

EU: Where was Frontex when 600 people died in the Med?

Monday 23 October 2023, by [BROWN Amanda Danson](#), [KEADY-TABBAL Niamh](#), [LOPEZ Covadonga Bachiller](#) (Date first published: 27 September 2023).

The EU agency should be monitoring Greek borders, but when 750 people got into trouble at sea, it wasn't there

Frontex, the European Border and Coast Guard Agency, prides itself on being the “[eyes and ears](#)” of Europe’s borders. With its [multi-billion-euro](#) budget, the agency is responsible for monitoring the EU’s external land and sea borders in joint operations with member states. It is also supposed to [guarantee](#) the protection of fundamental rights while doing so. Yet, in June 2023, 600 people were [left to drown](#) in the Greek search and rescue zone, an area where Frontex operates.

At the critical moment, Frontex wasn’t looking. Instead of being on location to offer support, the Greek authorities had ordered Frontex assets away from the scene. The result was yet another preventable disaster on Frontex’s watch, but without Frontex as a direct witness.

A preventable shipwreck

The Pylos shipwreck in June was one of the deadliest shipwrecks in modern Mediterranean history.

An overcrowded fishing trawler, the Adriana, was carrying roughly 750 asylum seekers from Libya to Italy when a Frontex plane spotted the boat in distress in the Greek Search and Rescue (SAR) zone. Frontex [informed](#) the Greek and Italian authorities, but rescue teams weren’t immediately dispatched; the Hellenic Coast Guard [says](#) it arrived about 11 hours later.

[Accounts conflict](#) about what happened next, but in the end only 104 survivors were rescued.

[Survivors testified](#) that the coast guard [recklessly tried to tow](#) the Adriana towards Italian waters, flipping the boat over and causing it to sink. They also reported that some of them recorded the incident, but that the coast guard had confiscated their mobile phones. Their testimonies, brought to life in an [illustrated reconstruction](#) by the NGO Forensis, describe tactics that are consistent with [other Hellenic Coast Guard operations](#), often [performed in collaboration](#) with Frontex.

Greece denies that the towing ever happened. It alleges that the Adriana flipped by itself after refusing assistance, and says that there is no footage of the shipwreck because the coast guard’s cameras were turned off.

Frontex officers are kept deliberately away from locations where national authorities are most likely violating fundamental rights

Frontex cannot corroborate either account, because it was not there. Its absence during the fatal operation raises serious questions about the agency’s ability to ensure human rights compliance in

its joint operations. Indeed, the Pylos shipwreck demonstrates once again that the EU's "eyes and ears" are being intentionally shut off to the actions of member states.

[According to Frontex](#), the drone that spotted the Adriana in distress hours before it capsized left the scene shortly thereafter to refuel. Frontex offered to re-deploy a drone to the area, but the Greek authorities instead instructed Frontex to fly to the south of Crete, where another ship was reported to be in distress with 80 people onboard. After monitoring the events there, Frontex eventually returned the drone to the location of the fishing trawler, but it arrived too late. The Adriana had already sunk hours beforehand, in the middle of the night, with hundreds of people trapped inside.

On 16 June, Frontex released an [official statement](#) which expressed being "shocked and saddened" by the shipwreck and offered condolences to families of the victims. The statement acknowledged that Frontex had been redirected to a faraway part of the Aegean and that "no Frontex plane or boat was present at the time of the tragedy." It did not condemn any of Greece's actions or inactions.

Out of sight: manufacturing situational ignorance

The Pylos shipwreck was [not the first time](#) that Frontex was absent from the scene during a violent encounter between national border enforcement and asylum seekers. The Hellenic Coast Guard has been [sending Frontex assets away after spotting boats of asylum seekers](#) for years. Their ability to do so is integral to the agency's relationship to national authorities: member states determine where, when and how often Frontex patrols. They also decide what Frontex's [fundamental rights monitors](#) are allowed to observe. Last year, for example, Frontex's monitors were [denied access](#) to "land patrolling, sea patrolling and debriefing interviews" in every country where Frontex operates.

Member states determine where Frontex's deployed officers and rights monitors are present, and from where they are excluded - and therefore decide what Frontex can witness and what the state can keep hidden. Frontex takes pride in having '[situational awareness](#)' - and justifies its enormous budget by claiming to provide it - but this mode of collaboration generates *situational ignorance* regarding systematic border violence.

From conversations we had with current and former Frontex officers, it is evident that there is a pervasive awareness within the agency that national authorities keep certain operational spaces out of Frontex officers' immediate sight.

Frontex staff and senior EU officials are aware of, and seemingly accept, that this diversion tactic has become a defining element of Frontex operations. Frontex's fundamental rights officer noted in a serious incident report last year that "Frontex staff [is] systematically being kept away from locations where pushbacks are being carried out". Similarly, an investigation by the European Anti-Fraud Office [found](#) that Frontex aerial assets had been relocated by Greek authorities to a different operational activity "to avoid witnessing incidents in the Aegean Sea with a potential [fundamental rights] component" (pp.120-121).

Greece is not the only member state with this modus operandi. For example, a serious incident report from Bulgaria last year warned that "The [Frontex] team is kept away from the "hot" points. As situations happen the local [Bulgarian] colleague receives the indication to move the Frontex team around, avoiding certain areas". The result is, once again, a situation where Frontex officers are kept deliberately away from locations where national authorities are most likely violating fundamental rights.

Despite all this, Frontex officers on the ground have occasionally managed to witness fundamental rights violations. When this happens, their reports have been subjected to state-orchestrated

denialism and [obfuscation](#). Officers have repeatedly come under pressure to either [not report](#) what they have seen or to distort the institutional record of what happens at EU borders, as [we](#) and [others](#) have documented elsewhere.

The future of Frontex in Greece

During Frontex's management board meeting on 20-21 June, just a week after the Pylos shipwreck, the agency's fundamental rights officer Jonas Grimheden recommended a [temporary suspension](#) of Frontex's activities in Greece. Under Article 46 of Frontex's Regulation, the executive director "shall" suspend - or even *terminate* - the agency's operations in a member state when there have been "violations of fundamental rights or international protection obligations that are of a serious nature or are likely to persist".

Legally, what the regulation requires of the executive director in this context is clear. Greece has committed serious violations of fundamental rights and international protection obligations, as confirmed by the European Anti-Fraud Office's report. But suspension, the executive director [told](#) the European Parliament, "affects our capability to save lives" and "needs to be balanced". His suggestion is that the situation would only worsen if the agency pulled out entirely, and thus Frontex should remain, adding that "Frontex is committed to deliver support and being the eyes and ears [as the] European Border and Coast Guard".

Entrusting the protection of migrants' fundamental rights to an agency blinded by situational ignorance is a futile endeavour

The argument that Frontex's presence at the borders helps ensure respect for fundamental rights has become increasingly prominent in public debate. Its proponents believe that withdrawal would be counterproductive for preventing further violations - an argument that has become the primary justification to legitimise the agency's continued presence at EU's borders. Its critics, meanwhile, point to [continuous reports of brutalities](#) as evidence of the agency's inability to prevent them. They also point to incidents where Frontex has [facilitated](#) violations by [assisting](#) national authorities in the execution and [cover-up](#) of violent operations.

In our view, entrusting the protection of migrants' fundamental rights to an agency blinded by situational ignorance is a futile endeavour. The deterrence of irregular migration is the agency's *raison d'être*: despite the billions invested in it, Frontex cannot offer justice, remedies, clarification of facts, or independent monitoring. The EU's eyes and ears have proven powerless, at times even complicit. And to this day, Frontex has never *terminated* its operations in a member state. Even when violations make the headlines - if they manage to - business continues as usual, and Frontex continues to receive more and more EU funding.

Without dramatic shift in policy, violence will continue

The idea that Frontex is Europe's "eyes and ears" is a key aspect of Frontex's identity, and serves as a source of operational legitimacy and moral authority. It's a role that the agency has [self-declared](#) for years, and one which has been ascribed to it by various other [political](#) and [civil](#) actors. But it is not fulfilled in practice.

Three main patterns prevent Frontex from acting as an effective monitor.

First, member states have the power to dismiss Frontex at will, and they have used this to prevent Frontex officers from witnessing violent operations. Second, member states can reshape and silence

the reports of Frontex officers when they do witness violations. They obfuscate and control the evidence, and restrict any meaningful ability of the agency to serve as a monitor. Third, Frontex at times conceals and/or facilitates fundamental rights violations on its own accord.

In the first two scenarios, Frontex is unable to serve as Europe's "eyes and ears". In the third scenario, it is unwilling.

To see and hear what is happening at Europe's borders, we need trustworthy, independent monitoring bodies. Only then will the narrative, the evidence, and the facts no longer be controlled solely by EU and national border and law enforcement agencies.

Moreover, the focus should not be on monitoring violations but rather on preventing them. Frontex is [obliged to play](#) this role, including by taking measures to ensure that member states act in compliance with fundamental rights. This is, however, an impossible task in the context of the current EU migration regime. Today's policies create the structural conditions for widespread abuses of fundamental rights while maintaining stark inequalities when it comes to who is allowed to enter and stay in the EU. To actually prevent violations, the priorities of EU-led operations - in the Mediterranean and beyond - must shift from protecting borders to protecting life.

If we are truly concerned about ending rights violations at Europe's borders, however, we need to fundamentally change the EU border regime behind these systemic abuses - a [racialised system](#) that is centred around "[deterrence, deflection and return](#)". As long as freedom of movement remains under attack, this violence will only continue regardless of who is watching.

Amanda Danson Brown

Covadonga Bachiller Lopez

Niamh Keady-Tabbal

[Click here](#) to subscribe to ESSF newsletters in English and or French.

P.S.

openDemocracy

<https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/frontex-greece-coastguard-pylos-adriana-shipwreck-600-dead-mediterranean/>