

SMUGGLER'S BOAT

Don't know if it's a migrant boat or a smuggler's boat. I don't know if it's a migrant boat or a smuggler's boat.



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Photo: NurPhoto/Getty Images



Zach Campbell

Aug. 22 2016, 4:24 p.m.

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N A SMUGGLER'S BOAT from Turkey two years ago, 19-year-old Rawan watched the passengers start to panic as a Greek coast guard vessel approached them head on, circling twice. Rawan heard two gunshots ring out from the Greek patrol. Fearing arrest, the driver of Rawan's boat, a Turkish fisherman, turned the vehicle around to flee back to Turkey. Then Rawan heard more shots.

When the bullet hit her in the lower back, at first she felt nothing. Then, Rawan says, it felt like fire.

Rawan's husband had made it to Germany a year earlier; both were fleeing their home in Damascus, Syria. Rawan and 12 other Syrians were headed for the Greek island of Chios on a small fiberglass boat, much faster than the inflatable dinghies that many refugees use for the 5-mile crossing.

Before the shots, Rawan heard "stop" blare over a loudspeaker on the coast guard vessel. She and four others were in the forward compartment of the boat, and more people were sitting in the back near the outboard engine. Rawan's father-in-law, Adnan Akil, was also shot in the lower back, and Amjad A., another Syrian refugee who asked that only his first name and last initial be used, was shot in the shoulder.

Akil says he clearly remembers the chain of events leading up to the shooting. One officer had a pistol, the other had a submachine gun. Akil, Rawan, and other witnesses say they heard one officer shoot in automatic bursts. "We were shouting and screaming for the driver to stop," remembers Braa Abosaleh, another Syrian refugee who was on the boat that day.

When the driver didn't stop, the coast guard rammed their boat from the back right side. Akil and Rawan remember the driver stopping the boat, pretending he was going to surrender. As the officers put down their weapons and approached, the driver fired up the engine again and turned back toward Turkey. This time, the coast guard shot directly at the fleeing boat.

Finally, after the second round of shots, the driver stopped. From just outside the front compartment, Abosaleh watched a coast guard officer board their boat and scuffle with the driver. Abosaleh says the officer beat the driver with the butt of his pistol before handcuffing him, an account confirmed by Rawan. The wounded were transported to the hospital and the rest of the refugees were taken to a hotel in Chios city for interrogation.

Serious Incident Report no. 228

FSC SIR Category	1 Standard
Subject	Use of firearms
Type of SIR	2 Formal SIR
JORA Incident number (if any)	
Joint Operation	Poseidon Sea 2015
Frontex SIR Coordinator	
Incident date/time	23/11/2015 10:40 PM
Detection date/time	23/11/2015 10:40 PM
Original source of the information	
Location of the Incident	Sea area of Cape Ammoglossa-Kos
Is latitude unknown	No
Latitude	36.918611111111100 *
Is longitude unknown	No
Longitude	27.266666666666700 *
Reference to the operational area	Yes
Frontex resources involved (Human resources / co-financed technical equipment)	Yes
Type of resources / Involvement	FIN CPB
Dead persons	
Injured persons	
Missing persons	

Fact of the case

On 24/11/2015 at 22:40 LT a suspicious fast boat was detected by FIN CPB at the sea area of Cape Ammoglossa-Kos Island. * FIN CPB attempted to intercept the speed boat by the repeated usage of light and sound signals but the skipper of the boat refused to comply and performed dangerous maneuvers.

Measures

The HCG liaison officer of the FIN CPB, following the foreseen rules of engagement, fired warning shots in the air (safe sector). Since the facilitator (skipper of the smuggling boat) was still not complying, the HCG LO fired two targeted shots to the outboard engine of the boat and as a result the boat was immobilized. 01 facilitator (TUR) was arrested onboard. Moreover 17 migrants were detected onboard and apprehended.

Assessment

One (01) facilitator was arrested and one fast boat was seized. 17 migrants (6 male-3 female-8 minors) were apprehended. Smuggling boat immobilized with the use of firearms

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The information contained in this document contains sensitive operational information describing the encounter between law enforcement officers and a facilitator, and in particular the method used by the former to stop the latter and prevent criminal activities. The disclosure of such information would harm ongoing and future operations and thus harm the public interest. In this regard the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation (EC) 1049/2001.

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The information contained in this document contains sensitive operational information regarding the operational area. Their disclosure would expose law enforcement officials patrolling the area and harm the course of future and ongoing operations, thus facilitating irregular migration. This would undermine the protection of the public interest as regards public security. In light of the above, the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation No 1049/2001.

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An unredacted Frontex incident report showing the coast guard firing on a refugee boat. Frontex data.

A report of damages from the March 2014 incident would later document a total of 16 bullet holes in the boat, centering on the front compartment.

Sitting on a couch in her apartment in northern Germany last month, Rawan nervously rolls one cigarette after another. She walks with a limp from the shooting. She insists on only publishing her first name; her family in Syria still doesn't know she was shot. Rawan says the coast guard officers threw her and the others wounded into their boat "like animals."

After the shooting, one of the coast guard officers involved was arrested. According to court reports, he admitted finishing a clip of 30 bullets and reloading before continuing to shoot. In court, the two other officers aboard blamed him, saying he acted on his own and not on orders from his superior. The shooting was treated as an isolated event.

Less than a month later, a Greek court ruled that the coast guard officers, including the one arrested, did nothing wrong; they were shooting to stop a suspected smuggler.

Yet a collection of incident reports from Frontex, the European Union's border agency, obtained by *The Intercept*, reveals a broader Greek and European tactic of using weapons to stop boats driven by suspected smugglers – and injuring or killing refugees in the process. (In the Greek islands, Frontex operates alongside the coast guard, patrolling the sea border with Turkey. In many cases, the information in these documents was reported to Frontex by the Greek coast guard as part of their joint operations.)

The documents, which were meant to be redacted to shield operational details but were inadvertently released by Frontex in full, reveal multiple cases of firearms use against boats carrying refugees (*The Intercept* has elected to publish the unredacted versions to demonstrate how refugees' lives were endangered during these incidents). The reports span a 20-month period from May 2014, two months after the Chios shooting, to December 2015. Each case of firearms use – even if it resulted in someone

being wounded — was described as part of the standard rules of engagement for stopping boats at sea.



A woman wakes up in the port of Chios, where refugees and migrants who left a detention center were camping out on April 5, 2016. Photo: Louisa Gouliamaki/AFP/Getty Images

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HIOS IS A SMALL, sleepy island of 50,000 people just 5 miles from the Turkish coast. The island has long been one of the key points for refugees crossing to Greece from Turkey. At the beginning of 2015, when the most recent surge in crossings began, the city's main park was used for improvised refugee housing, and many residents came to volunteer and offer food. Now, one of the island's three established refugee camps is located next to that park, in the center of the city.

Members of the coast guard here describe being overwhelmed by

refugee arrivals, while coping with a lack of resources and proper training. According to U.N. statistics, over 100,000 refugees passed through Chios in 2015 – twice the local population of the island. ≡

“It’s very difficult to stop a [fast boat],” explains one active coast guard captain currently working in the Greek islands. He spoke on the condition of anonymity about the protocol for intercepting smuggler boats coming from Turkey.

“You go near the boat, you say stop with your hands or with an air horn,” he says. If they don’t stop, “sometimes we shoot the engines.” He adds that the shooting only happens “when it is safe to do so.”

“If it’s not safe,” he says, “we let them go.”

There are two types of boats that refugees typically use to get from Turkey to the Greek islands. The most common are slow inflatable dinghies that are overloaded, often with more than 50 people. These boats putter across the Aegean, barely above water, with small, strained engines that often break down before reaching shore. The inflatable boats do not usually have a smuggler on board; rather, smugglers give one refugee a free ride across in return for piloting.

The faster boats, like the one that carried Rawan, are made of wood or fiberglass and are often driven by local fisherman who work with smuggling networks and make multiple trips in a day. According to the accounts of refugees in Chios, Lesbos, and on the Greek mainland, as well as the Frontex incident reports, these boats, if confronted by the coast guard in Greek waters, will typically try to flee back to Turkey. This is when the shootings happen.

Greece Hoping for Asylum



Footage of the Greek coast guard intercepting a boat smuggling refugees.

Frontex officers must abide by the same rules of engagement as police in the host country where they are operating. Greek law divides weapon use into four categories: shooting for intimidation, shooting against objects, shooting to immobilize, and shooting to kill. According to the rules of engagement for Greek coast guard officers, as well as Frontex officers working in Greece, shooting to disable a vehicle is legal if it is done to prevent someone from illegally entering or exiting a country, if they have a firearm.

The coast guard captain refuses to speak about specific cases. But every time the coast guard stops a boat, he says, officers are in direct communication with their command centers on land. If officers are in pursuit of a fast boat, the orders to shoot come from their superiors. And in extreme cases, he says, officers are connected directly with the operational center in Piraeus, Greece's largest port and the headquarters of the coast guard.

ATER ON THE DAY that Rawan and the two other refugees were shot, the mayor of Chios city issued a press release commending the coast guard for its work. When asked about the shooting by

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journalists, the Chios coast guard justified the use of weapons, saying that the boat's driver had shot at officers first.

There is no evidence that the driver shot at the coast guard, however. He was arrested for smuggling and was not charged with attacking police or possession of a weapon. While the four witnesses interviewed about the shooting are critical of the driver for not stopping sooner, they all say that he never had a gun nor fired at the coast guard.

After an investigation, the national coast guard headquarters in Pireaus also determined that the driver had not shot at the coast guard. Three days after the shooting, coast guard Rear Adm. Vasilis Siettos told journalists that "only the port authorities used weapons."

Weeks later, the case was closed when the court concluded that the officers had correctly followed protocol.





Norwegian police officer Anne Marie Bruu cleans her hand gun on the Norwegian Redningsselskapet rescue boat 'Peter Henry Von Koss' while it conducts a Frontex Aegean sea patrol on the northern shores of Lesbos island in Greece, on February 29, 2016.
Photo: Etienne De Malglaive/Getty Images

After the shooting, Rawan, Amjad, and Akil were taken to the general hospital in Chios to be treated, where they stayed for two weeks. Doctors' reports from Germany and Sweden, where the three were eventually given asylum, as well as from the hospital in Chios, confirm that the injured refugees were released from the hospital in Chios with bullets still in their bodies. All three victims speculate that the hospital responded to pressure from the coast guard, who, they say, didn't want evidence of the shooting in Greece.

Neither press officers nor the director of the Chios general hospital would comment on the case or clarify why the decision was made not to remove the bullets. The German doctor who eventually saw Rawan can only speak for her case but says that she should have been treated in Chios, including removal of the projectile.

A coast guard investigator, Despina Piranyan, visited the wounded refugees multiple times at the hospital. Once, she came with Vasilis Eleftheriou, one of the coast guard shooters, who was not charged. The three refugees say Eleftheriou came to apologize for the shooting.

Amjad and Akil say the investigator pushed them to state that the driver of their boat had a gun and shot first. Braa Abosaleh recalls a similar conversation with the investigator in the hotel where the other refugees



were being interrogated.

Investigator Despina Piranyan visiting refugees in the hospital, accompanied by a coast guard shooter.

“She was trying to make us believe that [the driver] had guns,” Abosaleh remembers. Abosaleh describes the driver as just “a poor old man” trying to make some money. “We didn’t have any weapons on the boat.”

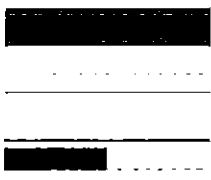
Reached by phone, Piranyan acknowledged the case and confirmed visiting the victims in the hospital but would not comment further. The Greek coast guard refused to discuss its rules of engagement, the practice of shooting engines, or this specific case. Regarding the shooting in Chios, a press officer said the case was “under judicial investigation.” The officer would not clarify what, exactly, the coast guard was investigating after two years.

Giorgios Pagoudis, a journalist in Chios who has written about this incident and others like it, says that while these types of shootings don’t happen every week, they are not uncommon.

“Normally they shoot out the engine,” he explains, “but there were many refugees next to the engine.”

In Chios, the coast guard stated that the refugees’ boat rammed its vehicle multiple times, not the other way around. Here, it’s the word of refugees against the word of police. Reports in local media show photos of both boats, neither clear enough to distinguish evidence of ramming from either side.

ANNEX 18a



Commented [A1]: The non-disclosed text refers to sensitive operational information during the encounter between law enforcement officers and a facilitator, and in particular the method used by the former to stop the latter and prevent criminal activities. The disclosure of such information would harm ongoing and future operations and thus harm the public interest. In this regard the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation (EC) 1049/2001.

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1. Fact of the case

A suspicious high speed plastic boat by Hellenic Coast Guard vessel closely attempted to intercept the high speed but the skipper of the fast boat not by making dangerous manoeuvres a HCG boat, which resulted to the injury of other HCG officer life in direct danger.

2. Measures

The HCG boat crew, following the fact of the high speed boat, initially with the help of the high speed boat continued his search of shots to the engine of the speed boat. When the boat was immobilized, the HCG crew managed to arrest the skipper/facilitator of Turkish origin. Two migrants were detected inside the cabin of the boat, one of them wounded and one more facilitator.

3. Assessment

The HCG vessel involved in the incident arrested the facilitators and the migrants to Kalyvia. The migrants and HCG officer were immediately taken to hospital.

HCG officer exited the hospital after five days. One of the injured migrant was transferred to Thessaloniki hospital by helicopter.

Local Public Prosecutor was informed.

Further developments on this case will be reported.

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European Agency for the Management
of Operational Cooperation
at the External Borders of the Member States
of the European Union

A Frontex incident report describing the shooting of a refugee boat.

IX MONTHS AFTER THE Chios shooting, a similar event took place near the island of Pserimos. According to the Frontex report describing the event, the driver was about to drop off a boat full of people. When the coast guard came, the driver attempted to flee back to Turkey.

The report says that the coast guard first fired warning shots and

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then shot at the boat's engine to immobilize it. The official write-up describes two injured migrants on board but does not mention that they had been shot by the coast guard. One of the men was shot in the head, near his right temple.

The man, Belal Tello, was also a refugee from Syria. Abdulrahman Tello, Belal's brother, cared for him after he was shot. For a year after the shooting, Belal was unable to speak or move but was slightly responsive. According to his brother, the bullet caused Tello substantial brain damage. Belal slipped into a coma and died last December.



Locations where the incidents occurred. Map: The Intercept

Coast guard reports following the event also stated that 12 refugees aboard were hidden from view when the officers shot. Like the case in Chios, a Greek court later declared that the coast guard officers involved were following the rules of engagement.

Izzat, another refugee from Syria, who only gave his first name, was below deck in a compartment with four others when the coast guard started shooting. The other eight people were lying down on the boat's deck. At first, Izzat says, it was impossible to tell if the coast guard was shooting in the air or at the boat. Then he realized two people in the compartment had been hit, and that he was covered in blood.

"The sound of the bullets was so near," Izzat says, "and the strange thing is that the bullets were being shot at the boat's compartment, not at the front of the boat or the bottom."

Izzat yelled for help when he realized that people had been hit. Bilal Tello, he says, wasn't moving. When the coast guard officers boarded his boat, they transported Bilal and the other injured man for medical care.

As with the Chios shooting, Izzat says the driver of his boat never rammed the coast guard. "There was never any contact between the two boats," he says.

Michael Bakas, a local politician in Lesbos, a neighboring Greek island, blames the ongoing injuries and deaths on a coast guard that is overwhelmed, underfunded, and badly trained. Despite that, he also says the frequency of incidents has decreased since the Greek government switched from conservative to left in the 2014 elections.

"A lot changed when the old government switched over in January 2015," Bakas says. "Before then, they were using a policy from 10 years ago, when the shipping minister, who controls the coast

guard, openly admitted to summary deportations and the abuse of asylum seekers."

Still, Bakas says, management of the sea border is fundamentally different than a land border. According to international law, anybody can present themselves at a border to apply for asylum. Because those applications can't be processed on the water, he says, the asylum seekers must be taken back to land and given the chance to apply. "For me, they shouldn't stop anyone. But if people are talking about closing borders, they must take care of them," he says. "Especially if they are in an overloaded boat."

The only options, Bakas says, are to take asylum seekers to Greece, or return them to Turkey, which would contravene international and European law. "There is no legal way to stop them from crossing that respects their human rights," he adds.



A Norwegian rescue boat conducts a Frontex sea patrol off the northern shores of the Greek island of Lesbos on Feb. 29, 2016. Photo: Etienne De Malglaive/Getty Images

Frontex, through its press office, acknowledges that these shootings have, in multiple cases, caused the injury and death of refugees aboard smuggler boats, though it would not provide information on the number of such cases. Nor would it clarify who on board a Frontex ship makes the decision to shoot. ≡

The agency maintains that the purpose of shooting is not to prevent boats from crossing the sea border, but to stop the smugglers. The effect, however, appears to be the same.

This month, the European Parliament voted to expand Frontex's mandate, using the agency as a foundation of the European Border and Coast Guard, an EU-wide border police with partial sovereignty over Europe's national border police. Now, Frontex will be able to enter a European country to manage its borders as the agency or European Council deem necessary, including without the permission of that country. Agency press officers refused to answer whether the practice of using firearms to stop boats would continue as Frontex expands its operations.

Many residents of Chios quietly acknowledge these shootings, but either justify them as a necessary evil or say nothing for fear of retribution from the coast guard. Few are willing talk about the shootings on the record.

A nurse at the Chios city hospital who was on duty when Rawan and other refugees received treatment agreed to speak about the incident, but only if not identified by name. "The woman shot near her kidney was a very serious case," he says, referring to Rawan. "She was almost paralyzed."

All of the refugees in the Chios case were granted asylum in Europe, and perhaps as a result, are willing to talk about what happened. Others in more precarious situations were not willing to share their experiences. Rawan, now in a small industrial city in

northeast Germany, points out the irony of refugees fleeing war in Syria and then getting shot by Europeans. Still, she and the others say they are lucky to have made it to Europe alive.

Outside the hospital, on the edge of the island that faces Turkey and half a mile down the street from another one of Chios's refugee camps, the nurse says that the coast guard in Chios was also lucky. Because had refugees been killed, he says, "there would have actually been an investigation."

Even then, however, he doubted such an investigation would lead to anything more than a conclusion that the coast guard acted properly.

These are not new problems on Chios; the nurse said that before 2015, the shootings, abuse, and summary deportations were even more common. "It's a small island. We've got years of testimonies from refugees, and some port police have acknowledged these practices, quietly," he said. "Everyone here knows this happens."

Top photo: Refugees and migrants arrive in the Port of Molyvos after a Greek coast guard vessel hit a migrant boat on the Greek island of Lesbos on Oct. 15, 2015.

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