of the incident	Text Removed - Justification 3
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

• On 11.05.2015 the Text Removed - Justification 2 in Orestiada, comprised Text Removed - Justification 2 performed an interview of a male Syrian national (claimed), aged 26 who had been apprehended during the previous night in the area of the trilateral border (Greece, Bulgaria and Turkey), close to Text Removed - Justification 3 (BGR - GRC). The interviewee claimed to traveling with his family, his wife and a baby. • During the course of the interview, the migrant provided information of what it appears to be a violation of Fundamental Rights. More specific, the migrant claimed during the interview (extract from interview report):“ ... By 00h00 whole group has crossed the river. The interviewee stated again the target / final destination was reach Text Removed - Justification 5. He never knew in what country arrived after crossing the river. Text Removed - Justification 5.

Measures

Text Removed - Justification 2 Text Removed - Justification 3, 4 are informed about the allegations of the migrant.

Assessment

- it is unclear when the group was detected for the first time by the police and at which country they were detected and divided as a group. The interviewee could not identify the nationality of the officers to whom the group addressed to for help but he was confident they were not from the Hellenic Police who stopped him and his family at later stage.

Final outcome

Disclaimers of Non-disclosure

1	Personal Data	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. ¹
2	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 ² .
3	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 ³ .
4	Operational Area of Joint Operation	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, 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

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).

		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 ⁴ .
5	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 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.</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).