

ANNEX 5 – Final SI-Handler Report Template



Warsaw, 01/12/2023

FINAL SI REPORT

SIR 12595/2023

SI-Handler: Fundamental Rights Office

Key Points

Incident: On the night of 13-14/06/2023, the overcrowded fishing vessel Adriana, carrying approximately 750 migrants from Libya towards Italy, capsized and subsequently sank off the coast of Pylos, Greece, in the Greek Search and Rescue (SAR) zone. The boat was initially reported by an NGO in contact with migrants on board to the Italian Maritime Rescue Coordination Centre (MRCC). The Italian MRCC informed Greek authorities and Frontex. Frontex dispatched a fixed wing aircraft, which spotted the vessel, overcrowded but sailing slowly, around noon local time. Frontex did neither flag the boat as a distress case nor issue a Mayday alert. The Greek authorities, responsible for coordination of assistance, did not initially declare a search and rescue situation. Instead, in the late afternoon, drawing on support by commercial ships in the vicinity, the Greek authorities attempted to supply Adriana with food and water. The ship capsized and sank in the early morning the next day, according to some migrants' statements as a result of attempts to tow it by the Greek authorities. 104 people were rescued from the sea by the Hellenic Coast Guard and commercial vessels, with up to 650 dead.

Possible violation of fundamental rights enquired: right to life (Article 2 of the Charter of Fundamental Rights of the European Union), prohibition of inhuman or degrading treatment (Article 4 of the Charter of Fundamental Rights of the European Union), respect for human dignity (Article 1 of the Charter of Fundamental Rights of the European Union)

Party allegedly involved in the incident: Frontex Surveillance Aircrafts, Hellenic Coast Guard Officers, Joint Rescue and Coordination Center (JRCC) Piraeus

Reporting Tools 2x

Conclusion and impact: Frontex' Fundamental Rights Office finds that Frontex followed applicable procedures when - based on the aerial sighting - it categorized Adriana as a non-distress case and merely transmitted collected information to the Greek authorities. At the same, the Fundamental Rights Office considers that, going forward and based on a reviewed assessment methodology, the [REDACTED] Team [REDACTED] should assess similar cases more thoroughly against the need to issue a Mayday alert, especially when the competent national authorities do not provide information about their assessment of the situation and follow-up steps, such as declaring the boat as being in distress or initiating a search and rescue operation.

In the hours following the sighting of Adriana, Frontex made three attempts to follow up on the case, by suggesting additional Frontex Surveillance Aircraft (FSA) sorties. No reply was received by the Greek authorities to Frontex' repeated offers until Adriana's shipwreck.

In general, the Office is not in a position to conclude what caused Adriana's capsizing and shipwreck. However, it appears that the Greek authorities failed to timely declare a search and rescue and to deploy a sufficient number of appropriate assets in time to rescue the migrants.

The Office regrets the lack of information provided by the Greek authorities to its enquiry but still expects to receive updates from the national investigations in progress.

Description of the event - Timeline

Reporting Tools

Frontex' Fundamental Rights Office first learned about a migrant fishing vessel with more than 600 people on board on 13/06/2023 at 10:12 UTC, when its team monitoring Frontex' Multipurpose Aerial Surveillance activities received a regular notification about the vessel's first sighting by Frontex' fixed wing aircraft Eagle 1. At 14:29 UTC, the assigned Fundamental Rights Monitor received an update from the [REDACTED] Team,¹ which included a summary of the sighting but did not flag anything out of the ordinary regarding the vessel at this point.

Reporting Tools 5x

On 14/06/2023 at 06:19 UTC, the assigned Fundamental Rights Monitor received another update from the [REDACTED], notifying that Adriana sank overnight and a SAR operation was in progress. The Fundamental Rights Monitor arrived to the [REDACTED] Room at approximately 06:30 UTC to obtain more information about the case and the rescue underway. At this point, no Frontex Surveillance Aircraft was present in the area (Heron 2 had left at 05:55 UTC). The Fundamental Rights Monitor was briefed by the Team Leader about the course of the incident, from initial Frontex sighting to shipwreck, including about offers of support made by Frontex and lack of response by the Greek authorities. The Monitor reviewed the [REDACTED] log and record of exchanges between the [REDACTED] and Frontex Aircrafts sighting Adriana and later the ongoing rescue. The Fundamental Rights Monitor recorded the receipt by [REDACTED] at 07:48 UTC of a notification by the Greek authorities that further assistance by Frontex was not needed, as the traffic in the area of the SAR operation needed to be minimized for safety reasons.

In the following days, the Office monitored the aftermath of the incident, studying Frontex' own sightings of Adriana, statements by Greek officials, and initial information reported in the media. Serious Incident Report (SIR) 12595/2023 was launched on 26/06/2023 to clarify the role of Frontex in the incident as well as the legality and fundamental rights compliance of the assistance to the boat in distress, and the coordination and conduct of the rescue operation by national authorities.

The following timeline summarizes the events of 13-14/06/2023 based on Frontex records:

On 13/06/2023:

- At 08:01 UTC, the MRCC Rome informed the JRCC Piraeus and Frontex about a fishing vessel with approximately 750 migrants on board, known to be sailing within the Greek Search and Rescue Region (SRR) at 06:51 UTC. According to the information shared by the MRCC Rome, there were reports of two dead children on board.
- At 08:33 UTC, the Frontex surveillance aircraft Eagle 1, deployed under JO Themis 2023 and already flying over the Ionian Sea, was directed to investigate the position of the reported fishing vessel even though said location lied outside the normal patrolling route. Reporting Tools
- At 09:47 UTC, Eagle 1 spotted a blue fishing vessel at 36°05'18"N, 021°04'14"E, heavily overcrowded with approximately 600+ migrants on board (sighting FSA [REDACTED]), sailing at the speed of 6 knots in direction north-east. The competent Greek authorities were promptly informed.
- At 09:57 UTC, Eagle 1 left the area and returned to base, due to low fuel levels.
- At 13:18 UTC, the MRCC Rome provided an update on the situation of the fishing vessel to the JRCC Piraeus and Frontex, according to which the boat was reported adrift within the Greek SRR at 11:02 UTC and with 7 people dead on board.
- At 14:54 UTC, Frontex received an email from NGO Watch the Med - Alarm Phone, alerting Frontex, JRCC Piraeus, the Greek Ombudsman's Office, UNHCR and other recipients to the new location of the fishing boat at 13:13 UTC (at 36°15'N, 021°02'E). The email informed that among 750 people on board, there were several very sick individuals, including babies, and that the boat was not able to sail. At 15:19 UTC, Frontex forwarded the email to the Greek National Coordination Centre (NCC) and JRCC Piraeus, and at 15:36 UTC, it was received by the Fundamental Rights Office as well. Reporting Tools
- At 16:35 UTC, Frontex contacted the competent national authorities (JRCC Piraeus and NCC), requesting an update on the situation of the fishing vessel (FSA [REDACTED]), as well as offering the support by a Frontex Surveillance Aircraft to check again its position. No reply was received to this offer.

Reporting Tools 3x

¹ The [REDACTED] Team is headed by a Frontex Team Leader and leads aerial surveillance flights from the [REDACTED] Room at Frontex HQ.

Operational area

- At 18:50 UTC, the Greek authorities requested Frontex to support them in the detection of a migrant boat within the maritime area south of Crete, as part of another SAR operation. In view of this request, the Frontex surveillance aircraft Heron 2, which took off from [REDACTED] airport at 18:45 UTC, was directed towards the indicated location. At 19:50 UTC, Heron 2 spotted a sailing boat with approximately 50+ migrants on board, adrift [REDACTED] south of Crete (sighting FSA [REDACTED]). Reporting tools
- At 21:34 UTC, Frontex contacted again the competent national authorities (JRCC Piraeus and NCC), offering support by a Frontex Surveillance Aircraft to check the position of the fishing vessel (FSA [REDACTED]) with Heron 2. No reply was received. Reporting tools 3x
- At 21:52 UTC, Frontex contacted the competent national authorities (JRCC Piraeus and NCC), suggesting to continue patrolling with Heron 2, taking into account that the migrant boat located at the south of Crete (FSA [REDACTED]) was floating properly. No reply was received to that suggestion.
- At 23:20 UTC, Heron 2 was directed by Frontex towards the last known position of the fishing vessel (FSA [REDACTED]), after releasing a final update on the migrant boat at the south of Crete (FSA [REDACTED]) at 23:15 UTC.

Operational area

On 14/06/2023:

- At 02:46 UTC, Frontex informed the competent national authorities (JRCC Piraeus and NCC) that Heron 2 was heading towards the last known position of FSA [REDACTED]. No reply was received by the Hellenic authorities. Reporting tools
- At 04:05 UTC, Heron 2 reached the operational area (36° 16' 58" N, 021° 03' 15" E) and spotted 9 maritime assets (8 merchant vessels + 1 Hellenic Coast Guard (HCG) patrol vessel) and 2 helicopters involved in a large-scale SAR operation. No signs of the fishing vessel were spotted.
- At 05:31 UTC, Frontex contacted the competent national authorities (JRCC Piraeus and NCC), informing them that Heron 2 was about to leave the area and offering support to the SAR operation with Eagle 1, already airborne.
- At 05:55 UTC, Heron 2 shared the last update from the ongoing SAR operation, and left the area, returning to [REDACTED]. Operational area
- At 07:48 UTC, the Greek authorities replied to Frontex that no further aerial surveillance support was needed for the time being.

According to the press release issued by the [Hellenic Coast Guard](#) on 14/06/2023, the incident was recorded by the Greek authorities in the following manner:

On 13/6/2023:

- At approximately 08:00 UTC, the JRCC Piraeus was informed by the MRCC Rome about a fishing vessel with a great number of migrants on board, spotted sailing in international waters south of the Peloponnese.
- At approximately 11:00 UTC, the HCG managed to establish communication with the reported fishing vessel, but no request for assistance was addressed to the Greek authorities.
- At 12:35 UTC, a HCG helicopter located the fishing vessel, reportedly sailing with a steady course and speed. Subsequently, the JRCC Piraeus requested vessels sailing in proximity to alter their course and sail towards the fishing vessel.
- At approximately 15:00 UTC, the HCG helicopter took off again to check the fishing vessel again. The vessel was reportedly still sailing with a steady course and speed.
- At approximately 15:00 UTC, a Maltese-flagged commercial vessel approached the fishing vessel to supply the migrants on board with food and water, as requested by the JRCC. The commercial vessel crew repeatedly asked people on the fishing vessel whether they were facing any kind of danger or were in need of additional support from the Greek authorities. Their answer was that they just wanted to continue sailing towards Italy.
- At approximately 15:30 UTC, the JRCC Piraeus managed to contact the fishing vessel via a satellite phone. The reply received from the fishing vessel was that besides food and water, no other assistance was needed and that they wanted to keep sailing towards Italy.
- At approximately 18:00 UTC, a Greek-flagged commercial vessel was instructed by the JRCC to approach the fishing vessel for the provision of food and water supplies or any other support needed. The migrants accepted the water but threw the rest of the supplies into the sea.

- From 12:30 until 18:00 UTC, the operations center of the Ministry of Maritime Affairs contacted the fishing vessel via a satellite phone multiple times. The people on board the fishing vessel continued to repeat that they wanted to keep sailing towards Italy and that they did not wish to receive any assistance on the part of Greece.
- At 19:40 UTC, the HCG Coastal Patrol Vessel (CPV) 920 approached the fishing vessel and remained at a close distance in order to observe it. The fishing vessel was moving at a steady course and speed, without any indications of sailing problems.
- At 22:40 UTC, the fishing boat stopped moving and informed the Greek authorities that they had an engine failure. Immediately, the HCG CPV 920 further approached the fishing vessel to assess the situation.
- At 23:04 UTC (02:04 a.m. local time), the HCG CPV 920 reported that the fishing vessel took an inclination to the right side, then a sudden inclination to the left side and again a great inclination to the right side, and eventually capsized. People on the external deck fell in the sea and the vessel sunk within 10 to 15 minutes. The HCG initiated a SAR operation.

According to media reports, based on survivors' statements and/or other sources of information, the following alleged discrepancies have been identified in terms of timeline and actions of the involved stakeholders (at the time of launch of the SIR - 22/06/2023):

- According to survivors' statements published in several media sources, the HCG allegedly tied ropes onto the fishing vessel in an effort to tow it, causing destabilization and capsizing. At first, the HCG denied having ever tied ropes onto the fishing boat (HCG spokesperson statements on 16/06/2023, early morning). Later on, the same day, the Greek government spokesperson, followed by a respective HCG announcement, acknowledged that the HCG CPV 920 had attached one rope onto the vessel approximately 3 hours before the shipwreck, to ascertain the condition of the passengers and the boat but insisted there was no attempt to tow it. The rope was removed by the migrants on board the vessel after only a few minutes. Subsequently, the HCG CPV 920 moved away observing the fishing vessel from a close distance.
- Several media outlets, including the British Broadcasting Corporation (BBC), claimed in the aftermath of the shipwreck that the overcrowded fishing vessel had not been moving for several hours before it capsized. According to the HCG press release of 14/06/2023, the fishing vessel was moving at a steady course and speed, without any indications of sailing problems from 19:40 UTC to 22:40 UTC. On 19/06/2023, the HCG issued a new press release clarifying that the fishing boat travelled for approximately 24 NM from the time of detection until afternoon hours, when it stopped sailing for more than 4,5 hours to facilitate the provision of supplies from the Maltese-flagged and the Greek-flagged commercial vessels. According to the official Greek statement, after the conclusion of the abovementioned supply operations, the fishing vessel kept sailing for approximately 6 NM (30 NM in total from the time of detection until it capsized).

Information collected - Contributors/Entities consulted - Follow-up

Frontex' Fundamental Rights Office focused in its assessment on the main issues of relevance to the SIR: (i) Frontex' role, (ii) the coordination of assistance and rescue by national authorities, and (iii) the national investigation into the incident. Other aspects of the case, even if broadly discussed in the media (such as the alleged deficiencies in the assistance provided to the survivors upon their disembarkation in Greece), were not at the centre of the Office's attention given the scope of the Serious Incident mechanism, even if fragments of relevant information have become available during the course of the investigation.

Reporting tools

- 1) Incident ██████ reported in the Joint Operations Reporting Application (JORA) by the Greek authorities

In JORA, the Greek authorities reported the incident in the following manner: JRCC Piraeus received information from the Italian authorities regarding a fishing boat with numerous persons on board at the area south-west of the Peloponnese. JRCC Piraeus ordered commercial vessels in the vicinity to attempt to locate the fishing boat. At

12:47 local time (09:47 UTC), the Frontex surveillance aircraft Eagle 1 detected the aforementioned fishing boat, 51.05 NM south-west of Peloponnese, within international waters, inside the Hellenic SRR sailing in northerly direction. The requested vessels and the JRCC Piraeus communicated repeatedly via satellite phone with the aforementioned fishing boat, receiving the response that its destination was Italy, and no further assistance was required except for food supplies. Meanwhile, the HCG CPV 920 arrived at the sea area and remained close to the fishing boat monitoring the situation. On 14/06, at 02:00 LT (23:00 UTC) the fishing boat capsized and sank. Immediately, a SAR operation was launched by the JRCC Piraeus with the participation of the HCG and Hellenic Navy maritime assets, as well as Hellenic Air Force aerial assets and several passing-by vessels. The HCG CPV 920 and the pleasure yacht “Mayan Queen IV” approached the scene and rescued 104 third country nationals, while 78 corpses were recovered from the sea. All the rescued migrants were safely transferred to Kalamata’s port. After an initial investigation, nine facilitators were identified and arrested. According to migrants’ statements, they had departed from Libya with Italy as final destination.

The incident was later updated with the following information: On 19/06/2023, three bodies and on 21/06/2023, one more body were recovered by the HCG Offshore Patrol Vessel (OPV) 090.

2) Additional information from the media and open sources since the launch of the SIR

Alternative and complementary timelines and sources of information have been compiled by international NGOs and journalists investigating the incident. More comprehensive examples of these independent efforts can be found [here](#), [here](#) or [here](#)). These compilations are credible (more than one source is quoted for each statement) and describe the following course of the shipwreck and rescue:

- At approximately 15:00 UTC, merchant vessel “Lucky Sailor” (sent by JRCC Piraeus) supplied water and food and left the scene at 17:00 UTC;
- At 17:00 UTC, the merchant (tanker) boat “Faithful Warrior” started attempts to supply food and water; and at 18:30 UTC, according to testimonies of survivors, the tanker tied ropes to the migrant boat. However, as Adriana was pulled closer to the tanker, it started rocking dangerously. The rocking has been documented on a leaked video made possibly from aboard HCG CPV 920 (according to “Faithful Warrior” captain, the HCG vessel arrived at 18:45 UTC; according to the HCG statements, HCG CPV 920 did not arrive until 19:40 UTC). At 18:45 UTC, the “Faithful Warrior” captain reported that food and water had been supplied but the migrants had thrown it overboard and the boat in distress was rocking dangerously;
- At 20:45 UTC, according to the captain of HCG CPV 920, Adriana stopped moving and his vessel’s crew threw a rope and tied the two vessels together;
- At 21:00 UTC, according to the captain of HCG CPV 920, a few minutes after, the people on the boat untied the rope and moved westwards at a speed of approximately 3 knots. Other analysis and some survivors however testified that the HCG instructed them to follow their boat to Italian waters;
- At 21:30 UTC, the “Faithful Warrior” was ordered by the HCG vessel to leave and complied with the instruction;
- At 22:40 UTC, the HCG CPV 920 reported that Adriana is no longer moving, and the HCG vessel approached the Adriana;
- At 23:05 UTC (02:05 local time) Adriana capsized, according to the testimony of the HCG CPV 920 captain, within seconds, which resulted in the people on the external deck to fall in the sea and sank 10-15 minutes later. According to some published survivor testimonies, Adriana capsized as a result of attempts to tow it by the HCG CPV 920;
- At 23:30 UTC (02:30 local time, approximately 25 minutes after the shipwreck) the yacht “Mayan Queen IV” received a call to assist a boat in distress;
- At 23:46 UTC the HCG SAR ship “Aigaion Pelagos” was dispatched from the port of Gythio to the shipwreck (100 NM distance); the vessel stopped at 02:27 UTC and started returning to Gythio at 03:27 UTC, without ever reaching the location of the shipwreck;
- At 04:37 UTC, the yacht “Mayan Queen IV” left the location of the shipwreck and headed towards the port of Kalamata, after having collected 100 out of the 104 survivors;
- Altogether, 104 survivors were rescued and 82 bodies were recovered; survivors estimate that there may have been 750 people in total onboard the Adriana;

- Following the disembarkation at the port of Kalamata (Peloponnese), the survivors were transferred to the Reception and Identification Centre (RIC) in Malakassa (Attica).

The main controversial issues being raised by NGOs, the media or independent researchers online are:

- Why was the SAR operation seemingly started (and a SAR vessel dispatched) only after the shipwreck had occurred and not much earlier, upon initial communication from MRCC Rome or the first sighting and localization of Adriana;
- Was Adriana navigating or stationary between detection and capsizing; during which periods was the vessel stationary and when was it moving;
- What actions immediately preceded the capsizing of Adriana, pointing to differences between survivor testimonies, and the account of the captain of HCG CPV 920, and specifically, whether any actions of the HCG, such as attempts at towing, contributed to the shipwreck;
- What actions immediately followed the shipwreck given that some published testimonies mentioned dangerous circling by the HCG vessel around the capsized Adriana, making her sink faster;
- According to some survivor testimonies, phones of the survivors were confiscated immediately after the rescue and were either not returned or returned wiped clean of any potential visual evidence of the incident;
- Statements by the HCG that no recording of Adriana or the shipwreck is available from the HCG CPV 920 were disputed considering a) the highly advanced technology onboard this HCG vessel, and b) a leaked video, seemingly recorded from the HCG vessel, documenting an attempt to supply Adriana from the tanker “Faithful Warrior”, which shows a heavily rocking Adriana side to side with a much larger vessel.

3) Initial information from MRCC Rome

As stated, MRCC Rome on 13/06/2023 alerted JRCC Piraeus twice about Adriana (first at 08:01 UTC; second at 13:18 UTC). These communications included carbon copies to, among others, the Rescue and Coordination Center Malta, EUNAVFORMED, and Frontex (the International Coordination Center and the [REDACTED]). Reporting Tools

The first communication, based mainly on an email sent to the MRCC in Rome by an individual in direct touch with people on board, received at 06:30 UTC, informs that:

- A fishing boat with 750 migrants on board was sailing but the situation on board was critical and included two dead children;
- There was a satellite phone on board, which was located at position 35.913071 N, 21.017229 E at 06:51 UTC. This position is in the Greek SAR zone.

The second communication, again based on the individual’s communication with MRCC Rome, and MRCC’s direct satellite phone contact with migrants on board, informed that:

- Seven people on board were unconscious as of 12:16 UTC;
- At 11:02 UTC, the boat was at position 36.124215 N, 21.075251 E (Greek SAR zone).
- At 12:42 UTC, the fishing boat was adrift.

4) The initial Frontex sighting and transmission of information

The Frontex Surveillance Aircraft Eagle 1, deployed under Joint Operation (JO) Themis 2023 and flying on 13/06/2023 since 06:00 UTC from [REDACTED] ^{Operational area} over the Ionian Sea, received at 08:33 UTC an order from the Frontex Team Leader to investigate the fishing vessel reported outside of the JO Themis area of operations, in the Greek SRR. At 09:34 UTC, Eagle 1 left the JO Themis area of operations.

At 09:47 UTC, Eagle 1 spotted a blue fishing vessel at 36°05’18”N, 021°04’14”E and stayed above until 09:57 UTC, when the aircraft had to return to base, due to low fuel level. While in the area, Eagle 1 recorded a video and took pictures of the boat. It landed in [REDACTED] ^{Operational area} at 11:35 UTC.

Reporting tools 5x

Eagle 1 Mission report (nr. [REDACTED]), summarizes the sighting (FSA [REDACTED]) as follows:

- At 09:47 UTC, Eagle 1 observed a migrant fishing vessel [FSA [REDACTED]], IVO 36°05'18"N, 021°04'14"E, heading 040° at 6 knots, 600+ POB, on engine, not shining on AIS [Automatic Identification System](SS1).
- At 09:50 UTC, Eagle 1 updated the location of the migrant fishing vessel [FSA [REDACTED]], LKP 36°06'08"N, 021°04'39"E, heading 035° at 4 knots (SS1).

Reporting tools

The message regarding the sighting (FSA [REDACTED]) was dispatched by the [REDACTED] Team at 10:12 UTC. The message was sent to the Greek NCC and Hellenic Coast Guard. It was copied, among others, to the Italian NCC and MRCC, and JRCC Piraeus. In addition to the information above, the sighting report includes the following data/assessment:

- Pictures attached show a blue fishing trawler with both its decks completely filled with persons;
- The migrant boat is approximately 51 NM from the nearest (Greek) shore;
- The boat is overcrowded on deck and possibly overcrowded under the deck;
- Sea state 2;
- The boat has good buoyancy;
- No lifejackets are visible on board;
- AIS is switched off.

The message did not label the situation as a “distress” case, nor does it reference the launch of a Mayday alert.

5) Follow-up operation of the Frontex Surveillance Aircraft

Reporting tools

The Fundamental Rights office consulted the Mission Reports, emails sent and received, logs and chat records from the [REDACTED] on 13 and 14/06/2023. These sources produced the below information:

Following the sighting FSA [REDACTED], Frontex on several occasions approached the Greek authorities (JRCC Piraeus, NCC and Hellenic Coast Guard) with the request for updates and to offer further assistance:

- At 16:35 UTC: “please share updates; we are offering to dispatch our aerial assets again; Heron 2 could fly from [REDACTED] at 19:00 UTC, or Eagle 1 from [REDACTED].” Operational area 2x
- At 21:34 UTC and 21:52 UTC (at which time Heron 2 was flying south of Crete): “Heron 2 could fly to check the position of the fishing vessel.”

These communications from Frontex received no response from the Greek authorities.

Reporting tools

Personal Data

The Greek authorities approached the [REDACTED] at 18:00 UTC (through the Greek [REDACTED] Officer) and again at 18:50 UTC (formally, by email) with a request for aerial surveillance support in investigating a different migrant boat south of Crete (a SAR case). Responding to this request:

- Heron 2 took off from [REDACTED] airport at 18:45 UTC; Operational area
- At 19:50 UTC, Heron 2 spotted a sailing boat with approximately 50+ migrants on board, adrift 38 NM south of Crete (sighting FSA [REDACTED]); Reporting tools
- At 20:06 UTC, the Team Leader instructed the crew to remain on site to monitor this migrant boat, mentioning in the chat to the crew that this was requested by the Greek authorities; Reporting tools 4x
- At 21:52 UTC (as already mentioned above), the [REDACTED] contacted the competent national authorities (JRCC Piraeus and NCC) by email, suggesting to continue patrolling with Heron 2, taking into account that the migrant boat located at the south of Crete (FSA [REDACTED]) was floating properly. No reply was received to that suggestion.
- At 23:20 UTC, Heron 2 was directed by Frontex towards the last known position of Adriana (FSA [REDACTED]), after releasing a final update on the migrant boat at the south of Crete (FSA [REDACTED]) at 23:15 UTC.
- At 23:40 UTC (35 min after the shipwreck), the Greek authorities [REDACTED] order closing the airspace around the shipwreck. The Notice specifically [REDACTED] [REDACTED] due to “sinking boat and persons in water” and requested all craft “to establish coordination with Piraeus JRCC before entering

Modus operandi law enforcement 3x

Modus operandi law enforcement

the above described area". The [REDACTED] was later re-issued at 05:48 UTC, with updated co-ordinates, for a period until 06:00 UTC on 17/06/2023 (and was eventually canceled at 09:56 UTC on 15/06/2023).

- At 02:46 UTC, Frontex informed the competent national authorities (JRCC Piraeus and NCC) that Heron 2 was heading towards the last known position of FSA [REDACTED]. No reply was received on the part of the Hellenic authorities. Under the terms of MAS service operating from [REDACTED] Frontex can redirect the flight without prior authorization if (i) Heron 2 is already airborne and (ii) the destination is within the area of operation and the pre-approved flight pattern - which was the case. On the way, Heron 2 climbed to 7,000 ft to comply with the requirements [REDACTED].

Modus operandi law enforcement

- At 03:35 UTC, Heron 2 reached the operational area (36° 16'58"N, 021° 03'15"E) and reported observing:
 - Sea state 2;
 - No sign of the migrant boat, reported as sunk by the Greek [REDACTED] Officer; Personal data 3x
 - Eight commercial vessels on site: [REDACTED] Faithful Warrior, [REDACTED] [REDACTED]
 - The presence of a Hellenic Coast Guard patrol vessel (mis-labeled in the report as OPV 930);
 - Two Hellenic Coast Guard helicopters;
 - All assets being involved in a large-scale SAR operation. Some persons were rescued by a big motor yacht.

Heron 2 stayed on site to search for persons in water.

- At 05:31 UTC, Frontex contacted the competent national authorities (JRCC Piraeus and NCC), informing them that Heron 2 was about to leave the area and offering support to the SAR operation with Eagle 1, already airborne. Personal data
- At 07:48 UTC, the Greek authorities (the [REDACTED] Officer) replied by email that no further support was needed.

6) Vessel tracking and ship stability consultation

In order to clarify whether the migrant vessel Adriana was in fact navigating or drifting prior to the shipwreck (media sources alleged that Adriana was adrift for several hours, in contradiction with initial statements by the HCG), as well as to determine the movement of commercial vessels to and on the scene of the shipwreck, Frontex' Fundamental Rights Office consulted the Agency's vessel tracking team. The resulting report allowed for the following conclusions:

- The Maritime Simulation Module was unable to simulate the movement of Adriana since this EUROSUR tool can only process events younger than seven days;
- For the eight commercial vessels sighted around the shipwreck by Heron 2, the Agency's vessel trackers identified where and when each deviated from their original route (presumably on request of the HCG or JRCC Piraeus) to come and assist Adriana, and when they returned to their initial heading.
- The Greek-flagged tanker "Faithful Warrior" (which had been documented at the scene attempting to provide assistance and filmed next to Adriana at 17:00-21:30 UTC) was tracked between 17:00 and 20:00 UTC. The vessel tracking shows that for most part of this period "Faithful Warrior" was likely stationary or moving at extremely slow speed (less than 1 knot). This finding is relevant in the context of the HCG's initial claims that Adriana was sailing normally until 22:40 UTC.

The Office likewise consulted maritime experts to gain insight into issues pertaining to stability when a trawler of Adriana's type is overloaded with human cargo, and hypothetically exposed to (i) attempts to supply it from much larger vessels - with and without a rope affixed, and (ii) attempts to tow it. While the results of the consultation were not quantifiable or precise - owing to lacking technical input data - the Office understood that:

- Under some circumstances, human cargo will behave similarly to free liquid surface cargo, exacerbating any lateral movement of the ship;
- Such forces would be further strengthened, if the people on board were all to move in the same direction on the boat's decks at the same time (e.g., when running towards water or food thrown or as a result of a sudden pull by a rope);

Reporting tools

Operational Area

- Furthermore, the distribution of the cargo has a fundamental effect on the boat's stability. The higher the cargo is placed on a trawler of Adriana's type, the more inclined the boat is to capsize.

The Office notes that Adriana was overcrowded on all decks, including the topmost one. Some migrant testimonies made public did mention attempts to tie or even tow Adriana. The available video showing a rocking Adriana during an attempt to supply it with water very clearly confirms some of the dangers emphasized by the consulted experts.

7) Survivors' testimonies

Human resources 3x

Frontex ██████████ supporting in Malakassa

Frontex deployed two screening teams (initially four, later five Frontex officers) from JO Poseidon 2023 to the Malakassa Reception and Identification Centre on 17/06/2023. This was an exceptional deployment (outside of the JO and the operational area), based on a request by the Greek authorities for support with registration procedures. Frontex ██████████ conducted interviews with the survivors of the shipwreck in Malakassa until 20/06/2023. Together with the Greek officers, the Frontex team registered 76 third country nationals, all males (37 Syrians, 24 Egyptians, 11 Pakistanis and 4 Palestinians).

Frontex' Fundamental Rights Office interviewed the Agency's ██████████ following their mission and consulted Frontex reports summarizing findings of the screening procedures. The main points emphasized by the Frontex screening team relevant for this SIR were:

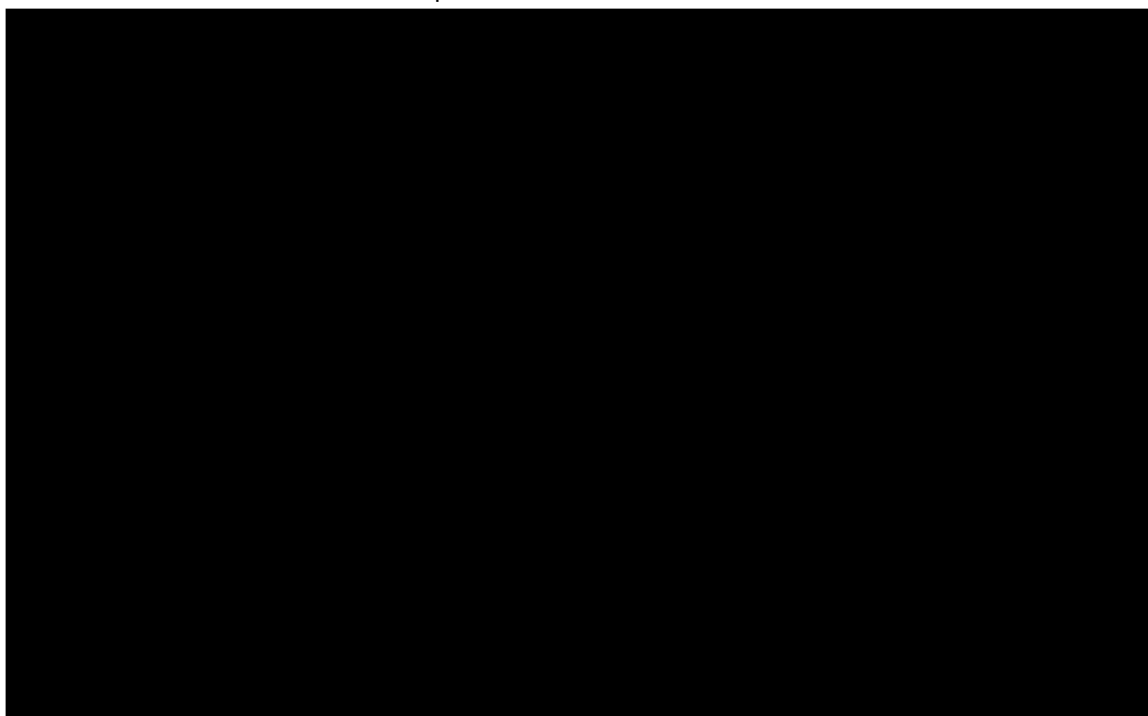
- All the survivors applied for asylum in Greece, despite the fact that initially, on 17/06/2023, some were objecting and asking to be sent to Italy.
- The estimates for persons on board were 125-150 Syrians (five women, six children), 400-425 Pakistanis (less than 30 women and children), 150-170 Egyptians and 10 Palestinians. In total, there were 685 to 755 people on board.
- Pakistanis were placed by the smugglers on the lowest deck. They used ladders which afterwards were removed. The migrants described that it was impossible to reach the exit because it was very high. On the second deck, there were Arabs and Pakistanis. Migrants described that there were many fights among them. On the upper deck, Arabs were the vast majority.
- Smugglers in charge of the ship were all Egyptian. They had pocketknives to enforce discipline on the boat and were responsible for distributing food and water.
- After two days of sailing from Libya (by 10/06/2023), the migrants ran out of food and water and fights over the remaining food started. On day three, some migrants mentioned contacting Italian authorities via satellite phone and receiving the reply that they will be assisted when they reach Italian waters. Six migrants were dead as of day four (12/06/2023) and others were drinking urine and sea water.
- On day five (13/06/2023), some migrants described receiving supplies from two vessels, and at night, being approached by a small boat that they were asked to follow. However, the migrant boat could not do this because of its engine malfunction. At some point, the captain died of a heart attack and the boat was drifting without engine for extended periods of time.
- Several migrants described attempts to tow them from what they presumed was a Hellenic Coast Guard vessel, which had tied the rope to the front of the migrant boat and started making turns. This caused the migrants to run to one side, their vessel started rocking, and eventually capsized within 15 minutes. Only people outside, on upper decks, were able to jump into the water.

Other testimonies

Frontex' Fundamental Rights Office reviewed several summaries of survivor interviews made in the days following the shipwreck. The survivors in these testimonies mainly confirmed information available already in the public

domain and summarized above, including questions about the causes of shipwreck and criticism of the actions by the Hellenic Coast Guard. Some of the relevant points from these records are:

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Personal Data,
Reporting tools

8) Interaction with national authorities

Frontex' Fundamental Rights Office approached the Greek authorities on 19/07/2023 with a detailed set of questions, enquiring about:

- Actions taken with respect to the case by the Greek authorities on 13 and 14/06/2023, including the times when commercial vessels were requested to assist Adriana; the time when a SAR was declared; the time when the HCG SAR vessel was dispatched; and overall timeline for all Greek assets involved;
- How the authorities evaluated the situation on board;
- Causes of the shipwreck and actions of HCG CPV 920 preceding it;
- Reasons why Frontex aerial surveillance services were not used when offered during 13/06/2023;
- Presence and use of recording devices on board the HCG CPV 920;
- Allegations and, if applicable, purpose of confiscation of mobile phones from rescued migrants.

The Greek National Frontex Point of Contact (NFPoC) replied on 25/08/2023. The Fundamental Rights Office regrets that most of its questions were left unanswered. The following statements were made by the Greek NFPoC:

- Two separate proceedings have been initiated by the judicial authorities and therefore, information cannot be provided beyond what has been published in press releases. Upon completion of these proceedings, additional information will be provided.
- Execution and coordination of a SAR operation is within the competence of the Piraeus JRCC and "does not fall within the scope of the Agency's jurisdiction."
- "Following the initial detection of the migrant's boat by the FRONTEX aerial asset, the Hellenic competent authorities have managed to acquire picture of the situation with own means and nearby vessels (...) the contribution of FRONTEX aerial asset was requested by HCG competent authorities in order to participate in another SAR case south of Crete Island with positive results."

Assessment

Against the backdrop of collected information, Frontex' Fundamental Rights Office proceeded to assess whether, within applicable international law and the limit of what can be reasonably expected:

- Frontex collected sufficient information, assessed it properly, and transmitted it to the responsible authorities in a timely and correct manner;
- Frontex support offered to national authorities was adequate;
- Assistance was provided and a search and rescue operation coordinated/conducted in accordance with applicable international law by the Greek authorities;
- National authorities conducted an effective investigation into the issues identified in this SIR.

1. Preliminary considerations

Boats in distress and duty to assist - applicable standards

The main international and European law standards relevant to the classification of boats in distress, search and rescue and this SIR are the following:

- States are bound by the duty to rescue persons in distress at sea, codified in the United Nations Convention on the Law of the Sea (UNCLOS), the International Convention for the Safety of Life at Sea (SOLAS), the International Convention on Maritime Search and Rescue (SAR) and the International Maritime Organization (IMO) Guidelines.
- The Maritime SAR Convention, EU Regulation 656/2014² and the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual³ all distinguish between different levels of emergency from “uncertainty” through “alert” to “distress” (from low to high).
- The gradation of emergency levels is underpinned by the notion that situations short of posing an immediate and acute risk to the lives of persons, might require clarification and monitoring as they can become that overtime.
- The EU Regulation 656/2014 prescribes the use of the following indicators to assess an emergency: the seaworthiness of the vessel and the likelihood that the vessel will not reach its final destination, the number of passengers on board, the availability of sufficient supplies, such as fuel, water and food, the availability of a qualified crew and master, and the presence of children on board.
- The SAR Convention defines the distress phase as “a situation wherein there is reasonable certainty that a person, a vessel or other craft is threatened by grave and imminent danger and requires immediate assistance”.
- Under these SAR instruments, states have the duty to provide assistance and/or coordinate the provision of assistance to vessels in distress, in their designated Search and Rescue zones or regions, which cover both their territorial waters and sections of the High Seas. Such duty is not diminished in cases of irregular migration or irregularly operating vessel.
- The Fundamental Rights Office underlines that the wish not to be rescued or to be rescued differently (for example by being directed to another country) if such is conveyed by the migrants, cannot override other compelling indicators of distress, and therefore, alone, does not release the state from its duty to assist.⁴

Frontex’ aerial surveillance: mandate and applicable standards

Under the above-mentioned legal instruments, the responsibility to determine the phase of emergency (uncertainty, alert, and distress) and declare, organize and coordinate SAR operations rests exclusively with national Rescue Coordination Centres.

² The EU Regulation is quoted merely to demonstrate various sources of legal standards, and the criteria for determining the phase of emergency, which it provides, and which are universally applicable for such exercises. The applicability of the Regulation 656/2014 to the case needs to be nuanced: there is no doubt that it obligates national Rescue and Coordination Centres involved. It is, however, not clear that it equally applies to Frontex’ assessments - as the █████ does not have the rescue and coordination role, and the FSA operation in this case has been carried out in part under the terms of a service contract, rather than a Joint Operation.

³ Published by the International Maritime Organisation and the International Civil Aviation Organization (ICAO), the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual provides guidelines for a common aviation and maritime approach to organizing and providing search and rescue (SAR) services.

⁴ See, for example, art. 9(2)(h) of the EU regulation 656/2014: *Where a vessel is considered to be in a situation of uncertainty, alert or distress but the persons on board refuse to accept assistance, [...] participating unit shall continue to fulfil a duty of care by surveying the vessel and by taking any measure necessary for the safety of the persons concerned, while avoiding to take any action that might aggravate the situation or increase the chances of injury or loss of life.*

According to the SAR Convention (provision 4.2.3), however, “any authority or element of the search and rescue service having reason to believe that a person, a vessel or other craft is in a state of emergency shall forward as soon as possible all available information to the rescue co-ordination centre or rescue sub-centre concerned”. Under provision 4.2.4, “rescue co-ordination centres and rescue sub-centres shall, immediately upon receipt of information concerning a person, a vessel, or other craft in a state of emergency, evaluate such information and determine the phase of emergency [...], and the extent of operations required”.

As Frontex’ aircrafts are often in a position to spot a vessel in a state of emergency, Frontex is an *authority or element* referred to above and as such should forward such findings as soon as possible to the relevant Rescue Coordination Center. In principle, Frontex does not designate the phase of emergency (uncertainty, alert, and distress) and does not bear the responsibility to organise and coordinate SAR operations. Formally and as per established practice, Frontex’ duty upon sighting a vessel in distress is satisfied when that information is communicated to the national Rescue Coordination Center.

In practice, however, Frontex needs to and does assess whether a boat is in a state of emergency. Frontex surveillance aircrafts can, like all other actors at sea, in case of an imminent danger of human life loss, broadcast a Mayday alert. The Mayday relay is received by all vessels (military, law enforcement, merchant, and NGO vessels) and aerial assets in the area/vicinity of the incident, which are then obligated to assist.

Reporting tools

The decision to issue a Mayday alert or not upon sighting of a boat in distress is taken by the Frontex Team Leader in the [REDACTED] Room. The “imminent danger of human life” has in the past been interpreted to cover situations of impending death on board (e.g. people are seen in water, ship is sinking, there’s a fire on board), but also situations of significant uncertainty and high likelihood that people may die in the context of hours (e.g. boats found adrift, when night is falling, FSA has to leave the scene and there is no certainty that vessel will be found again later).

Considering that it is not Frontex’ responsibility to trigger or coordinate the provision of assistance or SAR, before issuing Mayday, the Team Leader considers, in addition to the criteria mentioned above and pertinent to the existence of immediate danger to life, other aspects of the situation as well:

- Has any of the Rescue Coordination Centers involved already explicitly assumed the responsibility over the incident? Can it be safely assumed that a Rescue Coordination Center has taken over the responsibility over an incident even though an explicit confirmation is not available?
- Does the information recorded by the Frontex Surveillance Aircraft merely confirm previously available information, or does it introduce new or significantly update previous information?
- Does available information give rise to doubts about the effectiveness of efforts to assist the vessel in distress? Are no efforts being undertaken at all?
- Have there been many “competing” relays issued for the same time and area - what is the priority of the current case?

Communication between the Rescue Coordination Centers and Frontex is crucial for understanding the context of the sighting and for the clarification of responsibilities. While in principle, when a Rescue Coordination Center has taken over an incident, Frontex will not interfere with its coordination efforts, Frontex Team Leaders may issue a Mayday relay if the Rescue Coordination Center does not clearly communicate its actions, does not respond to messages, and does not display effective control over the situation.

Frontex’ positive obligations to protect life do not cease after merely transmitting information to an RCC. While formally not mandated to act, it would be difficult to justify complete inaction on the part of Frontex in a situation where, for example, a Rescue Coordination Center does not respond to the received alert, does not take any visible action and consistently (repeatedly and over a period of time) does not respond when a question is asked. In such a scenario, while its formal duties (to transmit initial information) are fulfilled, Frontex could, for example, consider suggesting more aerial surveillance sorties, offering Frontex’ own assets, and/or taking other steps to

support the Rescue Coordination Center. Other arrangements can be agreed in the terms of the MAS Service provision between Frontex and the requesting Member state.

While acknowledging the exclusive right of the competent Rescue Coordination Center to declare a SAR and coordinate assistance, Frontex' Fundamental Rights Office finds it important to strengthen Frontex' own assessment capability and to standardize the assistance it can offer to maximize its contribution, within legal limits, to the rescue of life at sea.

2. Frontex' role: collection, assessment and transmission of information and further support to national efforts

Regarding the initial sighting, assessment and transmission of information

In the specific case at hand, at the time of initial sighting, the fishing boat was sailing with a good buoyancy, steady course and speed in good weather condition of sea state 2 (waves up to 0.5 metres). In addition, no persons appeared to be in the water. The decision of the Team Leader to neither flag the boat as a distress case nor issue a Mayday alert was taken based on these criteria.

The Team Leader may also have considered the fact that the sighting did not introduce significantly new facts to the situation, which had already been sufficiently described by the MRCC Rome in an earlier email to JRCC Piraeus. And lastly, the communication from MRCC Rome clearly handed over the responsibility over the fishing boat, in the Greek SRR, to JRCC Piraeus.

Frontex promptly transmitted all available information acquired by Eagle 1 to the relevant authorities (JRCC Piraeus in copy), in line with the international legal framework, for their further assessment of the emergency phase, if any, and subsequent measures. Formally, therefore, all the legal requirements (provision 4.2.3 SAR Convention) have been met and procedures followed by the █████ in respect to the sighting. Reporting Tools

Reporting Tools

At the same time, Frontex' Fundamental Rights Office considers that the present SIR exposes some shortages in the █████s approach to assessing the state of vessels, and potential need for a Mayday alert. Consideration of a selective range of risk factors only (buoyancy, steady course, sea state, no persons in water) led to the conclusion that the vessel was not in distress. The Office is of the opinion that a more comprehensive approach to finding and applying relevant criteria might have led to a conclusion that issuing a Mayday call is necessary.

Frontex' Fundamental Rights Office underlines that the sighting showed:

- An overcrowded boat with 600+ persons spread out across all decks;
- No visible life vests or other life saving devices;

At the time of sighting Adriana, Frontex had information from the communication from MRCC in Rome, that:

- There were up to 750 migrants on board;
- The situation on board was critical;
- Some migrants were near death and there were two dead children (this was further updated after the second Rome MRCC message was received and the number of the bodies on board raised to seven a few hours later).

Based on intelligence available to Frontex due to its specific area of work, the following is known:

- The Central Mediterranean route frequently takes many days to cross;
- Migrants often reach Europe in a state of dehydration and starvation, and/or otherwise bad condition;
- Smugglers on the route often use violence against the migrants;
- Boats used are highly unreliable and vessels often have engine malfunctions and/or run out of petrol;
- Chronic instability of metal vessels similar to Adriana's type when overcrowded, and their tendency to capsize within seconds when there's movement of cargo.

None of these factors, taken independently, would have been sufficient for a declaration of a Mayday. Furthermore, some of them (initial information from an individual, merely transmitted further by the Rome MRCC) were unconfirmed, others are rather vague. In the opinion of the Fundamental Rights Office, however, when combined, available information, observed risk indicators and the expertly assessed state of Adriana make it reasonably certain that persons aboard Adriana were threatened by grave and imminent danger and required immediate assistance. In the view of the Fundamental Rights Office, the urgency of the situation of Adriana upon sighting by Eagle 1 was not unlike that of the boats sighted adrift, as mentioned above, for which Maydays had sometimes been issued by Frontex, and was exacerbated further by a lack of information about the assessment and actions taken by JRCC Piraeus.

Reporting tools 3x

Frontex' Fundamental Rights Office concludes that all applicable procedures were formally upheld by Frontex in the course of the initial sighting and transmission of information to the Greek authorities. At the same time, the Office considers that the [REDACTED] Team should assess sightings of vessels in similar situations more thoroughly against the need to issue a Mayday alert, especially when the competent Rescue Coordination Center has not informed about any assessment of the situation and follow-up steps, such as declaring the boat as being in distress or initiating a search and rescue operation.

To this end, the procedure for the assessment of vessels in a possible emergency situation and the issuing of Mayday alerts by the [REDACTED] should be reviewed. Specifically, a revised procedure should introduce more standardization and consistency, more complexity of risk indicators, while still maintaining the necessary flexibility for Team Leaders, and ensure that available Frontex intelligence and amassed experience feeds into such assessments.

Follow-up to initial sighting [REDACTED]

Based on reviewed documents, Frontex' Fundamental Rights Office notes that the Agency has exhibited extraordinary effort to follow up on the initial sighting and support national authorities in their efforts.

According to consultations with Frontex operational teams for Joint Operations Themis and Poseidon, no surface assets were physically and/or legally available for deployment to support the SAR operation and as such were not offered.

In addition to redirecting the aircraft to leave the operational area of JO Themis (initial sighting), Frontex subsequently repeatedly requested updates from the Greek authorities. Furthermore, Frontex repeatedly offered further sorties by a fixed wing aircraft (once) and drone (twice). No reply was received to these offers from the Greek authorities.

The Fundamental Rights Office acknowledges that sometimes, prioritization of tasks and/or limited resources in Rescue Coordination Centers can affect responsiveness to arriving communications. Replies should thus not be expected instantaneously. However, the Office believes that within a reasonable timeframe, some response needs to be provided to Frontex, as an entity that is in near constant and real-time cooperation with the Rescue Coordination Center, in order to enable its own resource planning.

Instead, at 18:50 UTC, amidst the ongoing emergency of Adriana, a Frontex drone was requested to support another SAR operation elsewhere. Upon completing that mission, the Team Leader requested permission to support the rescue of Adriana but Heron 2 was requested to remain on site. Despite repeated requests in the time that followed, no reply was received from the Greek authorities. The Frontex Team Leader then autonomously decided to redirect Heron 2 to the site of the Adriana shipwreck. The terms of the MAS Service operating out of [REDACTED] make such a decision possible (without additional approval by the national authorities) provided the redirection happens while Heron 2 is already in flight and as long as the target is within the pre-approved flight pattern/route. Once arrived at the scene, Heron 2 assisted in searching for people in water as part of an already ongoing SAR operation.

In general, Frontex' Fundamental Rights Office considered that the Agency should adopt standardized tools and approaches to effectively follow-up on sightings. This should be done in agreement with national authorities to

Operational
Area

ensure maximum usage of Frontex' assets and information, as well as full clarity on roles and responsibilities. Frontex should ensure the implementation of a system where, as a rule, its requests for information or updates are being acknowledged and answered within a reasonable amount of time. Specifically, when follow-up assistance is offered, the new system should ensure that national authorities do in fact respond within reasonable timeframe, and when denying offered Frontex support, that reasons are provided. Furthermore, when providing aerial services on request, maintaining the Frontex Surveillance Aircraft on site and/or returning to a site should always be allowed by default, except in specific cases where the authorities explicitly instruct to the contrary and provide justification.

3. Assistance, search and rescue efforts by the Greek authorities

The determination of the state of the vessel, coordination or provision of assistance and potential declaration of a SAR operation were formally a responsibility of Piraeus JRCC. Frontex' Fundamental Rights Office does not know how Piraeus JRCC monitored, assessed and arrived at the conclusion that a SAR case did not need to be launched immediately after the receipt of the Frontex sighting. The Greek authorities reported that they had managed to speak with the migrants via satellite phone at 11:00 UTC and twice more later still on 13/06/2023. The migrants reportedly rejected assistance and wanted to proceed to Italy.

The Greek authorities nevertheless determined that Adriana was in need of assistance and instructed (between 12:35 and 15:00 UTC; exact time unknown) commercial ships in the vicinity to provide assistance and supplies to Adriana. The two documented attempts were in fact unsuccessful and may have in some instance even increased the danger to the vessel. Especially the second attempt - by the "Faithful Warrior" - to provide food and water resulted in dangerous rocking of Adriana, which was likely recorded from aboard HCG CPV 920. This indicated early on that the connecting of ropes to the overcrowded and highly unstable ship bore significant risks. Altogether, the attempts of supplying water and food to all the 700 or so persons on Adriana failed as the vessels sent to support were ill-equipped for the task and risks related to them approaching and providing goods were not sufficiently considered.

Frontex' Fundamental Rights Office considers that the state of the vessel and the migrants significantly deteriorated over the course of 13/06/2023 - their sixth day at sea. With attempted resupply interventions threatening to capsize their boat, the migrants likely refused to accept more help, as is in fact explained credibly in one of the survivors' accounts reviewed by the Office.

Contradicting other sources, the Greek authorities described the periods the boat was adrift as quite short. Migrants' accounts, on the other hand, mention that on 13/06/2023, Adriana's engine had not been functioning for a number of hours towards the end of the day. This conclusion is also supported by the analysis of the sailing speed of one of the assisting commercial ships, evident from the reviewed vessel tracking records.

The Greek authorities stated that they never attempted to tow Adriana, although a rope had been thrown to the boat at one point from HCG CPV 920. The statement of the HCG is incompatible with some of the consistent accounts of the migrants.

The resources mobilized by the authorities during the day (including merchant vessels and HCG helicopters) were not sufficient for the objective of rescuing the migrants. Judging from the resources actually deployed, as well as based on some migrant testimonies, it appears that the authorities' immediate focus prior to the shipwreck was not rescue.

Frontex' Fundamental Rights Office reviewed repeated allegations from migrants' testimonies that the capsizing of Adriana might have been directly caused by the attempt to tow it by HCG CPB 920. It does not, however, possess sufficient information to conclude on the immediate cause of the shipwreck or the attempt to tow the boat with certainty.

On the other hand, it appears clear, including from the statements released by the Greek authorities themselves, that the authorities declared the SAR operation only when the Adriana capsized - i.e. when it was too late to rescue all the migrants. In the hours prior to the shipwreck, the authorities deployed insufficient and inappropriate resources to assist the migrants considering the number of persons aboard Adriana. Finally, the Greek authorities failed to make use of the resources offered by Frontex.

4. National investigation

Frontex' Fundamental Rights Office is aware of the existence of but does not have sufficient information to assess the progress of national investigative efforts. In addition to the ongoing judicial proceedings, the Greek Ombudsman also decided on 09/11/2023 to open an independent investigation into the "Pylos shipwreck". According to the Ombudsman's [press release](#), this investigation was triggered by the "expressed denial of the Coastguard to initiate a disciplinary investigation". The Office hopes that the scope and focus of investigations will address all the main issues discussed and highlighted in this SIR. It further understands from the Greek authorities that the Office will be informed about the proceedings' outcome, and provided additional information about the case upon completion of national judicial proceedings.

Final conclusion - Proposals - Lessons learned

Reporting tools

Frontex' Fundamental Rights Office concludes based on the available information, that:

- At the time of initial sighting by Eagle 1, there was reasonable certainty that persons aboard Adriana were threatened by grave and imminent danger and required immediate assistance. The ██████ should, based on a reviewed assessment procedure, assess similar cases more thoroughly against the need to issue a Mayday alert, especially when the competent national authorities do not provide information about their assessment of the situation and follow-up steps, such as declaring the boat as being in distress or initiating a search and rescue operation.
- All applicable procedures were formally complied with by Frontex in the course of the initial sighting and transmission of information to the Greek authorities; and Frontex followed up on its sighting with the Greek authorities.
- The Greek authorities appeared to have delayed the declaration of SAR operation until the moment of the shipwreck when it was no longer possible to rescue all the people on board, deployed insufficient and inappropriate resources considering the number of persons aboard Adriana, and failed to make use of the resources offered by Frontex.

Frontex' Fundamental Rights Office regrets that it was not given relevant information by the Greek authorities in response to its enquiry but expects to receive the results of two ongoing national judicial proceedings, as well as the Greek Ombudsman enquiry.

The Fundamental Rights Office recommends the following:

For Frontex:

Reporting tools

1. To review the sighting report template to ensure standardized completion by different Team Leaders and completeness of information for effective SAR, specifically in sections linked with fundamental rights and their protection.
2. Ensure awareness and increase sensitivity among ██████ Team Leaders through inclusion of the present case and other similar scenarios in their professional training.
3. To identify a set of indicators to inform decision making about whether a Mayday is issued based on the risks identified by the Fundamental Rights Office where the Multipurpose Aerial Surveillance (MAS) service is provided. Such indicators may include type and conditions of boats, distance from coastline, or region-specific characteristics of migration flows, and must be comprehensive and flexible enough to accommodate varied scenarios.
4. To standardize when and how Frontex follows up on its sightings with national authorities:
 - a. Define when and how Frontex offers support to Search and Rescue in form of additional flights;
 - b. Develop additional rules for communication with the Rescue Coordination Centers under which, as a rule, all Frontex requests for information and updates are acknowledged and answered. When follow-up assistance is offered, the authorities should respond within reasonable time, and when denying offered Frontex support, should provide reasons for doing so;

- c. In order to provide aerial services on request, insist on actions such as maintaining the Frontex Surveillance Aircraft on site or returning to a site, that always should be allowed by default, unless explicitly instructed to the contrary with the authorities providing justification;
- d. Define further ways to follow up on Frontex sightings.

For the Greek authorities:

1. To acknowledge receipt and respond to all request by Frontex for information and updates and to respond within reasonable time to offers of additional Frontex Surveillance Aircraft sorties and provide reasons when denying such offers.
2. To provide the Agency with feedback on the actions undertaken following one of its sighting and, to inform in a timely manner, if the case has been classified as a SAR.
3. To adopt clear and transparent procedures on how to deal with distress at sea, including in cases where persons object to being rescued.
4. To ensure review of existing procedures for SAR in light of the Adriana tragedy.