



Crimes of the European Coast Guard Agency Frontex – Second Report

Insights into *Frontex*' ongoing and unpunished aerial complicity in human rights violations in the Central Mediterranean Sea – Spring 2024

In its daily work in the Central Mediterranean, *Frontex*, the European Border and Coast Guard Agency, primarily aims to hinder people from arriving in Europe, no matter the costs. In order to do so, the agency relies on violent militias like the so-called *Libyan Coast Guard* to intercept people trying to flee. As a result of the agencies' way of operating, people are forced back to torture, forced labor and exploitation.

This factsheet outlines the way in which *Frontex* operates in the Central Mediterranean Sea. It provides a selection of representative situations with boats in distress where *Frontex* was involved in 2022, 2023 and early 2024.¹ The factsheet is based on data collected by the Airborne department of Sea-Watch, which carries out monitoring flights in the Central Mediterranean and documents human rights violations. The collected data allows us to draw conclusions about the role of *Frontex* in pullbacks to Libya.

¹ For cases from 2020 and 2021, please refer to our first *Frontex* factsheet: https://sea-watch.org/frontex_crimes/



Frontex in the Central Mediterranean Sea: Watchdog for violent militias

The Mediterranean is infinitely vast. In order to find and rescue a boat in distress, knowledge about the position is crucial. From the air however and especially with the appropriate technical equipments, the sea quickly becomes observable. In the Central Mediterranean Sea, *Frontex* operates various very well equipped aerial reconnaissance aircraft and a drone,² enabling the agency to gather extensive knowledge about developments at sea, specifically about boats in distress. Unfortunately, *Frontex* usually does not use this knowledge to support rescues by a merchant vessel or a civil rescue vessel, in compliance with international human rights and maritime law. Instead, *Frontex* relays this information primarily to the so-called *Libyan Coast Guard* – different local groups and violent militias that are known for the exploitation of people on the move in Libya and which the EU presents and supports as “responsible authorities”. By forwarding the information to the *Libyan Joint Rescue Coordination Centre* (JRCC), without involving any other assets, or even, as evidenced in the past, via Whatsapp directly to the so-called *Libyan Coast Guards*,³ likely guiding them to persons in distress,⁴ *Frontex* coordinates and facilitates the interceptions and pullbacks of people in distress to Libya.

These militias violently intercept fleeing people and forces them back to what the UN Fact-Finding Mission on Libya has called an “abhorrent cycle of violence”.⁵

Returning people to Libya and Tunisia means bringing them back to a place where they are exposed to severe human rights violations. As the UN Fact-Finding mission states, there are “reasonable grounds to believe that migrants across Libya are victims of crimes against humanity and that acts of murder, enforced disappearance, torture, enslavement, sexual violence, rape and other inhumane acts are committed in connection with their arbitrary detention.”⁶ Bringing people back also constitutes a breach of international maritime law, that requires that people rescued at sea must be brought to a place of safety.⁷

Withholding knowledge from those who could rescue

Frontex usually does not inform civil rescue or merchant vessels about boats in distress in their vicinity. Contrary to the so-called *Libyan Coast*

² Frontex also operates two vessels from Sicily and Lampedusa, however they are not operated in areas where distress cases usually occur.

³ See the following article: digit.site36.net/2021/10/08/whatsapp-to-libya-how-frontex-uses-a-trick-to-circumvent-international-law/ and more recently the tweet: x.com/matthimon/status/1726292733726519429

⁴ See Sea-Watch's first Frontex factsheet, Distress case D.

⁵ See: Report of the Independent Fact-Finding Mission on Libya - 27 March 2023: www.ohchr.org/en/hr-bodies/hrc/libya/index

⁶ Ibid.

⁷ According to Annex of the 1979 SAR Convention 3.1.9, rescue operations are considered to terminate with the disembarkation of the rescued individuals in a place of safety. According to the International Maritime Organization's Guidelines on the Treatment of Persons Rescued at Sea (MSC.167(78)), a place of safety is a place where the survivors' safety of life is no longer threatened and where their basic human needs (such as food, shelter and medical needs) can be met. Furthermore, the law of the sea should be considered in light of human rights. The duty to render assistance, therefore, combines with fundamental rights such as the right of asylum and the non-refoulement principle. Therefore, returning people back to Libya or Tunisia is unlawful.



Guard, these vessels could instead rescue the people in distress and, in line with international and maritime law, bring them to a port of safety in Europe.

An investigation by the NGOs *Human Rights Watch* and *Border Forensics* on the relation between interceptions and *Frontex* involvement in distress cases found that **“the agency uses aerial surveillance [...] in service of interceptions, not rescues. Without the information from EU aircraft, the *Libyan Coast Guard* would not have the technical and operational means to intercept these boats on such a scale.”**⁸ In February 2024, the European Ombudsman concluded that *Frontex* had primarily “a search and surveillance function” in the current settings, instead of rescue, and identified a serious fundamental rights gap.⁹

Frontex therefore plays a crucial role in bringing people in distress back to torture, arbitrary detention and slavery. According to the strategic litigation NGO *ECCHR*, these actions may amount to the co-perpetration of crimes against humanity.¹⁰

Monitoring human rights violation: *Sea-Watch's* Airborne operations

With the help of its aircraft *Seabird 1* and *Seabird 2*,¹¹ *Sea-Watch* has been monitoring *Frontex's* extensive and increasing activity in the Central Mediterranean. We have documented the refusal of *Frontex* aircraft to cooperate with Search and Rescue NGOs but instead the often exclusive transfer information to the so-called *Libyan coast guard* for over seven years. In addition to *Seabirds* 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) serve as a basis for reconstruction and documentation.

In 2023, *Sea-Watch's* Airborne operations documented the involvement of *Frontex's* aircraft on scene of around 60 boats and approximately 3.209 persons in distress. Among these, at least 15 boats in distress, around 973 persons, were forced back to Libya, by the so-called *Libyan Coast Guard*, other militias also like the *Libyan Stability Support Apparatus*, the *Tareq Bin Zeyad* and a merchant vessel. These numbers are likely to be much higher, as the outcomes for 19 boats in distress remain unknown to us. They furthermore only represent the cases we were able to document with our (compared to *Frontex*), very low resources and equipment.

⁸ See: <https://www.hrw.org/video-photos/interactive/2022/12/08/airborne-complicity-frontex-aerial-surveillance-enables-abuse>

⁹ See: <https://www.ombudsman.europa.eu/fr/press-release/en/182676>

¹⁰ See ECCHR's communication to the International Criminal Court, November 2022: <https://www.ecchr.eu/en/case/interceptions-of-migrants-and-refugees-at-sea/>

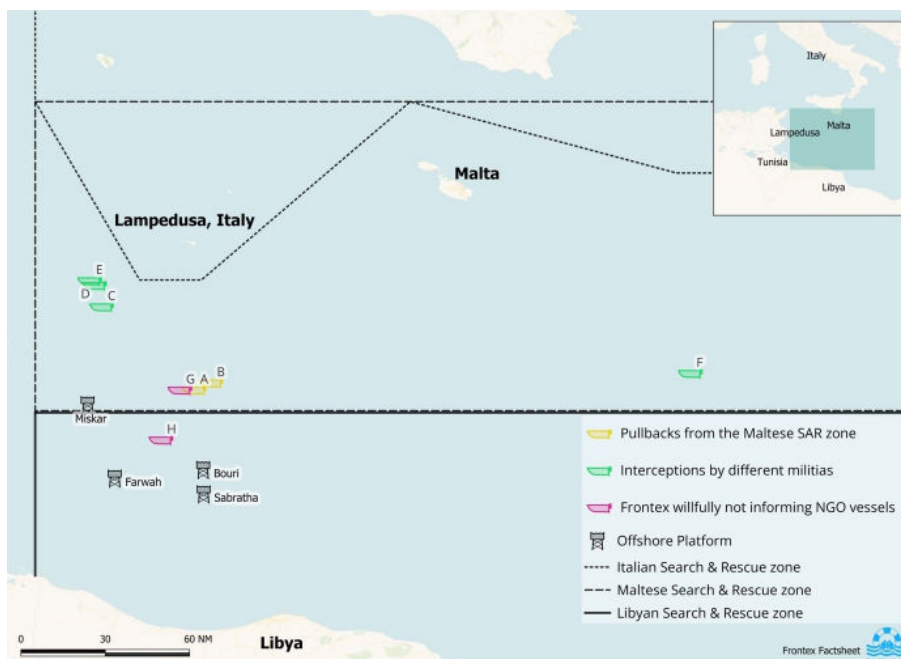
¹¹ Since 2017, together with the Swiss NGO Humanitarian Pilots Initiative, *Sea-Watch* monitors the Central Mediterranean with aircraft, currently with *Seabird 1* and *Seabird 2*.



The EU and Frontex

Despite the role of *Frontex* in interceptions in the Central Mediterranean and many more violations of the law by *Frontex* in other regions,¹² the EU continues to strengthen the role of the agency.¹³ In complete distortion of the facts and statements by various experts and human rights organisations, the European Commission claims that “*Frontex*’s presence can positively contribute to greater overall compliance with fundamental rights”.¹⁴

Frontex’ role in interceptions – selected cases



This factsheet presents different cases of involvement of *Frontex* in interceptions to Libya. The patterns of involvement are (1) Pullbacks from the Maltese search and rescue zone, (2) Interceptions by different militias, (3) *Frontex* willfully not informing NGO vessels.

Pullback from the Maltese search and rescue (SAR) zone

Around noon on 26th of July 2022, the crew of *Sea-Watch*’s airplane *Seabird 1* spotted the so-called *Libyan Coast Guard* patrol boat *Fezzan* with around 50 intercepted people on its deck, towing an empty wood-

¹² See for instance the NGO BVMN’s report for the Commission’s evaluation of *Frontex*’ regulation, regarding the Balkan route, Greece and Turkey: <https://borderviolence.eu/app/uploads/Frontex-submission-with-annexes-1.pdf>

¹³ See the annex to the Report from the Commission to the European Parliament and the Council on the evaluation of Regulation (EU) 2019/1896 on the European Border and Coast Guard, including a review of the Standing Corps, available at: ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13557-European-Border-and-Coast-Guard-Frontex-standing-corps-review-and-evaluation-of-Regulation_en,

See European Parliament resolution of 14 December 2023 on *Frontex* building on the fact-finding investigation of the LIBE Working Group for *Frontex* Scrutiny (2023/2729(RSP)): www.europarl.europa.eu/doceo/document/TA-9-2023-0483_EN.html

¹⁴ See Report from the Commission, p. 5, available at: eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024DC0075&qid=1707206855327



en boat. Another empty wooden boat was driving at the same speed alongside *Fezzan* with 2 persons on board steering, most likely member of the so-called *Libyan Coast Guard*. Two hours later, in the early afternoon, *Seabird 1*'s crew spotted the aftermath of a further interception (A, letters referring to the map on page 4) of approximately 50 persons by the patrol boat *Fezzan*. Immediately afterwards, *Fezzan* approached and intercepted another boat in distress (B) which was only 7 nautical miles away. The *Frontex* aircraft *Osprey2* was on this day orbiting in a position that matches with an earlier position of distress case A, in the Libyan SAR zone close to the boundary of the Maltese SAR zone. Due to the proximity of the boats A and B, it is likely that *Osprey* was also aware of the second boat.

We must assume that on this day, Frontex facilitated at least one pull-back by the so-called *Libyan Coast Guard* that later occurred in the Maltese SAR zone.



Interception in Maltese SAR zone

Photo: David Lohmüller

Interceptions by various militias

Frontex does not only rely on the so-called *Libyan Coast Guard* to conduct interceptions. In 2023, *Seabird* aircraft sighted interceptions and pullbacks conducted by other militias, such as the *Libyan Stability Support Apparatus* and the *Tareq Bin Zayed* brigade. Both are linked to the commission of potential crimes against humanity and serious human rights violations in Libya.¹⁶

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

16 In May 2022, *Amnesty International* called for the leader of the *Libyan Stability Support Apparatus* to be held accountable: [amnesty.org/en/latest/news/2022/05/libya-hold-stability-support-authority-militia-leaders-to-account](https://www.amnesty.org/en/latest/news/2022/05/libya-hold-stability-support-authority-militia-leaders-to-account)

Regarding the *Tareq Bin Zayed*, see a similar call by *Amnesty*: [amnesty.org/en/latest/news/2022/12/libya-hold-commanders-of-tareq-bin-zayed-army-med-group-accountable-for-catalogue-of-horrors/](https://www.amnesty.org/en/latest/news/2022/12/libya-hold-commanders-of-tareq-bin-zayed-army-med-group-accountable-for-catalogue-of-horrors/)

Further information regarding the brigade: [aljazeera.com/features/longform/2023/8/11/eastern-libya-militia-operates-illegal-pullbacks-in-mediterranean](https://www.aljazeera.com/features/longform/2023/8/11/eastern-libya-militia-operates-illegal-pullbacks-in-mediterranean)



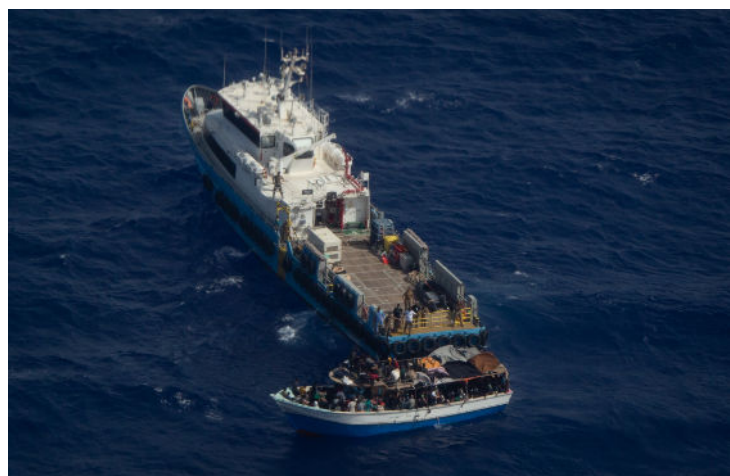
One example with involvement of the **Libyan Stability Support Apparatus** can be found on the 26th of April 2023. The *Libyan Stability Support Apparatus* is a militia which the UN Security Council panel of experts on Libya described as following a “plan of gaining substantive financial and other assets” namely by “extorting money from detained migrants under their control through acts of brutal mistreatment; exploiting detained migrants under their control by deploying them as forced labour force to carry out construction work at boat factories, households and other facilities owned by the Network”.¹⁷

¹⁷ See final report of the UN Security Council Panel of Experts on Libya, § 60: documents.un.org/doc/undoc/gen/n23/234/61/pdf/n2323461.pdf?to-ken=na599WvycDsuYhE-BRz

¹⁸ See this article by AlJazeera: [aljazeera.com/features/longform/2023/8/11/eastern-libya-militia-operates-illegal-pull-backs-in-mediterranean](https://www.aljazeera.com/features/longform/2023/8/11/eastern-libya-militia-operates-illegal-pull-backs-in-mediterranean)

In the morning, *Seabird 1*'s ground crew monitored *Frontex*'s drone orbiting around several different positions in the Libyan SAR zone in international waters. Shortly after *Seabird 1*'s crew arrived on-scene of one of the orbits, a boat with approximately 70 people aboard (C) was intercepted by the so-called *Libyan Coast Guard patrol boat 656*. *Seabird 1* sighted two other distress cases (D, E) in the vicinity, with a boat from the *Libyan Stability Support Apparatus* on scene. According to our aircrew, 4 persons were in the water and both the so-called *Libyan Coast Guard* vessel and the *Libyan Stability Support Apparatus* vessel did not do anything to rescue them, despite our aircrew urging them to do so. Later, *Frontex*' drone tried to call the so-called *Libyan Coast Guard* regarding the persons in the water. Persons on the patrol boat from the *Libyan Stability Support Apparatus* did then retrieve the persons in the water, before intercepting around 60 persons from the boats in distress, going onboard these intercepted boats and pulling them back to Libya.

Another example shows the involvement of the **Tareq Bin Zayed brigade**. **The brigade, which is led by a son of the convicted war criminal Khalifa Haftar, can be linked to “a catalogue of horrors including unlawful killings, torture, enforced disappearance, rape and forced displacement”**.¹⁸ It operates the vessel *Tareq Bin Zayed*, that became active in the central Mediterranean since May 2023.



Interception by the *Tareq Bin Zayed* militia

On the 26th of July 2023 *Seabird 2*'s crew sighted a big fishing vessel with around 300 persons on board in the Maltese SAR zone (F). The vessel *Tareq Bin Zayed* was already in the vicinity, heading



to the boat. Probably upon sighting the *Sea-Watch* aircraft *Seabird 2*, the *Tareq Bin Zayed* vessel called for “Osprey” on the radio. *Osprey* is a *Frontex* aircraft. We therefore suspect prior exchanges between the *Tareq Bin Zayed* vessel and the *Frontex* aircraft *Osprey*. In the end, the persons were returned to Libya.

In order to follow up on this case, *Seabird*'s ground crew unsuccessfully tried to call the Maltese authorities five times. The ground crew also called the Libyan authorities on seven different numbers: only one attempt was successful, but the person on the other end did not speak English. When calling a number that was provided by the *Tareq Bin Zayed* vessel, the person on the phone stated to have received direct information from *Frontex*' aircraft *Osprey2*. Indeed, *Osprey2*'s track of that day suggests that the aircraft was on-scene the boat in distress and therefore, had previous knowledge of the boat.

Confronted on social media, *Frontex* rejected the claims of a cooperation with *Tareq Bin Zayed*. However, *Frontex* did not clarify the concrete facts, especially regarding the question why no merchant vessel was heading toward the boat in distress, which should have been the case if *Frontex* had send a mayday relay on open radio channels.¹⁹

Frontex willfully does not inform NGO vessels

In countless cases, Frontex did not inform NGO or merchant vessels in the vicinity of distress cases, even though they could have conducted a rescue in line with international law. In February 2024 alone, we documented at least three of such cases:

On the 1st of February 2024, shortly before midnight, persons in distress in the Maltese SAR zone called the *Alarm Phone* which immediately informed the authorities. In the morning of the 2nd February, *Seabird 1*'s aircrew sighted the persons in the Maltese SAR zone (G). The merchant vessels in the vicinity, *Majed* and *Maridive 208*, flying the Egyptian flag, did not answer to *Seabird 1*'s calls. Two hours after *Seabird 1*'s sighting, the so-called *Libyan Coast Guard* patrol boat *Fezzan* was heading full speed to the people and conducted an interception **in the Maltese (!) SAR zone**. The persons were eventually pulled back to Libya. Based on open source information, we must assume that *Frontex* aircraft *Osprey3* sighted the persons on two occasions on the 1st February in the late afternoon and early evening.

¹⁹ See the thread: x.com/seawatch_intl/status/1684904913543864321

Note that this case was mentioned in investigations conducted by a journalist collective, including the Lighthouse Reports – lighthousereports.com/investigation/frontex-and-the-pirate-ship/, Aljazeera – aljazeera.com/features/longform/2023/8/11/eastern-libya-militia-operates-illegal-pull-backs-in-mediterranean



In the morning of the 24th of February 2024, Airborne's ground crew monitored *Frontex*' aircraft *Sparow4* orbiting in a position in the Libyan SAR zone on open sources. Around an hour later, the NGO vessel *Sea-Watch 5* overheard the aircraft sending out a mayday relay in the Libyan SAR zone and actively communicating with the so-called *Libyan Coast Guard*, identifying itself as a "search and rescue aircraft", repeatedly asking whether the patrol boat could rescue. The ground crew continued to witness *Frontex*' aircraft orbiting on open sources. An hour later, *Seabird 2* was on scene and sighted the so-called *Libyan Coast Guard* intercepting the boat in distress (H).

20 A video of the interception with the recording of Frontex' coordination is available on the following link: x.com/seawatch_intl/status/176357110989345273



Interception by the so-called Libyan Coast Guard, with a boat donated by the European Union



Multiple Orbits by Frontex aircraft Sparow4 over the distress case.

For the entire time, the *Sea-Watch 5* was in the vicinity and was able to assist. The ship was never contacted by *Frontex*' aircraft.²⁰



In light of the above, Sea-Watch demands

As has been demonstrated by *ECCHR*,²¹ “interceptions of migrants and refugees at sea in the Central Mediterranean and their return to and detention in Libya constitute crimes against humanity in the form of the severe deprivation of physical liberty in violation of fundamental rules of international law”. Looking at the essential role *Frontex* plays in these interceptions, *Frontex* must be regarded as a co-perpetrator of these crimes against humanity.

- *Frontex*' executive director must therefore terminate its operations in the central Mediterranean Sea, according to article 46 of the *Frontex* Regulation.
- *Frontex* must immediately start to communicate the positions of boats in distress with all actors at sea and stop relaying them primarily to the actors who conduct illegal interceptions to Libya.
- National governments must withdraw any funding that might support *Frontex*' cooperation with the so-called *Libyan Coast Guard*.

The history of the agency is one of human rights violations, misconduct and lies. We therefore call for the abolishment of *Frontex*. Instead, we urgently need safe and legal routes to Europe and the establishment of a European Search and Rescue Mechanism with the only and primary task of saving lives at sea, acting in accordance with international human rights and maritime law.

²¹ [ecchr.eu/en/case/in-terceptions-of-migrants-and-refugees-at-sea/](https://www.ecchr.eu/en/case/in-terceptions-of-migrants-and-refugees-at-sea/)