

The non-disclosed part contains detailed information on the means of communication used by law enforcement officials. The disclosure of this information would put law enforcement officials' work in jeopardy and harm the course of future and ongoing operations aimed at curtailing the activities of organized criminal networks involved in the smuggling and migrants and trafficking in human beings. As the disclosure of such pieces of information would undermine the protection of the public interest as regards public security, it must therefore be refused as laid down in Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

The non-disclosed parts refer to details of the operational area and cannot be released. As ongoing operations tend to cover similar operational areas as the operations conducted in preceding years, disclosing details of previous operational areas would be tantamount to disclosing the current state of play. This would provide smuggling and other criminal networks with intelligence, enabling them to change their modus operandi, which would ultimately put the life of migrants in danger. Consequently, the course of ongoing and future operations of similar nature would be hampered by depriving the operations of any strategy and element of surprise, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of documents containing 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.

The non-disclosed parts contain information regarding the technical equipment deployed in the operational area by Frontex and Member States. Disclosing such information would be tantamount to disclosing the exact type and capabilities of the equipment and would enable third parties, e.g. by combining this information with other sources, to draw conclusions regarding usual positions and movement patterns. This would open way for abuse, as numbers and types of equipment used in previous operations are indicative of similar numbers and types for succeeding years. Releasing such information would thus benefit criminal networks, enabling them to change their modus operandi and, consequently, result in hampering the course of ongoing and future operations of a similar nature. This would ultimately obstruct the purpose of such operations: to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of information regarding the technical equipment deployed 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.

The non-disclosed parts also contain personal data, and/or characteristic features which could lead to the identification of individuals. The disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data and therefore has to be precluded pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001.

From: [REDACTED]

Sent: 29 November, 2020 20:14

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: New Spiegel article on German officers on Samos

Dear [REDACTED] and all,

we spotted a typo that I'd like to flag: the ICC Daily Report mentioned at point 1. was submitted on 12.08.2020 instead of 12.11.2020.

Sorry for any inconvenience caused.

Kind Regards,

[REDACTED]

On 29 Nov 2020, at 12:12, [REDACTED] wrote:

Dear [REDACTED]

Please see the following details:

1. According to ICC Daily Report (submitted on 12/11/2020) and FOC Report (submitted on 12/8/2020) the incident was described as preventions of departure and registered in JORA as such:
Incident no.412049
Reporting unit: Samos LCC
Incident type: prevention of departure

Detection date: 2020-08-10 [REDACTED]

Interception date: 2020-08-10 [REDACTED]

Migrants prevented from departure: 40

Transport type: inflatable/rubber boat/zodiac boat/dinghy

Place of disembarkation: Turkey

Description: A rubber boat with approximately 40 migrants on board was detected by DEU [REDACTED] inside HTW. The information passed to HCG [REDACTED] which headed to the area. Information passed to SAR 513 also. [REDACTED] HCG [REDACTED] arrived at the area and took over responsibility of the incident. In the view of HCG CPB the rubber boat altered course on its own initiative/will and headed towards TTW. JRCC Piraeus informed MRCC Ankara. [REDACTED] migrant vessel reported in TTW. Eventually [REDACTED] a TCG boat arrived at the area and took over responsibility of the incident

Status of the JORA incident: **Under Validation**

2. No additional information concerning this case was noted in the JCB daily package, but [REDACTED] might add any some details here.
3. [REDACTED] was not involved in this case.
4. The incident is among the ones still under validation, pending clarification from HCG. The reason being discrepancies in the position/time of the sighting and interception.
5. No SIR was open at the moment of the incident.
6. After searches, it has been found that the [REDACTED]

Hope this clarifies and I would like to thank [REDACTED] for compiling the information contained in this answer.

Best regards,

[REDACTED]

From: [REDACTED]

Sent: Saturday 28 November 2020 20:50

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: New Spiegel article on German officers on Samos

Dear [REDACTED]

please see the request below and respond asap to [REDACTED] and me, preferably before tomorrow Sunday 29 Nov. EOB. [REDACTED]. I am on holiday the coming week but I remain available.

[REDACTED]

Please provide a complete file.

Thank you.

Kind regards,

Vriendelijke groet,

[REDACTED]

From: [REDACTED]

Sent: Saturday, November 28, 2020 4:28 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: New Spiegel article on German officers on Samos

Dear [REDACTED]

In view of the most recent publication by der Spiegel (below), could you help us in establishing the following information:

- what was the operational situation on 10th August?
- what is the status of the incident on 10th August: validated in JORA or still pending? (if pending, it would mean that the Agency is still working to clarify the situation, if validated, we would need to know on what basis).

Thanks a lot!

a

[REDACTED]

From [REDACTED]
Sent: 28 November 2020 15:51
To: [REDACTED]
Cc: [REDACTED]
Subject: New Spiegel article on German officers on Samos

Dear Colleagues,

Der Spiegel published a new article today discussing an incident involving German officers deployed by Frontex on Samos. [REDACTED]

[REDACTED]
<https://www.spiegel.de/politik/ausland/frontex-skandal-deutsche-bundespolizisten-in-illegalen-pushback-in-der-aegaeis-verwickelt-a-d4e45196-a5b2-43a5-9050-72885b349996>

German federal police officers involved in illegal pushback

Greek border guards have released refugees at sea - and German federal police have helped. The SPD is now calling for the German Frontex forces to withdraw. By [Giorgos Christides](#), [Steffen Lüdke](#) and [Maximilian Popp](#)
November 28, 2020, 12.55 p.m.

For Federal Interior Minister [Horst Seehofer](#) (CSU) the matter is clear: Greek security forces defended the "integrity of Europe" on the border with [Turkey](#), he said a few months ago in the [Bundestag](#). And German federal police officers should support them as part of the mission of the European border protection [agency Frontex](#).

Internal Frontex documents now demonstrate that the situation in the Greek-Turkish border area is much more complicated, that German officials are sometimes involved in alleged violations of the law.

Instead of rescuing [refugees](#) from distress at sea, as prescribed by maritime law, Greek security forces systematically drag people out to sea. In October, SPIEGEL, together with the media platforms Lighthouse Reports, Bellingcat, the ARD magazine "Report Mainz" and the Japanese television broadcaster tv Asahi, revealed that Frontex had been around for at least six pushbacks since April.

German officials involved in illegal practice

Now an internal letter from Frontex boss Fabrice Leggeri to the [EU Commission](#) shows that German officials were also involved in this illegal practice in at least one case.

In the document that SPIEGEL and "Report Mainz" were able to inspect, an operation on August 10 is detailed: At six in the morning, the Greek observation post "Praso" discovered a rubber dinghy from a hill. The sea is only a few kilometers wide at this dangerous point, and the refugees were clearly already in Greek waters. All surrounding ships were alerted. 15 minutes later, so it says in the paper, the crew of the German ship BP62, Taufnahme "Uckermark", arrived at the reported location.

The federal police found an overcrowded rubber dinghy with 40 people on board and stopped it. But they did not save the occupants from the sea, did not take them on board. The German federal police were waiting for the Greek coast guard. This is what the order was, Frontex admits in the internal report.

The refugees, including women and children, had to stay on the rubber dinghy for half an hour, according to the mission report of the German crew. The "Uckermark" blocked their journey until the Greeks "took over" the incident, as they say.

A photo taken about two hours later by the Turkish coast guard shows what that meant. It shows how the 40 refugees are rescued from a rubber dinghy by Turkish security forces. The asylum seekers were evidently dragged into Turkish waters by the Greek border guards. You were the victim of an illegal pushback.

The federal police must have known that an injustice was happening here. In any case, shortly after the mission, they sent an e-mail to the Maritime Coordination Center in Piraeus, responsible for the units at sea. The Germans wanted to know what had happened to the refugees.

"Border protection measures taken to prevent the arrival on Samos"

The answer from the Greeks, which Leggeri quotes in his letter to the EU Commission: "The rubber dinghy with migrants on board changed course when it saw the ship of the Greek coast guard and went back towards Turkey." registered the incident as "prevented entry". When Frontex asked, the Greeks became a little clearer: the coast guard had "taken border protection measures to prevent the arrival on Samos".

»Germans are not allowed to participate in pushbacks, not even indirectly. And if Frontex cannot ensure that, the German contingent must be withdrawn «

Frank Schwabe, SPD

Hundreds of refugees can tell from their own experience what such "border protection measures" mean, it is documented in numerous videos: The Greek coast guard often damages the outboard motor of the inflatable boats to make the ships unable to maneuver. Then the migrants are pushed back towards Turkey with dangerous maneuvers. Sometimes the boats are pulled with ropes, the refugees are threatened with weapons, and shots are often fired.

Migration law expert Constantin Hruschka from the Max Planck Institute for Social Law sees the German Federal Police clearly bearing joint responsibility for the

deployment on August 10: "In the meantime, Frontex has to assume that the Greek coast guard is carrying out illegal pushbacks. In such a case, Frontex must ensure that this does not happen and that the refugees get access to an asylum procedure."
"

However, the German occupation of the BP62 neither saved the refugees nor ensured an asylum procedure. They handed over the rubber dinghy to the Greeks. It has been clear to observers for months that systematic pushbacks are taking place in the Aegean. The EU border protection agency Frontex itself has clearly documented several such incidents, as reported by SPIEGEL and Report Mainz. But the German Frontex officials did not even prepare a "Serious Incident Report" for August 10, as required for alleged human rights violations.

Neither the Federal Police nor the Federal Ministry of the Interior have so far responded to a request from SPIEGEL and »Report Mainz«.

The pressure on Frontex boss Leggeri is increasing

Photo:

Virginia Mayo / AP

The human rights policy spokesman for the SPD parliamentary group, Frank Schwabe, is now calling for the federal police to withdraw from the Aegean Sea: "Germans are not allowed to participate in pushbacks, not even indirectly. And if Frontex cannot ensure that, the German contingent must be withdrawn."

Frontex boss Fabrice Leggeri is already under massive pressure from the revelations. He himself should actually end the mission in the Aegean if human rights violations persist, according to internal Frontex regulations - also to protect his own officials. But Leggeri covers up the pushbacks.

The federal police brings that into trouble. Every refugee boat they report to the Greek authorities threatens to be towed back to the open sea. The German border guards could possibly even be complicit under international law, says international law expert Nora Markard: "The federal police officers may have assisted human rights violations."

It seems only a matter of time before refugees drown in these actions

It seems only a matter of time before refugees drown in these dangerous actions. But the Federal Ministry of the Interior apparently sees no need for action so far. When a spokeswoman for the Federal Ministry of the Interior was approached on Friday about pushbacks in the Aegean Sea, she said that there was currently no reliable evidence.

The federal police apparently also accept the illegal pushbacks. In June, SPIEGEL and Report Mainz had already reported about a pushback off Samos. Refugees were forcibly reloaded by the Greek coast guard onto inflatable life rafts, pulled in the direction of Turkey and finally abandoned at sea.

The federal police were also involved at the time: they said they had discovered the rubber dinghy by helicopter on the way to Samos and reported the position to the Greeks. The federal police announced in June that the further procedure could not

be observed. The question of whether one hadn't wondered why no one had arrived in the end remained unanswered at the time.

