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Ms Eve GEDDIE

Head of European Institutions Office & Advocacy Director
Amnesty International

Ms Judith SUNDERLAND

Acting Europe and Central Asia
Division Deputy Director
Human Rights Watch

Dear Ms Geddie,

Dear Ms Sunderland,

With this letter I acknowledge that I have received and carefully read your letter of 30 June 2023 in which you asked additional questions about tragic events in Pylos. I am deeply saddened by the tragedy and the loss of so many lives. I reiterate my commitment to ensure high standards for border management allowing for transparency and public scrutiny in full respect of the applicable law and ensuring respect for, and protection and promotion of, fundamental rights.

With reference to your additional questions in the letter, please find below more details available to Frontex about the incident and other related concerns.

As emphasised in previous communications, Frontex became aware of the vessel for the first time on 13 June early morning (before 09:47 UTC), receiving (in CC) a message from MRCC Rome addressed to JRCC Piraeus about a fishing vessel with 750 migrants on board. At that time, a Frontex aircraft was flying over the Ionian Sea. Considering the situation and the relative proximity, the aircraft was directed to the last known position of the vessel, detecting the vessel at 09:47 (UTC) inside the Greek Search and Rescue Region (SRR) in international waters. Frontex immediately informed the Greek and Italian authorities and kept monitoring the vessel until it ran out of fuel 10 minutes later and had to return to the base. The sighting report provided to the Greek authorities included information that no life jackets were visible and that the boat had good buoyancy.

Frontex offered to Greek Authorities the possibility to anticipate the flight of the Frontex Remotely Piloted Aircraft System (RPAS) from Crete, scheduled for later in the evening or to dispatch again the Frontex aircraft from Italy, although this was assigned for another operation. No response was received to this offer.

Frontex received the information regarding the SAR incident South of Crete from Greek authorities right before the scheduled patrol of the Frontex RPAS. Upon request of Greek authorities, the RPAS was engaged in support of this incident. The asset detected a sailing boat adrift and monitored it until a rescue vessel arrived on scene. After that, the RPAS was directed to the last known position of the fishing vessel, arriving on scene when the rescue operation was already ongoing, finding no evidence of the fishing vessel.

In the framework of the JO Poseidon, Frontex deploys maritime assets at different locations. The location of the incident was outside of the operational area of the JO Poseidon and the average distance from the deployed assets was around 350 NM. Apart from the distance to cover (which would have taken more than a day, also considering the types of assets at stake), please be reminded that Frontex is not independently deciding on the deployment of assets. JRCC Piraeus is the Search and Rescue (SAR) coordinating authority in Greek Flight Information Region and decides which vessel is more appropriate for a large-scale SAR operation. Frontex assets are at the disposal of the JRCC in case of need. In line with international SAR legal framework and Regulation (EU) 656/2014, every single time a Frontex asset detects a vessel and there are reasons to believe that the vessel is in a state of emergency, Frontex immediately alerts the relevant Rescue Coordination Centres. Frontex does not designate the phase of emergency (uncertainty, alert, and distress) and does not bear the responsibility to organise and coordinate SAR operations. These responsibilities lie exclusively with the Rescue Coordination Centres.

Frontex stresses that upholding the highest fundamental rights standards goes hand in hand with our mission, protecting the EU's external borders. Compliance with international law, including the duty to assist any person in distress at sea, is prioritised and fully embedded in Frontex's operational guidelines. Frontex's presence is an important means of bringing the focus on fundamental rights to all our operational areas. Withdrawing from an operation should be the very last resort while focus is always on a dialogue with the Greek authorities and engagement to bring positive change.

Following the recommendations of the Frontex Fundamental Rights Officer (FRO) on Greece, Frontex has engaged with the Greek authorities to establish safeguards for the implementation of the fundamental rights framework in operational activities carried out in Greece. Following these discussions, the Greek authorities drafted a plan for the implementation of the safeguards.

Frontex has a strong institutional commitment to transparency and is subject to Regulation (EC) No 1049/2001 when handling applications for access to documents. Requests which constitute applications for access to documents under this Regulation are assessed in accordance with all relevant statutory obligations, including applicable exceptions to disclosure. In addition, pursuant to art. 10 (2) and art. 114 (2) of the EBCG Regulation, when Frontex communicates on matters falling within its mandate, it shall not reveal operational information which, if made public, would jeopardise attainment of the objective of operations. GPS coordinates are operational information and cannot be disclosed. SIRs are subject to Regulation (EC) No 1049/2001. Applications for access to documents are assessed in accordance with the statutory requirements under the aforementioned Regulation. The Agency, including the FRO, is regularly sharing its findings on SIRs with the European Parliament.

Please accept the assurance of my highest consideration for the work of Amnesty International and Human Rights Watch and my gratitude for your continuous interest in the activities of Frontex.

Yours sincerely,

Electronically signed

Hans Leijten
Executive Director