

Exceptions: personal data

From: Fabrice Leggeri
Sent: 29 October 2020 17:49
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: FRO investigation on alleged push backs in Greece

Dear [REDACTED],

Thank you very much for your feedback. On the incidents we discussed I have not got more explanations from the Greek authorities.

Kind regards,

Fabrice Leggeri
Executive Director

From: [REDACTED]
Sent: 29 October 2020 12:50
To: [REDACTED]<[REDACTED]@frontex.europa.eu>; Fabrice Leggeri <Fabrice.Leggeri@frontex.europa.eu>
Cc: [REDACTED]<[REDACTED]@frontex.europa.eu>
Subject: RE: FRO investigation on alleged push backs in Greece

Dear [REDACTED], dear Fabrice,

With reference to the below issue, after our meeting as of 16th September I received the mentioned documents (ED letters to the Greek authorities on SIRs No. 11095/2020 and 11860/2020 as well as the reply from the Greek minister). This is the entire correspondence I received as regards the feedback from the Hellenic authorities in this regard, which I shared with [REDACTED] shortly after MB meeting on 24th September. I hope it helps and I stay at your disposal with any support needed with reference to this important matter.

With kindest regards,

[REDACTED]

[REDACTED]
Associate Fundamental Rights Officer
[REDACTED]

From: [REDACTED]
Sent: 29 October 2020 11:09
To: Fabrice Leggeri <Fabrice.Leggeri@frontex.europa.eu>
Cc: [REDACTED]<[REDACTED]@frontex.europa.eu>; [REDACTED]<[REDACTED]@frontex.europa.eu>
Subject: RE: FRO investigation on alleged push backs in Greece

Dear Fabrice

I will look into this matter in the coming days. The letters to Greece were only submitted to us after an email was sent to FSC (see attached) on the concerns that some SIRs were not considered to be coordinated by FRO and a meeting was held between [REDACTED] and you prior to MB, as far as I know.

I am not aware that the reply letters by Greece were shared with me, thus I asked [REDACTED] to inform whether she received them.

Kind regards. [REDACTED]

From: Fabrice Leggeri

Sent: Thursday, October 29, 2020 8:50 AM

To: [REDACTED]

Cc: [REDACTED]@frontex.europa.eu>; [REDACTED]@frontex.europa.eu>

Subject: FRO investigation on alleged push backs in Greece

Dear [REDACTED],

In view of the extraordinary Management Board scheduled on 10 November, could you please:

1. Inquire if there have been complaints against push backs in Greece since the beginning of the Rapid Border Intervention Aegean and Evros at maritime and land borders since beginning of March 2020.
2. More generally share with me what is your assessment of the risks of push backs in the Aegean Sea since the beginning of March 2020

I think it would be appropriate if you could present your findings on both topics to the Management Board during this extraordinary session.

I would also be grateful if you could share with me any useful piece of knowledge or findings that could assist the ongoing internal inquiry. In particular I would be interested to know if, based on the documents that I shared with the associated FRO during Summer (my letters to the Greek authorities and the reply from the Greek minister), the Fundamental Rights Office had an opportunity to build an assessment of or to dig further into the situation.

Thank you very much. Kind regards,

Fabrice Leggeri
Executive Director

Mr
Minister of Maritime Affairs and Insular Policy of Greece

08 May 2020

Our ref: ORD/FDU/TUHO/3115/2020
Please quote when replying.

Dear Minister,

As the Executive Director of the European Border and Coast Guard Agency, Frontex, I am concerned about a certain type of incident occurred in the operational area of the Frontex coordinated Joint Operation (JO) Poseidon 2020/ Rapid Border Intervention (RBI) Aegean 2020, which has involved an interception of irregular migrants at sea, and their intended or subsequent return to the Turkish Territorial Waters (TTW).

On 18 April 2020, the Frontex contracted aircraft operating in the Aegean Sea in support of the above mentioned operations sighted a migrant boat with approximately 20-30 persons on board. By the time of the sighting there were both: Hellenic Coast Guard (HCG) and Turkish Coast Guard (TCG) patrolling vessels in the vicinity of the boat. HCG vessel was observed to embark the migrants on board. Approximately two and half hours after the embarkation, the HCG vessel was sighted again and this time transferring the migrants back to the migrant boat. After, a Hellenic patrol vessel towed the migrant boat towards TTW.

Taking into consideration the incident described above and to guarantee fundamental rights compliance in the operational activities at the external borders of the European Union, I invite you to internally investigate the incident. I would appreciate it if you could inform me on the outcomes of this enquiry as soon as available. Considering the fact that the border area is part of the operational area of the Frontex coordinated maritime operations, the adherence of fundamental rights in line with the European Integrated Border Management Strategy, in particular the compliance with the principle of non-refoulement, is an ultimate requirement.

Please let me assure you that I am willing to continue to provide Greece in the frontline of migration with my support while ensuring good cooperation to effectively protect the human rights of those at sea.

I look forward to receiving your reply and continuing our operational cooperation and support.

Yours sincerely,

Executive Director



HELLENIC REPUBLIC
MINISTRY OF MARITIME AFFAIRS & INSULAR POLICY

AKTI VASSIALIADI, GATE E1-E2, 185 10 PIRAEUS GREECE
TEL: +30 213 137 1718/1721, FAX: +30 210 422 0767
EMAIL: minister@yna.gov.gr
www.yna.gov.gr

Ioannis Plakiotakis
MINISTER

Mr. Fabrice Leggeri,
Frontex Executive Director
Plac Europejski 6
PL-00-844 Warsaw
Poland

Mr. Fabrice Leggeri
Executive Director of European Border and Coast Guard Agency

Your Letter Ref: ORD/FDU/TUHO/3115/2020

Dear Executive Director (Dear Fabrice)

1. In response to your letter in reference please be advised that an internal enquiry was launched in order to investigate the incident that took place on the 19th of April 2020 north of Lesvos and clarify the relevant details. In this respect, I would like to share with you the outcome of the aforementioned process as follows:
2. The legal basis of the actions undertaken by the Hellenic Coast Guard (HCG) is stemming from the Schengen Border Code as well as the fundamental rights regime and in particular the provisions for preventing the unauthorized crossing of the borders in conjunction with the respect of the rights of those who may be in need of international protection.
3. These two fundamental rules, though equally acknowledged and fully observed, can often create a complex operational environment, depending on the circumstances of each different occasion. This is particularly valid in the maritime domain where a series of unique legal and geographical particularities may affect the operational objectives or may generate the need for a prioritization of the response actions, very often within extremely limited timeframes for the on-scene decision making.
4. As a result, the actions of the HCG patrol vessel that assumed responsibility on the concerned incident cannot be assessed in an isolated manner but rather as a whole and under the perspective of compliance with the principle of non-refoulement, while respecting the law enforcement mandate of our Agency. Most importantly it was deemed necessary to be assessed against the general background of the situation at the eastern Aegean as well as the specific conditions of the event.
5. In particular and as concerns the general background the following parameters were taken under consideration:
 - (a) The organized and massive character of the migration flows at the eastern Aegean. As known, the Turkish Authorities decided to stop preventing migrants from moving onwards to the EU territory and this was officially announced by the representatives of the concerned neighboring country. This instrumenatalization of migrant escalated the phenomenon to a hybrid nature threat, directly affecting the EU internal stability. Moreover it climaxed the situation to the dimension of an offence against Greece's national security, which necessitated to be counter addressed as such.
 - (b) The Covid 19 pandemic. The Greek Government introduced exceptional measures prohibiting entry into the country by Turkey for mitigating the risk of the virus widespread. These prevailing and unprecedented developments magnified the importance of preventing illegal border crossing as a

matter of safeguarding public health for the benefit of the local societies, the European border guards and the migrants accommodated at the Hotspots as well.

6. In particular and as concerns the specific conditions the following parameters were taken under consideration:
 - (a) The safety of the migrants. The management of the incident by the HCG was in alignment with the international standards and the integrity of the migrants was not endangered, ensuring, in cooperation with the Turkish Coast Guard, their disembarkation at a place of safety.
 - (b) The status of the migrants onboard the intercepted vessel. Given that Turkey has been assessed in general as a safe country, according to Regulation 656/2014, the migrants' right for a fair treatment was not jeopardized. Moreover, on an individual basis no objection was raised and no personal reason why they should not return to Turkey was claimed by them.
7. In light of the above, none of the apprehended individuals expressed a request for international protection while based on a preliminary assessment that was performed by the crew no evidence suggested that the migrants' profile matched a vulnerable category.
8. Such an assessment is corroborated by the general trend during the concerned period, which indicated that a significant part of the arriving third country nationals did not originate from conflict areas. On the contrary they were subjects of misleading motivation that they could supposedly enter the EU at an uncontrolled manner. At any case, the respective persons had not made use of the existing legal procedures for gaining lawful entry to Hellenic territory. Within this framework, the operational actions of the HCG followed the objective to early detect the migrants' boats in order to pass this kind of alerts to the Turkish Authorities. As a result the Turkish Coast Guard was indeed timely in advance notified and subsequently took the necessary preventing measures in line with its commitments stemming from the EU-Turkey Statement.
9. To this end I would like to reassure you on the commitment of the Hellenic Coast Guard to the fundamental rights regime as well as on the adherence of its personnel to the humanitarian values, as this has been undisputedly proven during the last years via the rescue of thousands of migrants' lives at sea. Moreover and all things considered, it can be reasonably concluded that the actions of the HCG personnel involved in the concerned incident did not exceed the necessary limits suitable for the specific occasion in pursuit of the protection of the overall interest.

Yours sincerely
Ioannis Plakiotakis

From: Text Removed – Personal Data

Sent: 01 May 2020 09:14

To: Text Removed – Personal Data; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools

Cc: Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools

Subject: 11095/2020: FORMAL SIR – Frontex Surveillance Aircrafts Sighting in Eastern Aegean

Importance: High

Dear Text Removed – Reporting Tools

Please find an attached **Final SIR Report: 11095/2020: FORMAL SIR – Frontex Surveillance Aircrafts Sighting in Eastern Aegean** together with a draft letter to the Greek authorities and a transmission slip.

Regards

Text Removed – Personal Data, Text Removed – Reporting Tools

Text Removed – Human Resources

Text Removed – Reporting Tools

Text Removed – Reporting Tools

Text Removed – Reporting Tools

From: Text Removed – Personal Data

Sent: 04 May 2020 08:21

To: Text Removed – Personal Data

Cc: Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools

Subject: RE: 11095/2020: FORMAL SIR – Frontex Surveillance Aircrafts Sighting in Eastern Aegean

Dear Text Removed – Personal Data

In your capacity of the Coordinator for this SIR, I want to thank you very much for the outcome of your investigation and inform you that I accept the proposed way forward. In particular I thank you very much for your draft letter to the Greek authorities. Considering the fact that the addressee of the letter is at Minister level, it will be sent by Text Removed – Reporting Tools.

Bes regards,

Text Removed – Personal Data

Text Removed – Human Resources

Text Removed – Reporting Tools

From: Text Removed – Personal Data

Sent: 01 May 2020 09:14

To: Text Removed – Personal Data; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools

Cc: Text Removed – Reporting Tools; Text Removed – Reporting Tools; Text Removed – Reporting Tools

Subject: 11095/2020: FORMAL SIR – Frontex Surveillance Aircrafts Sighting in Eastern Aegean

Importance: High

Dear Text Removed – Reporting Tools

Please find an attached **Final SIR Report: 11095/2020: FORMAL SIR – Frontex Surveillance Aircrafts Sighting in Eastern Aegean** together with a draft letter to the Greek authorities and a transmission slip.

Regards

Text Removed – Personal Data, Text Removed – Reporting Tools

Text Removed – Human Resources

Text Removed – Reporting Tools

Text Removed – Reporting Tools

Text Removed – Reporting Tools

Senior Duty Officer 24/7 service
Monitoring Hub - Frontex Situation Centre
Situational Awareness and Monitoring Division
Text Removed (Reporting Tools)
Text Removed (Reporting Tools)