



Warsaw, 16/12/2020

Serious incident report no. 11860/2020

Report date and time (UTC)	2020-07-29 09:36
Reporting person	Text removed (personal data)
Last modification date and time (UTC)	2020-08-03 14:19
Last modification done by	Text removed (personal data)
SIR Status	Ongoing
FSC SIR Category	4 - Situations of alleged violations of Fundamental Rights or international protection obligations
Type of SIR	2 Formal SIR
Subject	Migrants detected in Greek territorial waters returned to Turkey
Joint operation	Poseidon 2020
JORA incident number	
Original source of information	DNK HELO CO/NO
Frontex SIR Coordinator	HoS.OIS
Frontex resources involved	Yes
Incident dates (UTC)	2020-07-27 04:21
Detection date (UTC)	2020-07-27 04:21
Location of the incident	
Latitude	Text removed (reference to operational area)
Longitude	Text removed (reference to operational area)
Reference to the operational area	Yes
Type of resources / involvement	Danish HELO deployed to JO Poseidon 2020
Dead persons	0
Injured persons	0
Missing persons	0
Details	
Fact of the case	<ul style="list-style-type: none"> On 27.07.2020 at 06:21LT a Danish helicopter detected a rubber boat with approx. 25 migrants south of Chios in Greek territorial waters. Once the Hellenic Coast Guard arrived at the scene and took

	<p>over the incident, the Danish asset left the area.</p> <ul style="list-style-type: none"> • JRCC Piraeus informed MRCC Ankara. • According to information provided by Greek Authorities, a Turkish patrol boat took over the responsibility of the incident inside Turkish territorial waters. • The event has been registered as a “Prevention of Departure” by ICC Piraeus.
Measures	<p>On 27th of July, National Official (NO) of the Danish HELO deployed to JO Poseidon 2020 informed the FOC in ICC by phone on a possible serious incident, where ICC would have requested to change the reported location of a detected migrant boat that was initially spotted by the HELO in the operational area. FOC advised DNK NO and the HELO CO to get in contact with ICC Coordinator in order to clarify the necessary details.</p> <p>On 28th of July, Frontex and the Greek authorities received a SIR from the Danish HELO.</p> <p>On 28th of July the incident has been discussed (FCO/FOC, HCG, DNK NO) in the ICC Piraeus (JCB). ICC has referred to a misunderstanding and that the request to change the location was only applicable for the initial detection in the Turkish TWs. The respective incident was presented by HCG as a prevention of departure.</p>
Assessment	<p>SIR procedure shall be launched by Frontex. There is information provided that indicate a possible location of the migrant boat in the Greek TW and within the operational area of the JO Poseidon. For unknown reasons, the incident has been reportedly concluded in the Turkish side as a prevention of departure.</p>
Final outcome	

Documents

Serious incident document	
No.	1
Title	SV Serious Incident Report RELEASABLE TO INTERNET TRANSMISSION .msg
Name	SV Serious Incident Report RELEASABLE TO INTERNET TRANSMISSION .msg
Date	2020-07-29
Serious incident document	
No.	2
Title	11859 2020 Initial SIR - JO Poseidon 2020 Migrants detected in Greek territorial waters returned to Turkey.msg
Name	11859 2020 Initial SIR - JO Poseidon 2020 Migrants detected in Greek territorial waters returned to Turkey.msg
Date	2020-07-29

Serious incident document	
No.	3
Title	SIR - DNK FENNEC 281100LJUL20.pdf
Name	SIR - DNK FENNEC 281100LJUL20.pdf
Date	2020-07-29

Serious incident report no. 11859/2020

Report date and time (UTC)	2020-07-29 07:43
Reporting person	Text removed- personal data
Last modification date and time (UTC)	2020-11-09 15:15
Last modification done by	Text removed - personal data
SIR Status	Closed
FSC SIR Category	4 - Situations of alleged violations of Fundamental Rights or international protection obligations
Type of SIR	1 Initial SIR
Subject	Initial SIR - JO Poseidon 2020: Migrants detected in Greek territorial waters returned to Turkey
Joint operation	
JORA incident number	
Original source of information	
Frontex SIR Coordinator	
Frontex resources involved	No
Incident dates (UTC)	2020-07-27 07:42
Detection date (UTC)	2020-07-27 07:42
Location of the incident	
Latitude	11.1863888888
Longitude	111.1863888888
Reference to the operational area	No
Type of resources / involvement	
Dead persons	
Injured persons	
Missing persons	
Details	
Fact of the case	FOR DETAILS SEE SIR 11860/2020 SIR ID 1265
Measures	FOR DETAILS SEE SIR 11860/2020 SIR ID 1265

Assessment	FOR DETAILS SEE SIR 11860/2020 SIR ID 1265
Final outcome	FOR DETAILS SEE SIR 11860/2020 SIR ID 1265

Documents

Subject: FW: 11859/2020: Initial SIR - JO Poseidon 2020: Migrants detected in Greek territorial waters returned to Turkey

From: Text Removed – Reporting Tools

Sent: 29 July, 2020 09:54

To: Text Removed – Reporting Tools

Subject: 11859/2020: Initial SIR - JO Poseidon 2020: Migrants detected in Greek territorial waters returned to Turkey

11859/2020: Initial SIR - JO Poseidon 2020: Migrants detected in Greek territorial waters returned to Turkey:

- On 27.07.2020 at 06:21LT a Danish helicopter detected a rubber boat with approx. 25 migrants south of Chios in Greek territorial waters.
- Once the Hellenic Coast Guard arrived at the scene and took over the incident, the Danish asset left the area.
- JRCC Piraeus informed MRCC Ankara.
- According to information provided by Greek Authorities, a Turkish patrol boat took over the responsibility of the incident inside Turkish territorial waters.
- The event has been registered as a “Prevention of Departure” by ICC Piraeus.

FSC proposes HoS.OIS to act as the Serious Incident Coordinator for this case.

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SERIOUS INCIDENT REPORT

Serious Incident Report no.

Reporting date:

28 1100L JUL 2020

Last modification date:

Reporting person:

Text removed
(personal data)

Last modification done

FSC SIR Category	
Subject	Potential non-access to the asylum procedure by removal
Type of SIR	Category 4
JORA Incident number (if any)	
Frontex activity	
Frontex SI Coordinator	
Incident date/time	27 JULY 2020 / 1000 LOCAL
Detection date/time	27 JULY 2020 / 1000 LOCAL
Location of the incident	Chios, Greece
Is latitude unknown	
Latitude	text removed (reference to operational area)
Is longitude unknown	
Longitude	text removed (reference to operational area)
Reference to the operational area (for operational activities)	Operational Area J
Frontex resources involved (Human resources / co-financed technical equipment)	DNK Helicopter
Type of resources / involvement	
Dead persons	
Injured persons	
Missing persons	
Likely or possible effects, reactions,	

consequences	
Source of information	

Historical information and background of the SI (why/how it happened)

27 0621L JUL 2020: During patrol in Area J near Chios a rubberboat with migrants is detected and identified inside Greek Territorial Waters by the crew onboard the Danish Fennec Helicopter. Shortly after detection the boat is intercepted by Hellenic Coast Guard (HCG), whom passes the rubberboat at relative high speed in regards to the rubberboat laying still. These actions are recorded with FLIR by the Danish Helicopter. After HCG has arrived at the scene and taken over the incident, the Danish helicopter leaves the area to continue mission.

27 1000L JUL 2020: The Danish helicopter detachment is contacted via telephone by the text removed (personal data) from the HCG, and is asked whether it is possible to change the reported coordinates of the above mentioned incident in order to indicate that the incident took place outside Greek Territorial Waters.
The request is denied by the Danish detachment.

Measures/Actions taken (own/MS/others)

27 1345L JUL 2020: The Danish detachment verbally informed Frontex Operational Coordinator (FOC) at ICC Piraeus of the request to change coordinates in the report pushed forward by the HCG.
27 1721L JUL 2020: The Danish detachment verbally informed Frontex ICC Piraeus, that pending national decision, a possibly SIR would be sent.

Assessment / Comments

The Danish detachment assesses that the request from HCG to change the reported coordinates of the incident was not a case of misunderstanding.

Legend

1	Personal Data	The non-disclosed text contains personal data, in particular, the name of an individual. Its disclosure would affect the privacy and integrity of the individual and is therefore precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.
2	Number and profile of Human Resources	The non-disclosed parts contain information regarding the number and profiles of officers deployed in the operational area. Disclosing such information would be tantamount to disclosing the weaknesses and strengths of Frontex operations and pose a risk to their effectiveness. As a result, the course of ongoing and future similar operations would be hampered, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. Consequently, the disclosure of such information would undermine the protection of the public interest as regards public security as laid down Article 4(1)(a) first indent of Regulation (EC) 1049/2001.
3	Reporting tools and methods used by law enforcement officials	The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.
4 and 5	Sensitive operational information	<p>The non-disclosed text cannot be released as it refers to details crucial for situational awareness at the external borders of the European Union which is used by Frontex to conduct its operational activities and to develop risk analyses. The disclosure of this information would hamper the effectiveness of Frontex operations and jeopardise the efforts carried out by the European Union and Member States to curtail criminal activities at the external borders. It would thus benefit criminal networks especially those involved in people smuggling and trafficking in human beings, which would put the life of migrants in danger. Hence, the disclosure of the information pertaining to this variable would undermine the protection of the public interest as regards public security and has to be refused based on Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.</p> <p>The information related to this non-disclosed text is also used for the development of risk analyses, which</p>

		<p>constitute a specific form of internal decision-making processes based on the intelligence derived from previous and presently ongoing activities and have a bearing on the conduct of current and future operations. Being an important base for determining the strategic orientation of the Agency, the possibility to conduct such analyses without interference is crucial for Frontex to effectively exercise its mandate. Consequently, releasing this information would enable third parties to gain insights into this decision making process and, with ascertainable likelihood, result in depriving Frontex of the possibility to conduct such analyses wholly independently, free from any external pressure or third-party influence. In sum, releasing this information would seriously undermine Frontex internal decision making-processes. As no overriding public interest that is objective and general in nature and not indistinguishable from individual or private interests for the release of this information is ascertainable in the present case, information pertaining to this variable cannot be released based on Article 4(3) of Regulation (EC) No 1049/2001.</p>
6	<p>Number and type of technical equipment</p>	<p>The non-disclosed parts contain information regarding the technical equipment deployed in each operational area. Disclosing such information would be tantamount to disclosing the exact type, capabilities and weaknesses of the equipment, as well as their usual position, opening way for abuse. The result of this would only be to hamper the course of ongoing and future similar operations, ultimately obstructing their purpose to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of such information would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.</p>