

ANNEX 5 – Final SI-Handler Report Template



Warsaw, 22/08/2024

Sensitive operational information

Technical equipment x3;

Personal data;

Reporting tools x3;

FINAL SIR REPORT

Log Number: 10998/2024

SI-Handler: Fundamental Rights Office

Key Points

Incident: On 19/02/2024, the Fundamental Rights Office received information from an NGO about a migrant boat in distress south of Lesbos along with videos taken by the migrants. The videos showed a blue patrol vessel in the vicinity and a seemingly black inflatable boat with two persons on board close to the migrant boat. The Fundamental Rights Office identified the migrant group in photographs taken during a rescue by the Turkish Coast Guard on 19/02/2024. The Office further reviewed internal records and confirmed that the asset shown in the videos was Frontex vessel [REDACTED], a Bulgarian asset deployed to Lesbos. The same NGO later published information alleging that a Hellenic Coast Guard vessel towed the migrant boat to Turkish waters, destroyed its engine, confiscated all phones onboard and left the migrants adrift in Turkish waters.

Possible violations of fundamental rights enquired: Right to life (Article 2 of the Charter of Fundamental Rights of the European Union), Prohibition of collective expulsion (Article 19 of the Charter of Fundamental Rights of the European Union), Prohibition of inhuman or degrading treatment (Article 4 of the Charter of Fundamental Rights of the European Union).

Party allegedly involved in the incident: Frontex Standing Corps [REDACTED] officers, Hellenic Coast Guard officers (participants of JO Poseidon 2024)

Conclusion and Impact: Based on the available information, the Fundamental Rights Office has established that Frontex [REDACTED] encountered the migrant boat in question and considers likely that this encounter happened in the morning hours of 19/02/2024, most probably [REDACTED]. While the Office was not able to independently verify the sequence of events preceding the rescue by the Turkish Coast Guard and thus cannot conclude as to the veracity of the alleged collective expulsion and associated fundamental rights violations, it underlines that the modus operandi described by the reporting NGO (destruction of the engine and towing by the Greek vessel) is consistent with practices associated with the Hellenic Coast Guard highlighted previously in the framework of Serious Incident Reports. The Office further notes with concern that the [REDACTED] of Frontex [REDACTED] is incomplete as it does not mention any encounters with migrant boats for the shift under scrutiny.



Description of the event - Timeline

On 19/02/2024, the Fundamental Rights Office received information from an NGO about a migrant boat in distress south of Lesbos in Greek territorial waters () along with videos taken by the migrants. The videos showed:

- A group of migrants (men, women, several children) in a black rubber boat (engine not visible), seemingly adrift, asking for help;
- A blue patrol vessel in the vicinity;
- A seemingly black RHIB (Rigid Hull Inflatable Boat) with a flag and two persons on board close to the migrant boat.

The same day, the NGO [posted on X](#) and [Facebook](#) additional coordinates (38.887833, 26.446500) and photographs of the migrant boat stating they had lost contact with them before they could get any details regarding the passengers. The NGO further identified the vessel and the RHIB shown in the videos as “Bulgarian Frontex” and stated it could not confirm their involvement or what happened to the group. No incident date or time was reported.

The Office reviewed the Turkish Coast Guard’s (TCG) rescue records and identified the migrant group in photographs taken during a rescue on 19/02/2024 at 10:55 am local time (LT) off the coast of İzmir’s Karaburun district.

The Fundamental Rights Office further reviewed internal records, interviewed Frontex operational staff and confirmed that the asset shown in the videos is Bulgarian vessel deployed to Lesbos at the time.

The Fundamental Rights Office launched Serious Incident Report (SIR) 10998/2024 on 08/03/2024 to clarify the circumstances and the potential role of the Frontex assets and crew in the incident.

Information collected - Contributors/Entities consulted - Follow-up

For the purpose of its investigation, the Fundamental Rights Office interviewed Frontex operational staff, consulted Frontex operational reporting and internal databases as well as available audiovisual material and conducted open-source research. The Office also reached out to the Greek national authorities with a detailed set of questions.

The confirmed that the available video shows Frontex vessel , a Bulgarian asset deployed to Lesbos at the time of the alleged incident and added that is equipped with a RHIB that is a visual match to the one depicted in the video and therefore could belong to the vessel.

The Fundamental Rights Office consulted of Frontex vessel which covers the vessel’s patrol from on 18/02/2024 until on 19/02/2024.

According to the , Frontex vessel

Date and time	Coordinates	Description
19/02/2024		left and started patrolling in
19/02/2024		following instructions by , headed to designated area for participation in a possible search and rescue (SAR) operation
19/02/2024		left and started patrolling in
19/02/2024		



19/02/2024		"didn't observe targets or illegal activity in the area"
19/02/2024		after contacting [REDACTED] left the designated area and headed to the [REDACTED]

While the [REDACTED], it does not mention any sightings or encounters with migrant boats.

On 01/03/2024, the Fundamental Rights Office interviewed [REDACTED] and [REDACTED] of Frontex vessel [REDACTED] who:

- confirmed that the blue patrol vessel shown in the video is [REDACTED]
- stated they had no encounter with migrant boats on 19/02/2024 or at any other time during the shift under scrutiny;
- [REDACTED];
- suggested that their patrol vessel and RHIB could have been filmed without their knowledge at any time, e.g., on 07/02/2024 when they were involved in a SAR operation;
- stated that on 19/02/2024 [REDACTED] they had received communication about a possible SAR case for a location outside Greek TTW but as per the instructions of the Hellenic Coast Guard (HCG) liaison officer on board they did not follow up on it. To their understanding it was HCG vessel OPV 060 which went to the location, [REDACTED] learned about the outcome of the SAR (migrants being rescued by the Turkish Coast Guard) from the Greek authorities only after their patrol ended.

The Office reviewed [REDACTED] of Frontex [REDACTED] which contains information, including photos of the vessel's RHIB, about a SAR operation the vessel was involved in.

On 04/03/2024, the [REDACTED] of Frontex vessel [REDACTED] provided further clarifications to the Office's follow-up questions. According to his email:

- on 19/02/2024, [REDACTED] according to the instructions of the HCG liaison officer on board, [REDACTED] started patrolling in the area [REDACTED] Lesvos island [REDACTED]
- at [REDACTED], the HCG liaison officer on board instructed [REDACTED] to assist in a presumed SAR operation [REDACTED];
- at [REDACTED] [REDACTED] entered the area of [REDACTED] but did not observe any migrant activity there;
- HCG OPV 060 was also in the same area and crossed paths with [REDACTED] at close range several times during patrolling [REDACTED]. Nevertheless, [REDACTED] does not have any information about the specific actions of HCG OPV 060;
- at [REDACTED], [REDACTED] received an order from the HCG liaison officer on board to leave the area and head towards [REDACTED];
- in general, [REDACTED] RHIB [REDACTED]

On 05/03/2024, the Fundamental Rights Office interviewed [REDACTED] of Frontex [REDACTED] for the second time. During this interview they:

- reiterated that they had no encounters with migrant boats during the shift under scrutiny;
- reiterated that they were not the only vessel in the area, HCG OPV 060 was also in the vicinity;
- reiterated that they were requested to enter the area [REDACTED] Lesvos because of a possible SAR operation;
- stated that the quality of the footage about the alleged encounter with the migrant boat is very poor and added that it would be impossible for a RHIB to stay as stationary as shown in the video;
- claimed that the RHIB in the videos looked similar to the one that belongs to [REDACTED] but also stated that they would have never gotten as close to the migrant boat as depicted in the videos.

On **18/03/2024**, during their monitoring mission to Lesbos, a Fundamental Rights Monitor obtained information from [REDACTED], according to which on **19/02/2024**, the Bulgarian asset has been instructed by the HCG liaison officer on board to check on an alleged SAR event. However, upon their arrival to the designated area, they reportedly did not find anything. In their interaction with the Fundamental Rights Monitor, [REDACTED] did not mention whether they had received instructions from the liaison officer to leave the area afterwards.

The Fundamental Rights Office identified two potentially matching incidents in [REDACTED]

- [REDACTED]: "On 19th of February at [REDACTED] a rubber boat with approximately 50 migrants on board was early detected by HCG OPV 060 at the sea area [REDACTED] Lesbos island inside Turkish TTW, in pos 38° 48' 00" N 026° 26' 18" E. After detection JRCC Piraeus informed MRCC Ankara and a TCG patrol boat arrived in the area and took over responsibility of the incident."
- [REDACTED]: "On 19th of February at [REDACTED] a rubber boat with approximately 50 migrants on board was early detected by HCG OPV 060 at the sea area [REDACTED] Lesbos island inside Turkish TTW, in pos 38° 46' 24" N, 026° 26' 18" E. After detection JRCC Piraeus informed MRCC Ankara and a TCG patrol boat arrived in the area and took over responsibility of the incident."

The Fundamental Rights Office further reviewed the **Turkish Coast Guard's rescue records** and identified the migrant group in question in photographs taken during a rescue at 10:55 am LT on **19/02/2024** off the coast of İzmir's Karaburun district.

In **May 2024**, the same NGO that had reported on the incident earlier [published](#) a more detailed version of the alleged events, according to which the migrant boat in question "ended up in distress deep inside Greek waters, southeast of Plomari, Lesbos south" at first light on **19/02/2024**. A map included in the post puts the migrant boat's location at an 8.35 km distance from the shoreline of Lesbos but does not contain any indication of the specific time the migrant boat could have been in that position. The post further states that Bulgarian vessel "Balchik" was first on scene but stopped at a safe distance, put an RHIB in the water and approached the migrant boat. The vessel and the RHIB did not attempt to start any rescue operation, they only observed. After approximately 45 minutes, a Greek coast guard vessel arrived on location, and the Bulgarian vessel was ordered to leave the area. Then the Greek coast guard vessel allegedly towed the migrant boat to Turkish waters, destroyed its engine, confiscated all phones onboard and left the boat adrift.

On **23/04/2024**, as part of its enquiry, the Fundamental Rights Office requested information from the Greek authorities about:

- any additional information on the encounter of the Frontex vessel with the migrant boat as alleged;
- information on actions taken by Frontex and/or the Hellenic Coast Guard as regards the migrants and on how they ended up being rescued from Turkish waters;
- information on any early detection regarding the same migrants;
- whether the Greek authorities have taken the testimony of the Greek officer on board [REDACTED] with regards to the alleged encounter with migrants;
- details about a possible search and rescue case [REDACTED] was instructed to assist to at [REDACTED] on **19/02/2024** and whether this case is connected to [REDACTED] or any other [REDACTED] entry;
- whether HCG OPV 060 came across the migrants referenced in the present SIR;
- number and description of Rigid Hull Inflatable Boats on board of HCG OPV 060;
- whether [REDACTED] was present at [REDACTED] incidents [REDACTED]

On **13/06/2024**, the Greek authorities provided the following information:

- on **19/02/2024** a total of three (03) incidents were recorded by the Port Authority of Lesbos concerning third country nationals:

Date/Time	National Authority	TCN	INCIDENT	AREA	[REDACTED]
19/02/2024 [REDACTED]	HCG	50	[REDACTED] [REDACTED]	SEA	[REDACTED]
19/02/2024 [REDACTED]	HCG	50	[REDACTED] [REDACTED]	SEA	[REDACTED]

19/02/2024	HP	28		Land	
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- "...according to the submitted incident reports, the allegations are not confirmed. [...] Moreover, the alleged practice does not correspond to the operational procedures of the Hellenic Coast Guard nor does it reflect the procedures followed for the management of incidents involving third country nationals in the area of its jurisdiction."
- incidents with [REDACTED] numbers [REDACTED] and [REDACTED] were presented at the [REDACTED] on February 20, 2024, as follows:
 - [REDACTED] Incident [REDACTED] On 19th February at [REDACTED] a rubber boat with approximately 50 migrants onboard was early detected by HCG OPV 060 at the sea area [REDACTED] Lesvos island inside Turkish TTW, in pos.: 38 48 00 N , 026 26 18 E. After detection JRCC Piraeus informed MRCC Ankara and a TCG patrol boat arrived in the area and took over responsibility of the incident.
 - [REDACTED] Incident [REDACTED] On 19th February at [REDACTED] a rubber boat with approximately 50 migrants on board was early detected by HCG OPV 060 at the sea area [REDACTED] Lesvos island inside Turkish TTW, in pos.: 38 46 24 N, 026 26 18 E. After detection JRCC Piraeus informed MRCC Ankara and a TCG patrol boat arrived in the area and took over responsibility of the incident.
- for the management of persons who try to illegally cross the maritime borders of Greece, the officers of HCG undertake the necessary and proportional measures in accordance with the international safety standards at sea having as priority to aid any person in possible distress taking into consideration the risks involved;
- HCG OPV-060 was delivering its activities in the context of the national effort;
- HCG OPV-060 is [REDACTED]
- regarding the statements of the Greek liaison officer on board of [REDACTED] "kindly note that no incidents involving the detection of a migrant boat during the vessel's patrol was recorded from his side";
- "In relation to the alleged existence of audio-visual material related to the incident, please note that the Hellenic Authorities cannot provide clarifications on footage of unknown origin or of dubious authenticity, which has not even been disseminated to us, in order to be properly evaluated.";
- the matter has been addressed to the HCG Disciplinary Unit for their assessment and possible follow up actions.

Assessment

Regarding the alleged encounter between Frontex [REDACTED] and the migrant boat

Both the commander and crew of Frontex [REDACTED] and the Greek authorities have denied any encounter between the Bulgarian Frontex vessel and a migrant boat on 19/02/2024.

a) Regarding the migrant group shown in the videos

The metadata of the videos shared with the Fundamental Rights Office could not be extracted. As a result, the Office was not able to geolocate the recorded events and verify the sequence of events preceding the rescue by the Turkish Coast Guard. Nevertheless, based on the obvious similarities between the groups, the Office considers established that the videos shared and published by the NGO and the pictures taken during the rescue operation by the Turkish Coast Guard relate to the same group of migrants.

b) Regarding the vessel shown in the videos

Based on the resemblance and the confirmation from the [REDACTED] and by the [REDACTED] the Fundamental Rights Office considers established that the vessel shown in the video is Frontex vessel [REDACTED], a Bulgarian asset deployed to Lesvos and patrolling in the area at the time of the alleged incident.

c) Regarding the Rigid Hull Inflatable Boat shown in the videos

The [REDACTED] denied that the videos depict them and their RHIB. The Office compared the video shared by the NGO and the photos in [REDACTED] taken during a SAR operation which involved [REDACTED] and its RHIB and notes the visible similarities (color of the boat, presence of a flag, color of the uniform of the crew) between the two. In view of these similarities, the Fundamental Rights Office considers likely that the two RHIBs are the same. This is further underpinned by:

- the confirmation by the [REDACTED] that the vessel shown in the videos is theirs;

- the statement of [REDACTED]

According to the information provided by the [REDACTED], a Greek asset - HCG OPV-060 - was patrolling in the same area at the time of the alleged incident. While HCG OPV-060 is [REDACTED], based on the description provided by the Greek authorities [REDACTED], neither of those match the one shown in the videos.

d) Regarding the time, date and location of the alleged encounter

The NGO reporting about the incident stated that the migrant boat ended up in distress "at first light" on 19/02/2024. While the Fundamental Rights Office could not verify the timeline of events, it considers likely that the encounter between the migrant boat and Frontex vessel [REDACTED] happened in the morning hours (between [REDACTED]) of 19/02/2024 based on the following:

- in the videos the sun is visible low on the horizon which indicates that the footage could have been taken not long after sunrise;
- different online calculators put the time of sunrise for location [REDACTED] at [REDACTED] and [REDACTED] - Frontex [REDACTED] was still out on patrol during this time (until [REDACTED] on 19/02/2024)
- the migrant group was rescued by the Turkish Coast Guard at 10:55 LT.

The NGO further claimed that the migrant boat ended up in distress inside Greek territorial waters, reported two locations ([REDACTED] 38.887833, 26.446500) in connection with the incident and published a map which puts the migrant boat 8.35 km away from the shoreline of Lesbos.

The Fundamental Rights Office found no additional information regarding the specific time the migrant boat was present in the locations mentioned above. Nevertheless, the Office cross-checked the migrant boat's positions and the waypoints executed by Frontex [REDACTED] during its patrol as indicated in [REDACTED] and notes that the positions of [REDACTED] at [REDACTED] ([REDACTED]) and at [REDACTED] ([REDACTED]) and the positions of the migrant boat ([REDACTED]) as indicated by the NGO) are in the same area (approx. 1-1.3 km apart).

In view of all the information obtained, the Fundamental Rights Office considers confirmed that Frontex [REDACTED] encountered the migrant boat in question in the morning hours of 19/02/2024, in the area [REDACTED] Lesbos. While the Office cannot confirm with certainty, it considers likely that the abovementioned encounter happened between [REDACTED] on 19/02/2024.

Regarding further allegations reported by the NGO

The NGO reporting about the case alleged that following the arrival of a Hellenic Coast Guard vessel on location, [REDACTED] was ordered to leave the area. Afterwards, the HCG vessel allegedly towed the migrant boat to Turkish waters, destroyed its engine, confiscated all phones onboard and left the boat adrift.

The Fundamental Rights Office notes that [REDACTED] and statements by the [REDACTED] both confirm that the Bulgarian vessel was instructed to head back to the [REDACTED] around [REDACTED]. The Office further notes that during their interaction with a Fundamental Rights Monitor on 18/03/2024, the [REDACTED] did not mention whether they had received such instruction. In the absence of additional information, the Fundamental Rights Office could not verify whether such instruction was given or what were the reasons for it. Given the contradictory information concerning the involvement in the possible SAR operation (the [REDACTED] first stated they were not following up on that, while later claimed they were requested to enter the area because of a possible SAR which matches the information in [REDACTED]) and the lack of information provided by the Greek authorities in this regard, the Office was not able to determine whether and how [REDACTED] was involved or if it relates in any way to the migrant boat in this SIR.

Based on the locations mentioned in [REDACTED] incidents [REDACTED] and [REDACTED] and statements by the [REDACTED], the Fundamental Rights Office could confirm that a Greek asset, HCG OPV-060, was in the area at the time of the alleged incident but was not able to verify its actions.

Considering all the available information, the Fundamental Rights Office confirmed that Frontex [REDACTED] encountered the migrant boat, but it was not able to verify the timeline of events preceding the rescue by the Turkish Coast Guard.

¹ Calculator used: <https://gml.noaa.gov/grad/solcalc/sunrise.html>.

² Calculator used: https://www.calculatorsoup.com/calculators/time/sunrise_sunset.php.

Reporting tools x3;
Human resources;
Technical equipment x2;
Internal decision making;
Sensitive operational information

Nevertheless, the modus operandi described by the NGO (destruction of the engine, towing by the Greek vessel) is consistent with practices associated with the HCG, which have been highlighted in the framework of SIR (e.g., 12230/2023, 11958/2023, 13276/2023, 10244/2023 and 10887/2023) previously.

In general, the Office recalls that - if confirmed - such irregular returns may constitute serious violation of fundamental rights as they may amount to collective expulsion, may breach the prohibition of refoulement and jeopardize the right to asylum. The Office reiterates that abandoning migrants at sea, irrespective of the circumstances, represents a clear threat to their life or health and may amount to ill-treatment. The Office is deeply concerned at the frequent reports also in the form of SIRs alleging the involvement of the Hellenic Coast Guard in such practices and observes the existence of a clear pattern in this regard, as mentioned above.

Regarding gaps in the operational reporting

Correct and complete operational reporting is essential to the proper functioning of Frontex joint operations to ensure accountability and enable follow-up, particularly in a context where reports of alleged fundamental rights violations are frequent. Against this backdrop the Fundamental Rights Office notes with concern that [REDACTED] is incomplete as it does not mention any encounters with migrant boats in the shift under scrutiny. The Office further notes that [REDACTED] repeatedly stated they have no recollection of such encounter despite having confirmed earlier that the vessel shown in the footage is theirs.

The Fundamental Rights Office further emphasizes that [REDACTED]

Regarding information shared in the framework of the SIR enquiry

The Greek authorities informed that in their view "according to the submitted incident reports, the allegations are not confirmed". The Fundamental Rights Office takes note of this statement and regrets that the Greek authorities refused to provide a detailed response to all its questions, particularly about the operation of HCG asset OPV 060 and the possible search and rescue case.

The Fundamental Rights Office recalls that the Frontex Management Board requested national authorities to "cooperate in good faith and provide a timely and detailed reply to enquiries including all information, data, records and evidence relevant to a case under investigation" and to "reply, whenever feasible, to each question listed in the enquiry separately to provide all information deemed relevant by the Fundamental Rights Office for its comprehensive investigation of the incident" (100th MB Meeting, 12-13/06/2024). In the present case, the Office considers the information provided by the authorities to its enquiry insufficient.

Regarding an effective investigation into the incident

In their response to the Fundamental Rights Office's enquiry, the Greek authorities informed that the case material had been forwarded to the HCG Disciplinary Unit for their assessment and possible follow-up. The Fundamental Rights Office considers essential for the Greek authorities to investigate the allegations raised in the present SIR as a matter of a possible fundamental rights violation and would like to receive comprehensive information on the scope and outcomes of the investigation currently underway.

Final conclusion - Proposals - Lessons learned

Based on the available information as detailed above, the Fundamental Rights Office:

- has established that the videos shared and published by the NGO and the pictures taken during the rescue operation by the Turkish Coast Guard relate to the same group of migrants;
- has established that the vessel shown in the videos is Frontex vessel [REDACTED], a Bulgarian asset deployed to Lesvos at the time of the alleged incident, and has thus confirmed its encounter with the migrants;
- considers likely that Frontex [REDACTED] encountered the migrant boat in question in the morning hours of 19/02/2024, most probably between [REDACTED].

While the Fundamental Rights Office was not able to verify the sequence of events preceding the rescue by the Turkish Coast Guard and thus cannot conclude as to the veracity of the alleged collective expulsion and associated fundamental rights violations, it underlines that the modus operandi described by the NGO (destruction of the engine, towing) is consistent with practices associated with the HCG highlighted previously in the framework of SIR.

The Office further notes with concern that the [REDACTED] of Frontex [REDACTED] is incomplete as it does not mention any encounters with migrant boats in the shift under scrutiny.

Against this backdrop, the Fundamental Rights Office recommends the following:

To Frontex:

1. To increase its presence and be more actively involved in activities including border surveillance, detection, interception of migrant boats, search and rescue operations at sea and on land, and detection and apprehension of migrants on land in the Frontex operational areas where migratory pressure is high and where alleged violations of fundamental rights are reported.
2. To identify and implement effective safeguards to mitigate fundamental rights risks existing for migrants crossing the operational area in the Aegean Sea by boat, for example, in case of detections/interceptions by Frontex and subsequent handover, by staying on site and by systematically following up on cases with the Hellenic authorities.
3. To underline for deployed Frontex officers to include in the [REDACTED] all information related to all persons detected and/or apprehended.
4. To continue sensitizing all Frontex operational staff about the importance of reporting Serious Incidents.

To Greek authorities:

1. To ensure that no returns take place without a prior administrative decision in each case and that individual assessments are conducted to determine whether migrants could be at risk of refoulement.
2. To review and assess the systems and rules of operational reporting and record-keeping, as well as the way they are being implemented in order to avoid reporting gaps; to use [REDACTED] in a comprehensive way for all detections/apprehensions.
3. To communicate in a detailed manner and reply to the questions of the Fundamental Rights Office, particularly those relating to cases analyzed in the framework of SIR.
4. To ensure the implementation of agreed operational and reporting procedures, such as those related to handovers at sea.
5. To adopt a firm policy and enforce firm sanctions against Hellenic officials found involved, either directly or indirectly, in fundamental rights violations at all levels of the hierarchy.