



HELLENIC REPUBLIC
MINISTRY OF MARITIME AFFAIRS & INSULAR POLICY

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Ioannis Plakiotakis
MINISTER

Mr. Fabrice Leggeri,
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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

A handwritten signature in black ink, appearing to be 'Ioannis Plakiotakis', written over a large, light-colored circular scribble or stamp.