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Amnesty International

Warsaw, 13 October 2020

Our ref: SAM/8358/2020  
Please quote when replying.

**Subject: Amnesty International reports: Waves of Impunity and Between life and death**

Dear Ms Anneliese Baldaccini,

With reference to your e-mail of 8 and 28 September 2020, I would like to thank you for submitting the reports to me.

I would like to clarify the role of Frontex, the European Border and Coast Guard Agency, in providing surveillance activities in the Central Mediterranean.

Neither the Regulation (EU) 2019/1896 nor the international legal framework (i.e. Search and Rescue Convention adopted in 1979, International Convention for the Safety of Life at Sea etc.) has entrusted Frontex to act as a Search and Rescue (SAR) authority. Frontex has no mandate to coordinate search and rescue cases.

It must be also highlighted that Frontex has no mandate to investigate Member States' authorities.

Based on Regulation (EU) 2019/1896 and the provisions therein on the European Border Surveillance framework (EUROSUR), Frontex ensures the provision of surveillance tools. One of the tools of particular relevance in this regard is the Multipurpose Aerial Surveillance (MAS).

**MAS** uses aerial platforms that stream video and other data in real time from the Central Mediterranean directly to the **Frontex** Headquarters in Warsaw. Simultaneously, the real-time video is streamed to the respective national authorities through the established EUROSUR channels, the National Coordination Centres, who remotely participate in the specific surveillance flights.

In line with the SAR Convention adopted in 1979 and other international legal instruments, in case one of our planes spots a boat in distress at sea, the Rescue Coordination Centre (RCC) responsible in the Search and Rescue Region (SRR) where the distress takes place and at the same time, neighboring RCCs operating in the Central Mediterranean as well as EUNAVFORMED HQ are also notified directly so that the rescue can be conducted as quickly as possible. This approach is followed also in case of sighting of vessels in distress in Libyan SRR in order to ensure that all the responsible SAR authorities in the area are aware of the event so that the people whose lives are in danger can be rescued without delay.

This consolidated procedure, endorsed by the European Commission (DG Home), allowed Frontex to help in the rescue of 19.651 people in 350 Search and Rescue (SAR) actions in the Central Mediterranean since 2017 as follows:

1. 2017: 2075 people in 37 SAR actions;

2. 2018: 4507 people in 57 SAR actions;
3. 2019: 4283 people in 76 SAR actions;
4. 2020 (until 24 September): 8786 people in 180 SAR actions.

In many of the detected cases by Frontex Surveillance Aircrafts, no coastal state was aware of the distress situation. Without Frontex's sightings those distress cases might have gone undetected and hence unanswered.

Given the risk of the potential loss of lives at sea, Frontex is committed to pursuing SAR sightings in the Central Mediterranean in full compliance with the SAR Convention. In that respect Frontex will keep informing all responsible Rescue Coordination Centres in the Central Mediterranean as detailed above.

Rescuing people in distress at sea remains Frontex top priority and a part of every surveillance activity of Frontex.

Once again, I take this opportunity to express my gratitude for having approached Frontex with the report of Amnesty International.

If you require further clarification, Frontex remains at your disposal.

Yours sincerely,

Fabrice Leggeri  
*Executive Director*