

*This document is releasable only for the purpose of the discussion during the agenda point no.2 of the Management Board on 10 November 2020*

## Note

### Management Board meeting, 10 November

**Agenda item: Rapid Border Intervention in Greece**

**This note is only to be distributed to the participants of the Frontex Management Board meeting of 10 November 2020, for the purpose of discussing agenda item 2. No further dissemination is allowed.**

The document contains the following main chapters:

1. Context
2. Situational picture during the RBIs
3. Geopolitical aspects
4. Operational challenges
5. Operational modalities
6. Assessment of the alleged cases as appeared in various media outlets

## 1. Context

On 28 February 2020, after a military conflict in Idlib (Syria), the Turkish authorities discontinued migration controls in the Aegean region at land and sea borders. Immediately, migrants from Edirne and other regions of the country - mainly from Istanbul - travelled to the Greek-Turkish border. People-smuggling networks offered their services to would-be migrants in Turkey to help them reach the EU. In 2-3 days, Turkey announced that nearly 100 000 would-be migrants had approached the Greek borders.

Due to the specificity of the border types, the migrants first primarily approached the land border between Greece and Turkey. According to various sources, the number of migrants gathered at the land border was somewhere between 4 000 and 30 000. In response to the situation in this area, Greece immediately closed the borders and enforcement capacities were strengthened. Additional measures were taken, such as deploying the Hellenic Police and army to strengthen border management.

As a consequence of these measures, the migration pressure shifted to the sea route for a short time. In a single day on 1 March 2020, 1 011 migrants landed in Greece from Turkey by sea, with 540 more on the following day. After this short break, the Turkish Coast Guard (TCG) resumed control activities.

At the end of February and in March, around 10 000 migrants gathered in the area of Pazarkule on the opposite side of the Greek Border Crossing Point (BCP) Kastanies, trying forcibly to illegally enter Greece by climbing the border fence. The migrants were prevented from climbing the fence by the Greek authorities, and BCP Kastanies was closed.

With the outbreak of the COVID-19 pandemic at the end of March 2020 the makeshift camp at Pazarkule was closed, and the remaining migrants were evacuated and transported to nine different removal centres in Turkey. There was a significant decrease in migratory pressure on the Greek-Turkish border during March and April, but after Turkey lifted its COVID-19 restrictions, pressure resumed on the land border, but especially on the sea border.

During the whole time the Turkish authorities did not take any measures to prevent migrants from illegally exiting to Greece on land.

The Hellenic authorities requested Frontex to launch two rapid border intervention (RBI) operations, one at the land and one at the sea border with Turkey. In line with the request, on 11 March 2020 Frontex commenced the RBI Aegean 2020 operation, which terminated on 6 September 2020 and the RBI Evros 2020, which was extended until 31 October 2020.

## 2. Situational picture during the RBIs

### Land border

During the implementation of the RBI and closed borders, from 11 March to 31 October 2020, the Greek authorities reported 2 279 illegal border-crossings from Turkey to Greece along the entire land border section. The main nationalities apprehended for crossing the border illegally were Turkish (1 744/77% of the total), Syrian (300/13%), Pakistani (58/2%), Somali (49/2%) and Iraqi (21/2%).

Besides a peak of illegal border-crossing in Police Directorate (PD) Orestiada during week 34 of 2020, migratory pressure in the area of Orestiada remained relatively stable while the area of PD Alexandroupolis faced a significant increase of illegal border-crossings starting from the beginning of August 2020.

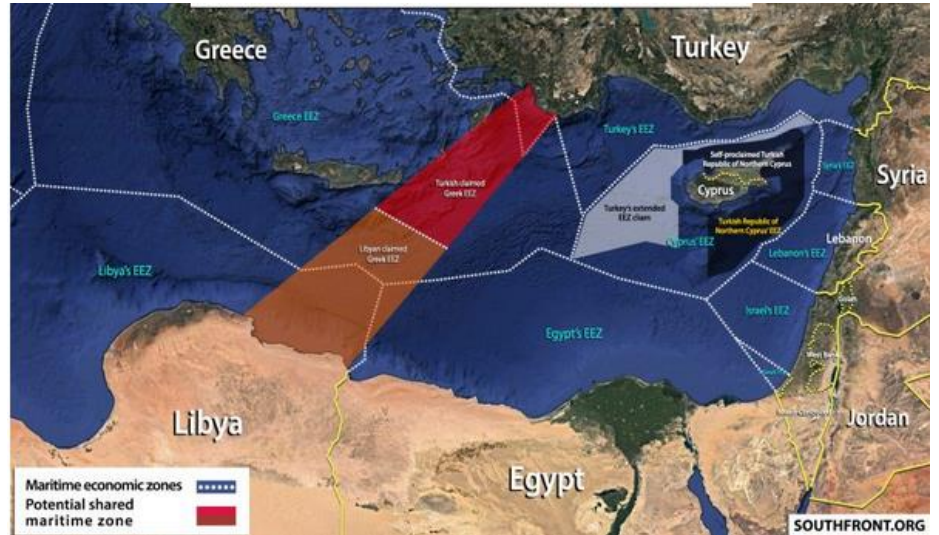
It is notable that following the closure of the makeshift camp at Parzakule in Turkey at the end of March 2020, the situation along the 12.5-km-long border fence remained calm, and no major incidents related to migrants crossings were reported from this part of the Greek-Turkish land border.

## Sea Border

During the RBI Aegean 2020, 1 454 (74.8% of the total) migrants landed on the five hotspot Islands, namely Lesbos, Chios, Samos, Kos and Leros. Lesbos reported 61.5% of the migrants, followed by Rhodes (10.6%), Kos (5.5%) and Katakolo (4.6%). In this way, the operational areas were polarised; Lesbos was targeted in the north, while the Turkish-Italian corridor was active, leading to interceptions in the southern Dodecanese, near Crete and also along the Ionian coast.

### 3. Geopolitical aspects

In its pursuit for influence in the Mediterranean, in late 2019 Ankara concluded a contested Exclusive Economic Zone (EEZ) demarcation deal with Libya's Government of National Accord (GNA). The deal infringed on Egypt's and Greece's claims and interests in the region. Greece and Egypt concluded a similar EEZ deal in August 2020, which Ankara contested. A number of Turkish exploration missions in the disputed areas raised frictions with Greece, Cyprus and the EU throughout 2020.



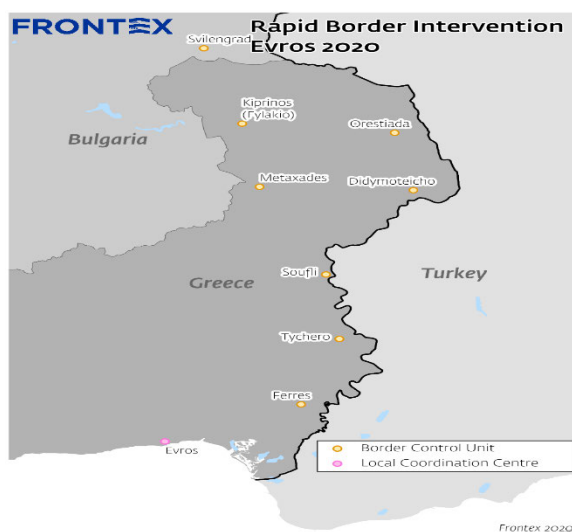
After signs of de-escalation in the period before the European Council meeting in early October, Turkey appears to have reverted to a rhetoric contesting territorial and resources rights in the Eastern Mediterranean basin while re-sending exploration vessels to disputed areas. Meanwhile, Ankara's pursuit for influence in Libya also continued in September-October 2020 as suggested by a number of economic / reconstruction deals and military trainings concluded with the GNA.

Ankara nationalist stance and assertive foreign policy (in Syria, Libya, the Caucasus and the Eastern Mediterranean) amid economic difficulties in the country can nonetheless derail diplomatic efforts to appease the situation, further straining relations with external partners, including the EU. Heightened tensions and disputes could also affect the currently good level of commitment displayed by the Turkish and Libyan Coast Guards in preventing migrant departures in the Eastern and Central Mediterranean, respectively.

## 4. Operational challenges

### RBI Evros 2020

Launched on 11 March, extended until 31 October 2020.



For the command and control of the RBI the Coordination Centre was established in Frontex Headquarters (HQ) which was integrated in the overall coordination of all operational activities. Frontex Support Officers were deployed by the MSs to the Coordination Centre as to ensure timely reporting. Additionally, Frontex staff (Frontex statutory staff and SNEs seconded to Frontex) was deployed to the operational area of Evros (Frontex Coordinating Officer and Frontex Operational Coordinator) as to coordinate operational activities on the spot and to liaise with local authorities.

At the beginning of the RBI Evros very aggressive behaviour of migrants or persons posing as migrants on Turkish side (throwing stones, teargas, shock grenades and cutting the technical obstacle...) could be observed, which required constant use of full anti-riot personal protective equipment and gas masks during the border surveillance activities.

Having in mind that the situation at the border had changed since the launch of the RBI Evros, Frontex proposed for flexibility in organizing the patrols within RBI Evros. In order to show strong Frontex and thus EU presence and maximize our operational support, dynamic patrolling was offered to replace the static patrols in front of the BCP Kastanies. This proposal had been accepted only partially and the mobile patrols were performing duties only in the Kastanies area during the last weeks of RBI Evros.

At the beginning of the RBI there was a limited hosting capacity on Greek side. Therefore there were not enough local team leaders to host almost 100 additional Border Surveillance Officers (BSO) deployed in RBI Evros. Since the situation at the border was extraordinary, it also called for extraordinary organisation of the patrolling and members of the teams (TM) were divided in 5 teams, where each team represented one patrol. Thus only 5 team leaders from the Hellenic police were needed.

Consequently, Frontex addressed Greece to continue developing the increased hosting capacities in the Evros region after the termination of RBI Evros and thus allow for the smooth transition of the deployed Frontex team members to a reinforced JO Flexible Operational Activities Land. As a result, Greece confirmed the increased hosting capacity for Evros region with a total of 96 officers for support in border surveillance, migration management and combatting cross border crime.

There was also lack of proper protective equipment (gas masks, shields, helmets), furniture and weapons storage. While gas masks were purchased on the spot by the operational team, furniture and necessary facilities at the border (tent, toilets), were delivered with considerable delay.

## Limited

Due to the COVID-19 lock down and restriction measures implemented, it was difficult to enter or leave Greece from April until mid of June. This made the usual rotations of the TMs virtually impossible. All of the participating Member States and Schengen Associated Countries (MS/SAC) have demonstrated high level of flexibility and have extended the stay of their TMs several times. In order to partially overcome the situation and enable rotations, as well as arrival of Frontex staff in the operational area, Frontex has organised several charter flights or crossings of the border with service cars. Chartered flights co-financed by Frontex were organized also by some MS. Also a hub for personal protective equipment was established in Thessaloniki, which is now used to deliver Personal Protective Equipment (PPE) to all Frontex operational activities in Greece, Bulgaria and Albania.

Erratic arrivals and departures of the TMs have also caused difficulties in registration of the planned resources as well as the need for multiple briefings and debriefings within several days.

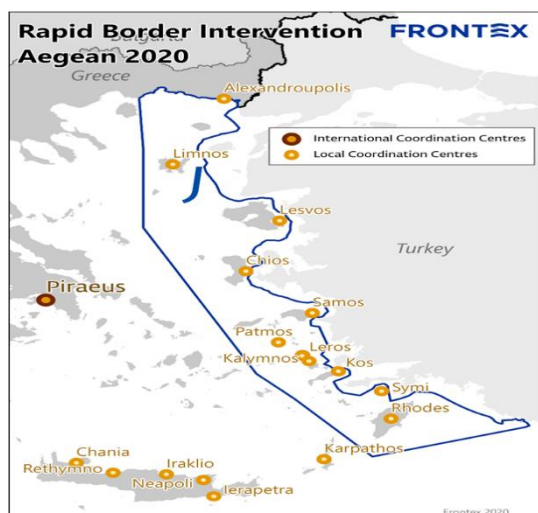
Eight shooting incidents (on Turkish side) were reported on 28<sup>th</sup> and 30<sup>th</sup> of April, 2<sup>nd</sup>, 5<sup>th</sup>, 12<sup>th</sup> and 21<sup>st</sup> of May, 12<sup>th</sup> of June and 7<sup>th</sup> of October 2020 from the RBI Evros and as a consequence Greek authorities have increased the presence of the Hellenic Police officers and technical means in the Evros area. Frontex Team Members were in some cases in the vicinity of the shooting incidents, however they were not harmed. The Operational Team has instructed all Team Members to wear bullet-proof vests during the patrols. All Team Members who were in need, were provided with the bullet-proof vests by the Hellenic Police. In agreement with the Greek authorities also the border surveillance tactics have been modified in order to minimize the risk.

During the implementation of the RBI Evros, some MS/SAC contribution fell short of the initial and the follow up requests for deployment of Team Members from the Rapid Reaction Pool. Furthermore, there were several cancellations in JO Flexible Operational Activities Land and JO Flexible Operational Activities Western Balkans in Albania providing the justification for the cancellations as “deployed in RBI Evros” which created a challenging situation in the land operations.

### **RBI Aegean 2020**

- *RBI Aegean 2020 reinforcing JO Poseidon 2020*

Unlike previous Rapid Border Interventions (RBI), the RBI Aegean 2020 was not established to replace the already ongoing JO Poseidon 2020 in the same area, but rather to provide the Hellenic authorities with reinforced support on top of it. The RBI Aegean 2020 deployed to the Aegean Sea additional border surveillance assets. The main objectives of the maritime operational activities coordinated by Frontex are to provide increased technical and operational assistance to the host MS by coordinating operational activities at the external sea borders in order to control illegal immigration flows, to tackle cross-border crime and to enhance European cooperation on coast guard functions, while RBI further contributed to enhance the security of the external EU sea border by deploying additional technical equipment at the Greek sea border with Turkey in order to increase early detections and to prevent the illegal immigration.



Picture 1: The operational area of the RBI Aegean 2020 at the sea border between Greece and Turkey. Distances for sea crossings are very short, from Lesvos to Ayvacik area in Turkey it is only 10km and from Samos the shortest distance to the Turkish Coast is less than 1km. The Chios Strait is about 5,5km width. Similarly Kos is only 4km apart from the Bodrum Coast in Turkey.

Deployments of surveillance assets within the RBI reinforced detections and interceptions of the illegal immigration incidents, monitoring of safe disembarkations of those not intercepted at sea and increased Search And Rescue (SAR) capacity. The deployed surveillance assets consisted of Coastal Patrol Vessels (CPV), Coastal Patrol Boats (CPB), Fixed Wing Aircrafts (FWA), Helicopters (HELO) and Thermo Vision Vehicles (TVV). The Greek partner authorities established specific technical requirements for the deployed assets with the aim to enhance the early detection capabilities. All the assets participating in the RBI Aegean 2020 were integrated with the ones deployed to JO Poseidon 2020 under a common operational coordination structure. They were coordinated by the ICC Piraeus. In support of SAR in the area, they were coordinated by the JRCC Piraeus.

Total deployments in the RBI Aegean 2020: 127 personnel including 28 members of the teams, 93 Crew Members (CM) and 6 National Officers (NO) along with 2 CPB, 2 CPV, 2 FWA, 1 HELO and 3 TVV were deployed by the Members States, namely by: Bulgaria, Czech Republic, Germany, Denmark, Estonia, Croatia, Latvia, Lithuania, Poland and Romania.

Total deployments in the JO Poseidon 2020 during the RBI Aegean 2020: 602 personnel including 69 BSO members of the TVV teams, 480 Crew Members (CM) of Aerial and Maritime assets and 53 National Officers (NO) along with 11 CPB, 2 CPV, 1 OPV, 1 FWA, 3 HELO and 5 TVV were deployed by the Members States, namely by: Czech Republic, Germany, Denmark, Estonia, Finland, Croatia, Italy, Latvia, Lithuania, Poland, Portugal and Romania.

- Operational challenges posed by the COVID-19 pandemic

- Prioritization of the operational activities

RBI Aegean 2020 was considered as most critical operational activity, due to the prevailing situation at the Greek - Turkish Sea border, including the legal obligation for Frontex and the MS to provide support. Therefore, no reduction to the deployment levels was foreseen and MS/SAC were requested to extend the deployed Team Members (TM)/ assets for additional month(s). These measures enabled ensuring continuation of the operational support to Greece, reducing the risks associated with officers traveling for rotations.

## Limited

### - Frontex charter flights

In order to ensure the availability of the deployments and health & safety in the field, Frontex organized and coordinated, together with the MS/SAC, chartered flights to transport personnel for rotations and supplied operational locations with necessary equipment and material. 13 chartered flights were organized to Greece as coordinated by the Frontex Field Deployment Unit. Nonetheless, the number of deployed surveillance assets didn't reach the initially requested level. Most of the deployments were affected by the Covid-19 pandemic posed restrictions and some MS/SAC were forced to cancel their deployments.

### - Health & Safety in the field

Supply of necessary Personal Protective Equipment (PPE) and provision of informative material for the members of the teams have been also in the focus of the Agency's activities, in order to ensure the health and safety of the deployed staff.

- Greek National Security Council (KYSEA) decision in March 2020

Change of the national Border Protection Tactics and introduction of the preventive measures concerning arrivals at sea. Special measures to protect the borders were issued and implemented in TUR-GRC border (sea and land) involving Hellenic Coast Guard (HCG) and Hellenic Navy. Based on the KYSEA decision, the Greek national assets were focusing on border surveillance, early detection and prevention of entry. In case of an early detection incident at sea, in case of possible illegal immigration vessel is detected while still in the territory of Turkey, the national assets take over the responsibility of the incidents, as by general principle. Greece has always highlighted that all the Border Protection Measures taken by its national authorities are conducted in line with international maritime law and human rights principles. Frontex deployed surveillance assets have been operating as described by the respective Operational plan.

- Geopolitical context in the operational theatre

The specific operational objective of the RBI Aegean 2020 and the above mentioned national security council decision have to be put in a wider geopolitical context, including the littoral States dispute over the maritime jurisdiction in the Aegean Sea resulting from the interpretation of the Treaty of 1923 and the consequent unilateral drawing of the Search and Rescue Region by Turkey to cover half of the entire Aegean Sea, thus also the Operational area of the RBI and Poseidon JO. In that environment it often develops situations in the operational theatre, where different State actors and Frontex deployed means are operating very close to each other in the very close proximity of the borderline at sea. The Greek authorities are often stating that the Turkish assets have been intentionally escorting immigrants towards Greece and there are several operational situations (involving Finnish CPB while taking part in the SAR incident, Romanian CPV and Latvian OPV, among some others), where Turkish Coast Guard assets have been surrounding Frontex deployed assets inside the Operational area.



Picture 2: Search and Rescue Region (SRR) as claimed by Turkey in the Aegean Sea.

## 5. Operational modalities

### RBI Evros 2020

In order to maintain an increased operational presence, as well as to continue with strengthened border control activities in Evros area, the JO Flexible Operational Activities is about to be reinforced after termination of the RBI Evros. At the same time the hosting capacity in Evros has significantly been increased by the Hellenic Police thus an open call for additional contribution to JO FOA Land has been launched recently.

The deployment level for period 11, 12 and 13 is still below the desired, meaning that the open call has not brought so far the expected contribution.

According to the Operational Plan of RBI Evros 2020, TMs/ border surveillance officer's tasks were as following:

- To communicate with the competent authorities of the host Member State regarding follow up measures after apprehension/detention;
- To refer persons in need of international protection, medical or other urgent assistance to the competent national authorities;
- To carry out security checks for detected migrants;
- To carry out border surveillance in a designated area at the EU external land or maritime border;
- To apprehend persons having crossed or having attempted to cross the border irregularly;
- To identify and refer persons in need of international protection and persons in a vulnerable situation to the competent national authorities of the host Member State;
- To report all relevant actions.

### RBI Aegean 2020

- Operational Concept

The objectives of the RBI Aegean 2020 were to be achieved by combining different types of operational activities, in particularly:

- Border and pre-frontier surveillance at sea
- Supporting SAR operations
- Preventing and detecting serious crime with a cross-border dimension that is committed or attempted at, along or in proximity of the external borders with the focus on migrant smuggling, trafficking in human beings, stolen vehicles, smuggling of drugs, weapons, document fraud and terrorism
- To support national authorities and EU agencies dealing with fisheries control and environmental protection in the frame of European cooperation in Coast Guard Functions activities
- Collection of information through operational activities
- Providing a clear and updated situational picture related to the RBI
- Supporting the identification of special needs of children, unaccompanied minors, persons with disabilities, victims of trafficking in human beings, persons in need of medical assistance, persons in need of international protection, and other persons in a particularly vulnerable situation
- Referring and providing initial information to persons who are in need of, or wish to apply for, international protection



## Limited

- Facilitating the cooperation with Union agencies, bodies or international organizations, and Third Countries.

The aforementioned activities have been implemented by the deployed technical equipment and human resources, under the control and command of the operational structures of the host Member State.

- Role of different actors within the RBI Aegean

Frontex coordinates the JO via its **Coordinating Officer (FCO)** who is acting on behalf of the Agency in all aspects of the deployment of the resources. The Greek authorities - Hellenic Coast Guard and Hellenic Police - are the direct interlocutors of Frontex and responsible for all border related activities within the JO. The participating MS/SAC support the achievement of operational objectives and implementation of activities by deploying their resources to the defined locations in particular periods of time.

All the activities are coordinated by the **International Coordination Centre (ICC)**, without prejudice to the prerogatives of the national operational chain of command and control specific to each participating MS/SAC. In case border control turns to SAR, the activities are to be executed under the planning, coordination and guidance of the **JRCC Piraeus** according to internationally agreed SAR procedures. Participating MS/SAC deploying their aerial and maritime assets deploy the **National Officials (NO)** in the ICC for the period the assets are deployed in the operational area. The NO gives instructions and commands to the **Commanding Officer (CO)** of the national maritime and aerial assets. The aerial, naval and terrestrial assets will receive instructions from the ICC via the NO and the **Local Coordination Centres (LCC)** regarding zones to cover and recommendations of actions to be taken. The situation on scene has to be reported to the LCC/ICC via all available communication systems.

The **Joint Coordination Board (JCB)**, established within the ICC, runs the operation and carries out daily meetings. The JCB is composed at least of the **ICC Coordinator** (Hellenic Coast Guard), NO, Intelligence Officer and the Frontex Coordinating Officer (FCO)/**Frontex Operational Coordinator (FOC)**/**Frontex Support Officer (FSO)**. Other relevant Frontex staff may take part in the JCB meetings via the videoconference, if needed. JCB meets with a view to present and discuss the Mission reports of the participating assets, incidents occurred the previous 24 hours and any other relevant intelligence and operational information as well as to plan the patrolling activities. Mission reports are presented by the NOs of the respective participating Member State/Schengen Associated Country asset. Following that the ICC Coordinator presents all the incidents (including those that were not handled by the participating MS/SAC) that occurred in the operational areas. Afterwards all the information from the presented incidents are being reported in the report of the FOC towards Frontex HQ. In addition to that, the so called daily package from the JCB, consisting of all the mission reports and the ppt presentation from the JCB meeting, is stored in the Hellenic Coast Guard cloud - a link to that is shared towards Frontex.

Separately, all the incidents are to be reported to JORA by the Hellenic Coast Guard (where the validation is done by FSC).

The available information to Frontex from the patrolling activities conducted within Joint Operations is following the defined communication channels, namely;

- **Technical Equipment Mission Report** - Information about the activity performed by the assets - CO to respective LCC and NO/ NO shall forward to ICC Piraeus, via email
- **ICC Daily report and/or JCB Minutes** - Operational overview on a daily basis, covering the last 24 hours (00-24:00)
- The **Daily reporting package** is prepared by the ICC Staff and consists of the reports defined above - ICC disseminates to Frontex via emails (link to the cloud) to Operational Team (including Coordinating Officer), FSC and the NOs of the participating assets.

## Reporting within JOs

### • Regular reporting:

For every Operational Activity, there are operational objectives and indicators, which refer to reported incidents.

The reporting line, structure and the procedure in JORA2 is defined in the OPLAN and the Specific Activity Plan (SAP) that is shared and formally accepted by the host Member State (MS) and (where applicable) participating Member States also. This reporting line has specific structure (per operational activity) and timeline. The information is collected within the Activity via JORA2 by officers assigned by the host MS. After the incidents are validated at different levels (LCC, ICC), all the reported incidents undergo the final JORA validation step executed by Frontex Situation Centre (FSC). In case there are any issues with the reported incidents these are not validated until all information and data is clarified/confirmed by all the stakeholders (reporting entity and the various entities that have a role in incident validation e.g. LCC, ICC, FSC).

There are specific JORA Guidelines, Handbook and reporting templates. Frontex reports and reporting lines applicable for each operational activity are defined in the respective Annex/ SAP.

### • Serious Incidents Reporting:

The reporting of serious incidents (SI) are in line with the reporting structure of the operational activities. A Serious Incident Report is an alert message that shall be reported in case an event or occurrence, natural or caused by human action, may negatively affect, or be relevant to a particular Frontex activity, the safety and security of participants in Frontex activities, the Agency's mission and reputation, or any combination thereof.

Serious Incidents also include situations of possible violations of European Union (EU) acquis or international law, in particular related to Fundamental Rights (FR) and international protection obligations. Finally, SIs include any violation of the Frontex Code of Conduct (CoC) applicable to all persons participating in Frontex operational activities.

A Standard Operating Procedure consists the details of the process, followed by its integration in the provisions of the OPLANS. The Serious Incidents Reporting procedure including Serious Incidents Catalogue is available in the General part of the Operational Plan and Handbook that are shared and formally accepted by the host Member State and applicable to all participants in the activities.

A SIR aims to inform the Frontex Executive and Senior Management, the Member States, the Frontex Management Board (MB) and other relevant stakeholders, as soon as possible, about the occurrence of a SI as defined in the "Frontex Serious Incident Catalogue". The production and timely dissemination of a SIR contribute towards enhancing situational awareness and increasing Frontex reaction capabilities. The dissemination of a SIR is the first internal step for possible follow-up measures. Every participant shall report immediately serious incidents (SI) to Frontex, in case he/she witnesses, is involved, or has grounds to suspect about the occurrence of an incident representing a possible violation of fundamental rights or international protection obligations (Category 4 of SI Catalogue).

SI involving allegations on possible violation of fundamental rights and/or CoC can be reported via standard SIR procedure in accordance to the SI reporting lines defined in the operational plan or the exceptional reporting mechanism explained below. An exceptional reporting mechanism can be applied, for example when the reporting person has concerns that the disclosure of sensitive information on possible violation of fundamental rights or the CoC via the SIR mechanism could have consequences on their or others' integrity, reputation or deployment. After acknowledgement of such information, the participant shall immediately report such incidents to the FSC.

## Limited

A Serious Incident must be reported through an initial SIR as soon as possible and preferably within the first 2 hours after such knowledge has been attained. The initial SIR shall contain a summary of the information known at that point of time. This initial SIR serves as preliminary information to obtain immediate knowledge about the incident, and does not need, at this stage, a specific confirmation of the incident. The initial SIR is not bound by any form and can be reported to the FSC using any available means of communication.

Serious Incidents are clustered into four main categories (SI-Catalogue):

**Category 1** - Situations of high political and/or operational relevance especially with the potential to affect EU border management of one or more MS/SAC including crisis situations;

**Category 2** - Incidents occurring in Frontex operational and non-operational activities and not related to Frontex staff and/or other participants in Frontex activities;

**Category 3** - Incidents involving Frontex staff and/or other participants in Frontex operational and non-operational activities;

**Category 4** - Situations of possible violations of Fundamental Rights or international protection obligations.

FSC as the single point of entry is responsible to undertake the coordination of the exchange of information and an initial assessment of the information and to take the appropriate steps to further process the SI. Inter alia, it is the responsibility of the FSC to:

- assess the initial SIR and decide, in line with the SI-Catalogue, if the incident should be further processed as an SI;
- timely distribute the SIR after removing personal data;
- propose the designation of a SI-Coordinator, if needed;
- propose an assessment on the category in which the incident should be clustered/classified.
- request the final SIR from responsible Frontex participant(s) in case no other SI-Coordinator was assigned;

The SIR Mechanism does not exclude the possibility of consultation at the initial stage of first assessment between FSC and other internal actors, allowing for the most appropriate further action, for the escalation of an event as Serious Incident and the proposal of the SI Coordinator.

Due to the possible impact and the multilateral issues generated by a specific SI, a SI-Coordinator shall be assigned upon respective proposal by the FSC, according to the SI categories illustrated in the SI-Catalogue. The SI-Coordinator is responsible for the follow up, the coordination and the closure of the SI. It is the responsibility of the FSC to trigger the SI Reporting procedure by identifying and contacting the responsible unit/sector and proposing the role of SI-Coordinator based on the SI categories illustrated in the SI-Catalogue.

Such a proposal is done at the stage of the initial SIR. Upon receiving the proposed nomination as SI-Coordinator by the FSC, the relevant Frontex entity shall assess the proposal and confirm to the FSC within one working day the acceptance of his/her role as SI-Coordinator for the respective incident. In case the proposed SI-Coordinator does not confirm his/her role, the decision making process shall be escalated to the appropriate Senior management level depending on the category of the SI.

Due to the geopolitical sensitivity of some cases in Aegean possibly related to Greek national Defense or falling under Category 1 (situation of high political relevance including crisis situations), FSC had been asked to cross-check the content with the hierarchy before starting the initial process and potentially propose Fundamental Rights Officer to be assigned as SI Coordinator.

## 6. Assessment of the alleged cases as appeared in various media outlets

### Incidents as claimed by the Bellingcat and other media outlet articles

- April 28-29: In an incident, a group of refugees and migrants made landfall on Samos. They claim they were then detained, placed in a life-raft without any means of propulsion and towed into the middle of the Mycale Strait. A surveillance plane (FSA) overflew the area twice while this pushback took place.
- June 4: Two dinghies were **reported** to have been pushed back from Northern Lesbos. Portuguese vessel Nortada appears to have been present around 15 kilometres from the first incident and just over one kilometre away from the second.
- June 5: A dinghy was **reported** to have been pushed back from Northern Lesbos. Portuguese vessel Nortada was approximately two to three kilometres away.
- June 8 : A pushback was reported to have taken place, again off the north-east coast of Lesbos. The Turkish coast guard reported it rescued 47 migrants after a pushback by the Greek Coast Guard that day. Footage published by Anadolu Agency appeared to show the Romanian Frontex vessel MAI1103 blocking a dinghy. “We investigated this incident further, obtaining other videos from the TCG, as well as tracking data of vessels that appeared to be in the vicinity at the time, such as the NATO ship, Berlin. Using these sources we were able to reconstruct what happened. After initially trying to cross under the cover of darkness, the dinghy was intercepted and physically blocked from proceeding by MAI1103 early in the morning”.
- August 15: Reports of a confrontation between the Greek and Turkish coast guards. As well as multiple photos posted to social media by locals, this was also reported as a pushback by CRG, MRC, Alarm Phone and Aegean Boat Report. Most of the images of this incident are taken from a distance, making identification of the vessels difficult. However, we were also sent an image of this confrontation that is very clear. In this image we can clearly see the presence of MAI1102, a Romanian border forces vessel which had just arrived in theater. Although it is not possible to be certain of exactly how far away MAI1102 is from this pushback, we can see that it is certainly within visual range of the confrontation and the dinghy itself.
- August 19: A dinghy was **reported** to have been pushed back from Northern Lesbos. Portuguese vessel Molivos was five kilometres away and appears to have changed course and headed towards the pushback before its transponder either lost signal or was turned off.

### Identified Missions of the Frontex deployed assets reflecting the above alleged incidents

#### Incident of 28.04.2020

##### Mission Report related of FSA OSPREY 1:

On the 28-29.04.2020 the FSA OSPREY 1 performed the scheduled patrol at the sea area from Kos south up to Samos north between the hours 28.04.2020 21:00Z (29.04.2020 00:00 Greek time) and 29.04.2020 01:00 (29.04.2020 04:00). During the patrol the FSA OSPREY 1 didn't report any incident in the area of Samos.

## Limited



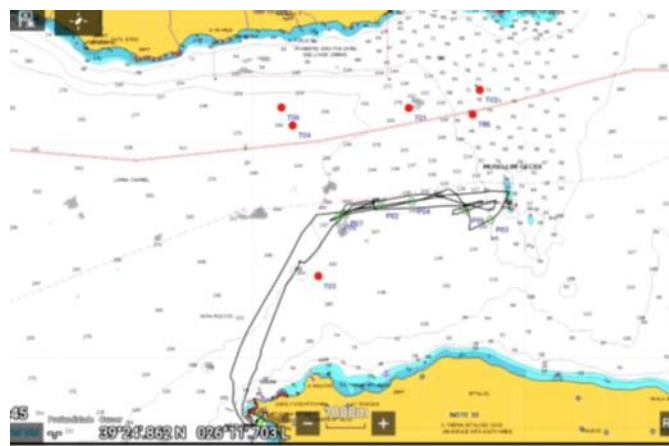
### Short assessment in relation to the posed claims in media:

In the Bellingcat report, an arrival of a group of 22 migrants on Samos has been described for 28.04.2020. No matching incident have been reported within the Frontex operations. Bellingcat further describes that the same group has been further put and towed back to the sea during 28.-29.04.2020. The media reflected on the two overflights of the FSA in the area and timings are matching with the conducted patrolling flights. FSA didn't report any described activity nor migration incident. Accusations only assume that the FSA should have detected the claimed incident at sea.

## 04.06.2020

### Mission Report of PRT CPB Nortada:

On the 04.06.2020 the PRT CPB Nortada performed the scheduled patrol at the sea area North of Lesbos between the hours 02:00 and 09:00. In the mission report, there are no suspicious incidents reported.



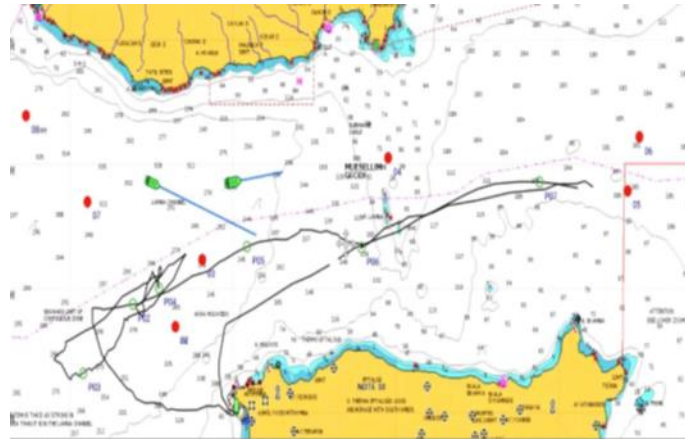
### Short assessment in relation to the posed claims in media:

PRT CPB has been in the area of a media claimed incident. No factual reporting on pushbacks (only unclear NGO video on twitter). Accusations only assume that the PRT CPB should have observed the claimed incident at sea.

## 05.06.2020

**Mission Report of PRT CPB Nortada:**

On the 05.06.2020 the PRT CPB Nortada performed the scheduled patrol at the sea area North of Lesvos between the hours 00:01 and 07:00. In the mission report, no suspicious incidents have been reported.



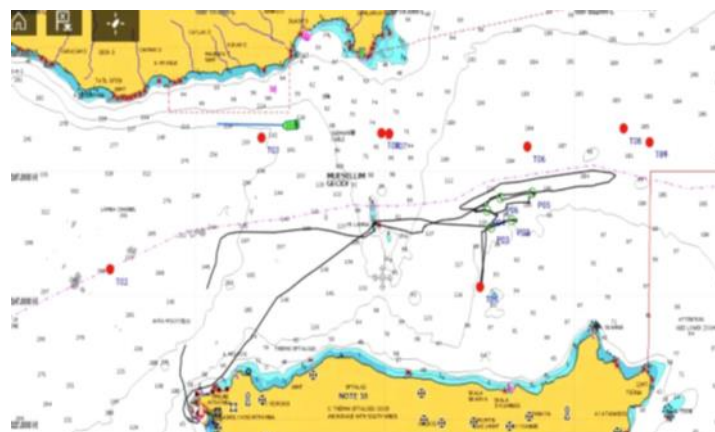
**Short assessment in relation to the posed claims in media:**

PRT CPB has been in the area of a media claimed incident. No factual reporting on pushbacks (only Alarm Phone organisation information on Twitter). Accusations only assume that the PRT CPB should have observed the claimed incident at sea.

**08.06.2020**

**Mission Report of PRT CPB Nortada:**

On the 08.06.2020 the PRT CPB Nortada performed the scheduled patrol at the sea area North of Lesvos between the hours 08:00 and 14:00. In the mission report, no suspicious incidents have been reported.



**Mission Report of PRT ROU CPV MAI 1103:**

On the 07-08.06.2020 the ROU CPV MAI 1103 performed the scheduled patrol at the sea area North of Lesvos between the hours 07.06.2020 22:00 and 08.06.2020 10:00. In the mission report, no suspicious incidents have been reported.

## Limited



### Short assessment in relation to the posed claims in media:

Incident reported as a prevention of departure corresponds with the timing, location and number of migrants in a claimed pushback incident. PRT CPB and ROU CPV 1103 have been in the area of a media claimed incident. Neither of the assets have reported any incident. In a video published apparently by the TCG, you can see ROU CPV 1103 close to a migrant dinghy in a matching location and time of the day, nonetheless the calendar day is not clearly identifiable. The situation on the video is passive, no actions are taken by the ROU CPV 1103. Another video shows a Romanian CPV (not identifiable) to pass a migrant dinghy on a moderate speed. Still another video shows a HCG OPV 080 and apparently it's assisting RIB boat interacting with migrant dinghy and eventually leaving the dinghy in the vicinity of the NATO warship, no date/ time/ location identifiable.

The Bellingcat article claims that the AIS data is used to locate the assets. It cannot be explicitly confirmed from the article, it does not verify at all that the Romanian CPV 1103 would have had the AIS data turned on. No NATO reporting in our possession on the claimed incident.

The claimed active involvement of the Frontex assets nor the pushback itself cannot be confirmed based on the article. Videos do not show the full data (such as dates) or the whole context and the pictures presented on locations of assets and dinghies are only presumable based on what cannot be confirmed from the article only.

## 15.08.2020

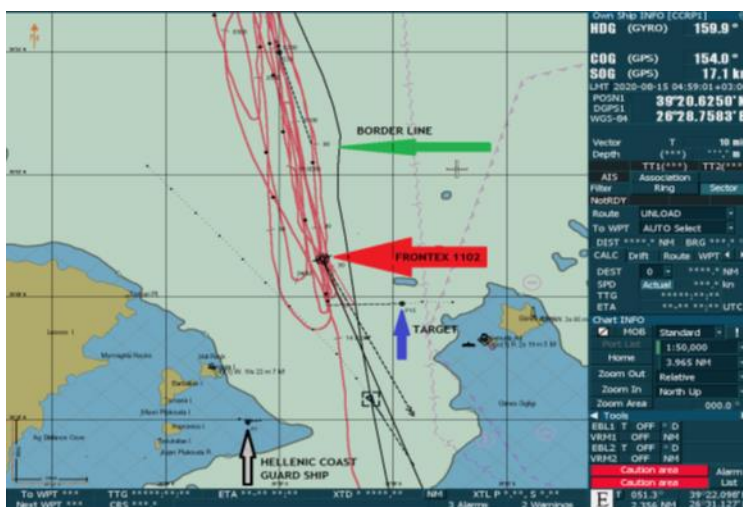
### Mission Report of ROU CPV MAI 1102:

On the 14-15.08.2020 the ROU CPV MAI 1102 performed the scheduled patrol at the sea area North of Lesbos between the hours 14.08.2020 21:00 and 15.08.2020 09:00.

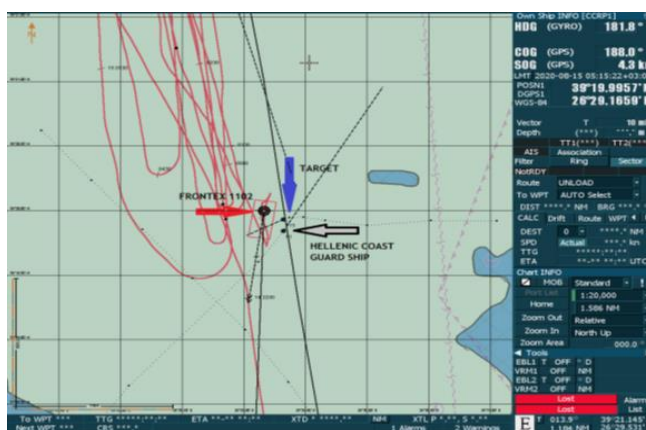
## Limited



The ROU CPV MAI 1102 reported an early detection incident of a suspicious target at 15.08.2020 04:50 in the TTW at the position 39.19.7 N, 26.29.5 E. The LO informed that a HGC vessel took over the incident.



At 05:15 the HCG vessel intercepted the target and took measures according to the national instruction for border surveillance.



### Short assessment in relation to the posed claims in media:

Incident reported as a prevention of departure corresponds with the timing, location and number of migrants in a claimed pushback incident. ROU CPV 1102 have been in the area of a media claimed incident and reported an early detection of the migrant boat in the Turkish Waters. Hellenic CG vessel has taken over the incident. The Mission report of the ROU CPV 1102 presents the interception location of the HCG vessel and the dinghy very close to the borderline, seemingly inside of the Greek Territorial Waters, and describes HCG vessel to have taken “measures according to the national instruction for border surveillance”.



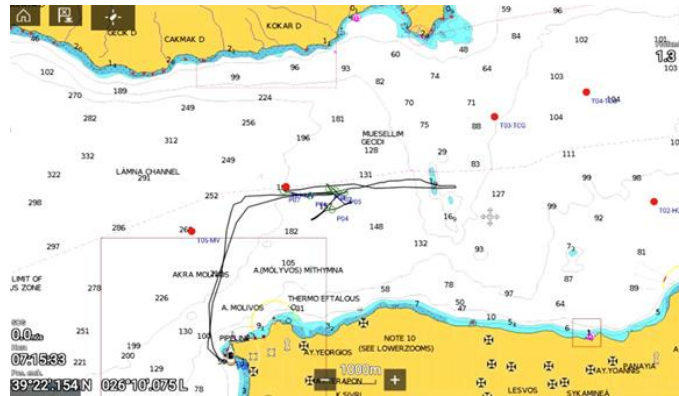
## Limited

Since the end state of the incident is the interception by the Turkish CG assets in the Turkish Territorial Waters some hours later, it leaves uncertainties about what the exact timeline of the events might have been between the reported interception of the Hellenic CG vessel and the final interception of the Turkish CG vessels, and thus how the Romanian CPV 1102 has been positioned after 0515 (HCG interception) regarding this incident.

**19.08.2020**

### Mission report PRT CPB Molivos:

On the 19.08.2020 the PRT CPB Molivos performed the scheduled patrol at the sea area North of Lesbos between the hours 00:01 and 07:00. In the mission report, no suspicious incidents have been reported.



### Short assessment in relation to the posed claims in media:

PRT CPB has been in the area of a media claimed incident. No factual reporting on pushbacks (only NGO organisation information on Facebook). Accusations only assume that the PRT CPB should have observed the claimed incident at sea.

## Limited

### Main conclusions after the internal inquiry on the claimed incidents above:

- Based on reporting of the activities and incidents within the Frontex coordinated operations, there can be identified an occurred Prevention of departure incident within the same period of time of the Bellingcat report for the files above. Also, the corresponding Frontex deployed assets have been patrolling in the claimed areas;
- No exact and factual conclusion can be drawn from the claims for Frontex participation nor awareness on the claimed pushback incidents;
- There are no indications that in any incidents claimed by the Bellingcat Frontex assets would have been operating in the Turkish Territorial Waters, thus being directly involved in pushback activities;
- None of the incidents claimed by the Bellingcat are reported as a SIR within Frontex operations;
- Assuming what the assets have been seeing or observing leaves room for speculation, since there are no facts on exact timeline of events nor the prevailing conditions (sea, weather, darkness, e.g.). Nonetheless, there are some unclear events with no detailed information available on their occurrence;
- Politicisation of the operational theatre in the Aegean Sea; incidents involving Greek assets, Turkish CG assets and Frontex assets in a very close distances in a very close proximity of the borderline are always tense, unclear and challenging.

## GLOSSARY

Frontex Coordinating Officer (FCO) - Frontex EU statutory staff

Frontex Operational Coordinator (FOC) - Seconded National Expert seconded to Frontex by MS

Frontex Support Officer (FSO) - MS expert deployed

Border Surveillance Officer (BSO) - Officer deployed by MS to conduct border surveillance task

Member of the team (TM) - Deployed officer

International Coordination Center (ICC)

Joint Rescue Coordination Center (JRCC)

Joint Operation (JO)

Flexible Operational Activity (FOA) - land border joint operation

Western Balkans (WB)