



Reference: **TIGO IOR 10/2023.4267**

Mr Hans Leijtens

Executive Director

European Border and Coast Guard Agency, Frontex

30 June 2023

Dear Mr Leijtens,

RE: AMNESTY INTERNATIONAL AND HUMAN RIGHTS WATCH HUMAN RIGHTS CONCERNS IN RELATION TO FRONTEx ROLE IN THE PYLOS SHIPWRECK

We are writing in relation to the tragic shipwreck that occurred off the coast of Greece in the early hours of Wednesday 14 June 2023 which has to date resulted in 104 people being rescued, 82 deaths and hundreds of people presumed dead at sea.

Amnesty International and Human Rights Watch have urged the Greek authorities to initiate a thorough, independent and impartial investigation into the events. We have also expressed serious concerns about the inconsistencies and lack of clarity around the Greek authorities' version of the events, which continues to change based on unfolding developments.¹

While we will be reaching out to the Greek authorities and seeking to receive more information about the ongoing investigation into the events, we are writing to urge you to publish all information, including all communications with the Greek and other member states' authorities, that may help to clarify the details of the incident and the responsibilities of all actors involved.

We welcome the news that Frontex has decided to initiate a Serious Incident Report (SIR) into the events. We believe that it is imperative for the agency to clarify certain points around its understanding of and involvement in the incident.

We understand from your public statement published on 16 June 2023 that a Frontex plane first spotted the trawler (hereinafter "the vessel") within the Greek Search and Rescue (SAR) region of international waters on 13 June 2023 at 9:47 UTC/11:47 CEST.² We also understand that Frontex provided the Greek and Italian authorities with "information about the condition of the vessel, speed and photos".³

¹ E.g. Greece: Catastrophic Pylos Shipwreck Highlights Need for Safe and Legal Routes to Europe, 15 June 2023, available at: <https://bit.ly/3PvF6sX>.

² <https://frontex.europa.eu/media-centre/news/news-release/frontex-statement-following-tragic-shipwreck-off-pylos-dJ5l9p>

³ <https://frontex.europa.eu/media-centre/news/news-release/frontex-statement-following-tragic-shipwreck-off-pylos-dJ5l9p>

The Frontex statement acknowledges that “the ship was heavily overcrowded and was navigating at slow speed (6 knots) direction north-east”.⁴ The statement also mentions that the agency’s plane “kept monitoring the vessel, constantly providing updates to all relevant national authorities until it ran out of fuel and had to return to base”.⁵

We note that information reported by the NGO Alarm Phone states that “in the morning of 13 June, from 9:35h CEST, the Twitter user Nawal Soufi alerts about a large boat in distress, carrying, according to them, 750 people. Over the following hours, Nawal Soufi adds further information, including the GPS position of the boat in distress and that authorities in Italy, Greece, and Malta have been alerted”.⁶

We also understand from the Frontex public statement that “as a Frontex drone was to patrol the Aegean on the same day, the agency offered to provide additional assistance ahead of the planned and scheduled flight. The Greek authorities asked the agency to send the drone to another search and rescue incident south of Crete with 80 people in danger”.⁷ We understand that the drone only went to monitor the situation of the fishing vessel off the coast of Pylos at 04:05UTC/06:05 CEST on 14 June 2023, after having attended the incident concerning a sailing boat in distress south-west of Crete, and that therefore no Frontex “plane or boat was present at the time of the tragedy”.⁸ We note that in an article published by Politico on 23 June, Frontex is quoted saying that the Greek authorities never responded to the agency’s offer to dispatch an aircraft from Italy.⁹

In view of the above, we would like to ask you to:

- **Indicate whether the aerial sighting of 09:47 UTC was the first time Frontex became aware of the vessel and if not, indicate the time(s) of any prior sightings and any actions taken;**
- **Clarify whether the Greek and Italian authorities have informed Frontex about being aware of the vessel off the coast of Pylos prior to Frontex becoming aware of the vessel;**
- **Clarify whether satellites or drones of the EUROSUR system were operational in the area in which the vessel was sailing;**
- **Clarify how long the Frontex plane monitored the vessel before returning to its base;**
- **Clarify whether Frontex will be disclosing all the communications it had with the Greek and other member states’ authorities which are relevant to this vessel and its shipwreck and if not, why;**
- **Indicate what Frontex assets are specifically assigned to Greece, where these assets were at the time of the 09:47 UTC aerial sighting, and, if deployment was possible, why Frontex decided not to do so;**
- **Clarify whether Frontex would have had capacity to monitor both the incident that occurred off Crete and the Pylos incident and if it had the capacity, why it decided not to monitor both;**
- **Provide the aerial tracks and data for all Frontex assets in the air on 13 and 14 June 2023 in order for us to get a comprehensive understanding of events that led to the shipwreck;**
- **Confirm that Frontex offered to dispatch an aircraft from Italy, clarify at what time the offer was made, and indicate the response of Greek authorities if any.**

Amnesty International and Human Rights Watch understand that the Greek coastguard located a boat in distress off the coast of Crete at approximately 2:30 EET/1:30 CEST on 14 June.¹⁰ **Considering the timeframe of the incident off Crete, could you clarify what time the Greek authorities requested that the Frontex drone be sent to attend to the incident?**

⁴ <https://frontex.europa.eu/media-centre/news/news-release/frontex-statement-following-tragic-shipwreck-off-pylos-dJ5l9p>

⁵ <https://frontex.europa.eu/media-centre/news/news-release/frontex-statement-following-tragic-shipwreck-off-pylos-dJ5l9p>

⁶ Alarm Phone, Europe’s “shield”: Hundreds presumed to have drowned off Greece, 14 June 2023, <https://alarmphone.org/en/2023/06/14/europes-shield/>

⁷ <https://frontex.europa.eu/media-centre/news/news-release/frontex-statement-following-tragic-shipwreck-off-pylos-dJ5l9p>

⁸ <https://frontex.europa.eu/media-centre/news/news-release/frontex-statement-following-tragic-shipwreck-off-pylos-dJ5l9p>

⁹ See: <https://bit.ly/3NI7Y4x>

¹⁰ See <https://bit.ly/44gLLjO>.

In addition, we are aware that Frontex publicly released a video on 19 June 2023 showing the sighting of the vessel. However, the video footage does not show the GPS coordinates of the vessel.¹¹ **Could you provide the GPS coordinates of the vessel when sighted by Frontex, and could you explain why Frontex did not release the coordinates of the vessel in the video footage?**

Under EU law, a situation of distress is determinable in relation to the seaworthiness of a vessel and a number of factors including the number of persons on board in relation to type of vessel and conditions at sea.¹² Based on your own assessment of the incident in the public statement cited above, the vessel was “heavily overcrowded and was navigating at slow speed”, something which in itself could have been read as a sign of distress. While Frontex public statement makes no mention of it, based on photos released by the Greek coast guard and the videos of the sighting later released by the agency itself, there were no visible lifejackets on the ship. The Greek Coastguard has later confirmed that none of the people rescued had life jackets.¹³

With regards to the information above, we would like to ask:

- **Did Frontex inform the Greek authorities that the vessel was in distress based on the agency’s observations?**
- **Did Frontex issue a mayday alert to all vessels in the area? If not, why not?**
- **Did Frontex’s communication about the vessel to the Greek authorities mention that there were no visible lifejackets notwithstanding the vessel being overloaded? If not, why was the probable absence of lifejackets not mentioned, especially as this crucial information was included in the communication from Frontex plane to the Italian authorities before the shipwreck of 26 February 2023 off the coasts of Calabria?**

We believe that it is essential to review whether Frontex interpreted the information at its disposal and communicated it with sufficient urgency to maximize chances to preserve life at sea. The role of all involved should be examined to prevent a repetition of this tragic event and any needed change in procedures considered.

We have repeatedly called on Frontex to activate procedures for the mechanism to withdraw financing of, or suspend or terminate, or not to launch Frontex activities in Greece (pursuant to Article 46 of Regulation 2019/1896) given the serious and persistent fundamental rights concerns. These concerns have also been documented by the two organizations’ research.¹⁴ Article 46 is a key fundamental rights safeguard for Frontex activities, and we call on you to make transparent and motivated decisions in relation to this mechanism which take account of FRO’s opinions and information received from external actors.¹⁵

In view of the above:

- **Is Frontex evaluating its operations in Greece including considering a possible suspension or termination of its activities in response to the repeated, serious human rights violations documented in the context of border management in Greece?**
- **Does Frontex plan to publish the findings of its Serious Incident Report regarding this case?**

¹¹ <https://www.youtube.com/watch?v=Drz5OVikWiO>

¹² See Regulation 656/2014, Article 9.

¹³ <https://www.aljazeera.com/news/2023/6/14/seventeen-dead-after-boat-carrying-migrants-capsizes-off-greece>

¹⁴ See: <https://www.amnesty.org/en/documents/eur25/4307/2021/en/>

¹⁵ See also in this respect the [European Ombudsman Decision](#) in OI/4/2021/MHZ on how the European Border and Coast Guard Agency (Frontex) complies with its fundamental rights obligations and ensures accountability in relation to its enhanced responsibilities, 17 January 2022.

We would be grateful for your response to our questions by July 11, 2023. We welcome an opportunity to discuss our concerns with you in more detail.

Yours faithfully,

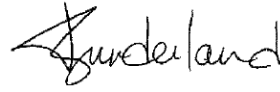
Eve Geddie



Head of European Institutions Office & Advocacy Director

Amnesty International

Judith Sunderland



Acting Europe and Central Asia Division Deputy Director

Human Rights Watch