

Crimes of the European Border and Coast Guard Agency *Frontex* in the Central Mediterranean Sea

Insights into their ongoing and unpunished aerial complicity in human rights violations

Frontex, the European Border and Coast Guard Agency, has the task of preventing people on the move from crossing the external borders of the European Union. In the Central Mediterranean, *Frontex* is not currently present with naval assets but operates aerial reconnaissance aircraft which fly primarily from European Member States. Aerial reconnaissance enables *Frontex* to gather extensive knowledge about developments in the Central Mediterranean Sea and relay information about boats in distress to the “competent authorities”, though without having to engage in rescues themselves. When spotting a boat in the Libyan Search-and-Rescue (SAR) zone, *Frontex* (as has been witnessed on several occasions by the crews of Airborne Operations¹) often only informs the Libyan authorities about a case, despite NGO or merchant vessels also being in the vicinity. By forwarding the information to the Libyan *Joint Rescue Coordination Centre* (JRCC) and sometimes even directly guiding the so-called *Libyan Coast Guard* to the position of a boat, *Frontex* coordinates and facilitates the interceptions and pullbacks of people in distress to Libya – thus carrying out the EU’s primary aim of preventing people from safely reaching Europe. Returning people to Libya means bringing them back to a place where they are exposed to severe human rights violations and constitutes a breach of international law.

For almost 4 years, the crews of the aircraft *Moonbird* and *Seabird*² have witnessed this practice as well as the refusal of *Frontex* aircraft to cooperate with NGOs at sea, with the intended consequence that people in distress are *not* rescued in a fast and safe manner and then taken to a place of safety in Europe – as is required by international maritime law. Instead, the agency relies on the so-called *Libyan Coast Guard* to illegally return people to Libya.

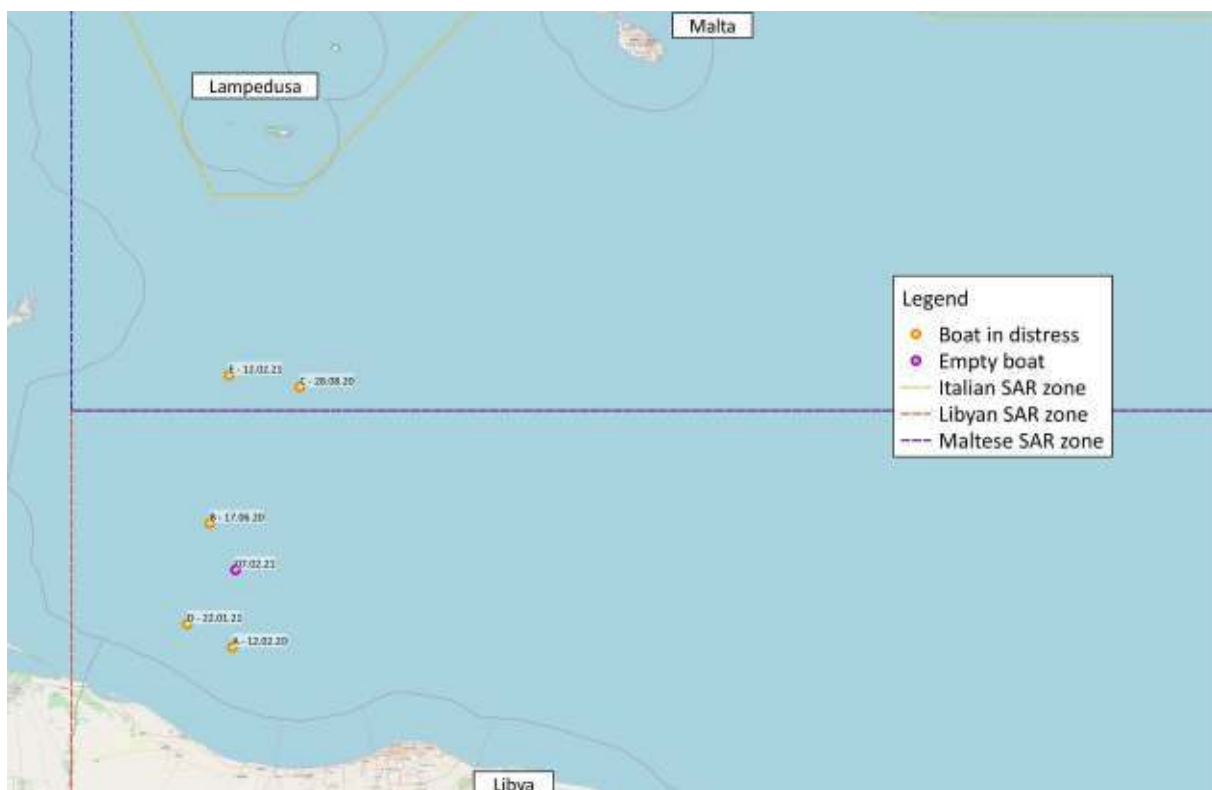
1 Airborne is the department of the NGO *Sea-Watch e.V.* carrying out reconnaissance flights.

2 Since 2017, together with the Swiss NGO *Humanitarian Pilots Initiative*, *Sea-Watch* monitors the Central Mediterranean with its two aircraft *Moonbird* and *Seabird*.

This factsheet outlines a selection of representative distress cases in the Central Mediterranean involving *Frontex* aircraft which were witnessed by *Airborne's* crews. In addition to *Airborne's* observations from the air, open radio communications and the retrospective matching of *Frontex* aircraft flight tracks (which can be partly viewed on open online portals) also serve as a basis for the reconstruction of these distress cases. The combination of this data allows conclusions to be drawn about the involvement of *Frontex* in pullbacks to Libya.

³ These numbers are based upon the estimations of *Moonbird's* and *Seabird's* crew, as well as numbers which the initiative *Watch The Med - Alarm Phone*, the UNHCR and IOM have provided to us.

1. Overview of selected distress cases involving *Frontex* aircraft



Maltese Search-and-Rescue (SAR) zone

- 1 distress case, around 30 persons, was pulled back to Libya by the so-called *Libyan Coast Guard* due to support provided by *Frontex*
- 1 distress case, 40 persons, was rescued by the NGO vessel *Open Arms* and disembarked in Porto Empedocle, Italy
- Estimated³ number of persons in distress: approximatively 70

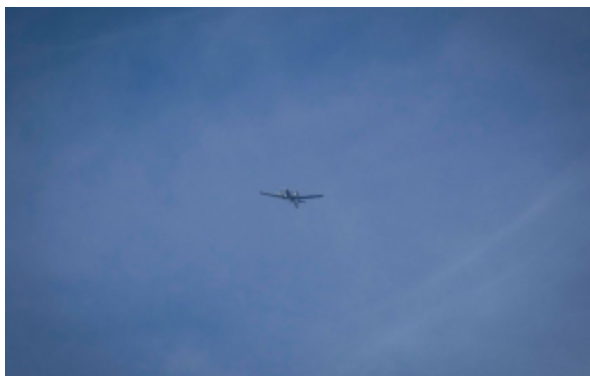
Libyan Search-and-Rescue (SAR) zone

- 3 distress cases, around 201 persons, were pulled back to Libya by the so-called *Libyan Coast Guard* due to support provided by *Frontex*

4 A video of the pull-back and *Frontex* aircraft is available at: <https://t.co/x2dirXk3lf>

2. Details and outcome of the distress cases

12.02.20., distress case A, around 50 persons: **involvement of *Frontex* in an interception by the so-called *Libyan Coast Guard***. *Moonbird*'s crew witnessed the airplane *Osprey1*, operated by *Frontex*, staying on-scene with the boat in distress until the so-called *Libyan Coast Guard* patrol boat *Fezzan* intercepted it in the Libyan SAR zone. Upon completion of the operation, *Frontex* was overheard on an open radio channel announcing "operation complete, heading North".⁴ The persons on board were pulled back and later disembarked in Libya.



On 12.02.20, *Frontex* aircraft on-scene an interception.
Photo: Neeske Beckmann

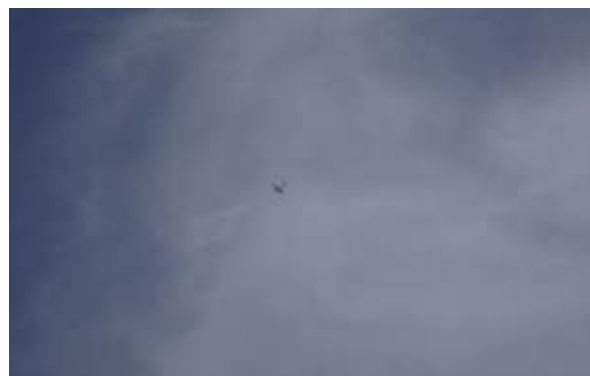


On 12.02.20, interception of around 50 persons by the so-called *Libyan Coast Guard*. Photo: Neeske Beckmann

17.06.20., distress case B, around 70 persons: ***Frontex* involvement in an interception and pullback to Libya**. *Moonbird*'s crew spotted the people in distress in the Libyan SAR zone, who were not wearing life vests. When *Moonbird*'s ground crew called the Libyan authorities, the officer on the phone informed us that the so-called *Libyan Coast Guard* were proceeding to the boat and already had two patrol boats in the area. When *Moonbird*'s crew spotted the people again, the so-called *Libyan Coast Guard* were about to intercept the people and the *Frontex* airplane *Eagle1* was on-scene. The people in distress were intercepted and disembarked in Libya. On this day, the NGO vessel *Sea-Watch 3* was also operational in the Central Mediterranean Sea.



On 17.06.20, interception of around 70 persons by the so-called *Libyan Coast Guard*. Photo: Felix Weiss



On 17.06.20, *Frontex* airplane *Eagle1* on-scene an interception. Photo: Felix Weiss

28.08.20., distress case C, around 30 persons: **interception by the so-called *Libyan Coast Guard* in the Maltese (!) SAR zone, likely coordinated by *Frontex* aircraft.** *Airborne's* ground crew observed a *Frontex* aircraft orbiting in the Libyan SAR zone, close to the Maltese SAR zone boundary. Later, in the same area, *Moonbird's* crew spotted the so-called *Libyan Coast Guard* patrol boat *Al-Kifah* heading north in the Maltese SAR zone. Around 5 nautical miles (nm)⁵ away, a boat was carrying around 30 persons. The Italian and Maltese authorities were informed about the distress case and of its likely interception, but did not take any action to prevent it. *Moonbird's* crew observed the interception of the people by the so-called *Libyan Coast Guard* in the Maltese SAR zone, around 8 nm from the SAR zone boundary. The people were pulled back to Libya. Both the NGO vessels *Astral* and *Louise Michel* were also operational in the Central Mediterranean at this time and were never contacted by *Frontex* aircraft.


5 "Nautical miles" (nm) is the unit of measurement used at sea. 1 nautical mile is equal to 1,852 kilometers.



On 28.08.20, interception of around 30 persons by the so-called *Libyan Coast Guard* in the Maltese (!) SAR zone is about to happen. Photo: Hannah Nickel



Screenshot of *Frontex* track on 28.08.20 Source: flightradar24.com

An aerial photograph of the central Mediterranean Sea. Two patrol boats are visible, each leaving a dark, V-shaped wake behind them as they move across the blue water. The boats are small and appear to be military or coast guard vessels. The water is a deep blue with some ripples and small waves.

On 28.08.20, interception of around 30 persons
by the so-called *Libyan Coast Guard* in the
Maltese (!) SAR zone is about to happen.

Photo: Hannah Nickel

22.01.21., distress case D, 81 persons: **likely guidance by *Frontex* aircraft of the so-called *Libyan Coast Guard* to people in distress, NGO vessel in the vicinity not contacted.** The initiative *Watch The Med - Alarm Phone* was called by the 81 persons on board a boat in distress and alerted the authorities. The civilian aircraft *Colibri 2* then spotted the people in the Libyan SAR zone. Meanwhile, *Moonbird's* ground crew observed the track of *Frontex* aircraft *Osprey3*, which orbited above the persons and then left the scene, first flying towards Tripoli and then back again to the people in distress. We have to assume that the *Frontex* aircraft was guiding the so-called *Libyan Coast Guard* to the distress case. In total, *Osprey3* orbited for more than 40 minutes above the persons in distress. By the time *Moonbird's* aircrew spotted the people in the Libyan SAR zone, *Osprey3* had already left the scene and was heading back to its home base. The so-called *Libyan Coast Guard* patrol boat *Fezzan* was at this point only 1 nm away. *Moonbird's* crew observed *Fezzan* intercepting the people and pulling them back to Libya. The NGO vessel *Ocean Viking* was operational in the area at this time and was never contacted by *Frontex's* aircraft in order to rescue the people. Instead, *Frontex* most likely coordinated a pullback to Libya.



On 22.01.21, interception of 81 persons by the so-called *Libyan Coast Guard*.
Photo: Felix Weiss



Screenshot of *Frontex* track on 22.01.21
Source: flightradar24.com

07.02.21., **an empty boat on fire and an interception likely coordinated by *Frontex* aircraft.** On 07.02., *Moonbird's* ground crew observed *Frontex* aircraft *Eagle1* orbiting around a position in the Libyan SAR zone. When *Moonbird's* aircrew arrived on-scene, an empty burning boat was spotted. The so-called *Libyan Coast Guard* patrol boat *Fezzan* was also spotted on-scene at this time with around 32 persons on deck, who were later pulled back to

Libya. According to the observed *Frontex* track, we have to assume that *Frontex* aircraft once again coordinated a pullback to Libya of people in distress.



On 07.02.21, empty burning boat following an interception in the Libyan SAR zone.



On 07.02.21, so-called *Libyan Coast Guard* patrol boat *Fezzan* spotted with around 32 persons on deck.



Screenshot of *Frontex* track on 07.02.21
Source: globe.adsbexchange.com



Screenshot of *Frontex* track on 07.02.21
Source: globe.adsbexchange.com

12.02.21., distress case E, 40 persons: ***Frontex* and Maltese aircraft involvement, non-assistance by merchant vessels, so-called *Libyan Coast Guard* intimidation of NGO crew in the Maltese SAR zone.** *Seabird's* ground crew observed *Frontex* aircraft *Eagle1* orbiting around a position in the Maltese SAR zone. Arriving on-scene, *Seabird's* crew found 40 persons in distress who were not wearing any life vests. The waves at this time were higher than 1 meter. The merchant vessel *Vos Triton*, flying the flag of Gibraltar, was the nearest vessel in the vicinity. The port authorities of Lampedusa were informed via radio about the people in distress, and confirmed that they would coordinate with the *Italian Coast Guard* regarding the case. Meanwhile, the *Vos Triton* was heading

away from the people, and the merchant vessel *Asalet*, flying the Turkish flag, altered its course to assist the people. The Maltese authorities only took the information provided by *Seabird's* ground crew but provided no information in return, insisting that they were busy with many cases. The Italian authorities confirmed having received the email from the ground crew but also did not provide any further information, advising a call to the “competent authorities”, namely the Maltese. Proceeding with the mission, *Seabird's* crew found the so-called *Libyan Coast Guard* patrol boat *Fezzan* in the Maltese (!) SAR zone, heading at full speed towards the people in distress. The Libyan authorities were never informed by *Seabird's* ground crew regarding this boat in distress, since the boat was located in the Maltese SAR zone. Therefore we must assume that the presence of the so-called *Libyan Coast Guard* in the Maltese SAR zone was coordinated by one of the European actors involved in the case. The NGO vessel *Open Arms* then also arrived on-scene, heading towards the boat in distress. *Seabird's* crew observed the so-called *Libyan Coast Guard* next to an *Open Arms* RHIB⁶, trying to block the RHIB by driving in front of it and using the ensuing waves to disrupt its course. The so-called *Libyan Coast Guard* patrol boat then headed south, passed by another deployed RHIB. When *Seabird's* crew checked on the people in distress for a final time, an aircraft belonging to the *Armed Forces of Malta* was also on-scene. The people were rescued in the evening by the NGO vessel *Open Arms* and disembarked in Porto Empedocle, Italy on 16.02.

⁶ A rigid inflatable boat is a fast, lightweight and stable boat usually used by the military for operations at sea.



On 12.02.21, 40 persons in distress in the Maltese SAR zone, spotted earlier by a *Frontex* aircraft according to its track. Photo: David Lohmueller



Screenshot of *Frontex* track on 12.02.21
Source: planefinder.net



On 12.02.21, the so-called *Libyan Coast Guard* patrol boat blocking one of *Open Arm's* RHIBs in the Maltese (!) SAR zone.

Photo: David Lohmueller

These missions highlight once again:

- the externalization policies of the European Union, which is complicit in pullbacks to Libya and thus a facilitator of human rights violations
- the participation of the European Border and Coast Guard Agency *Frontex* in the interceptions and pullbacks undertaken by the so-called *Libyan Coast Guard*
- the lack of cooperation of *Frontex* with other vessels in the vicinity available to conduct rescue operations
- the need for NGO vessels in the Central Mediterranean in order to uphold the law and save human lives

We therefore demand:

- The immediate abolition of *Frontex* - an agency which systematically violates human rights and maintains the EU's isolation policy
- Instead, a full-scale sea rescue programme coordinated and funded by the EU
- Safe and legal entry routes to the EU, so that no one is forced to make the dangerous crossing over the Mediterranean Sea