

PROOF N°1

Title of proof: Frontex as accomplice in pushbacks to Libya – Documentation 2022-2024

Type of proof: Independent investigation report with documentation of specific cases

Description: The report "*Crimes of the European Coast Guard Agency. Frontex – Second Report*" published by Sea-Watch in spring 2024 documents the systematic role of Frontex in pushbacks of migrants to Libya in the Central Mediterranean. The report reveals that Frontex exclusively transmits the positions of boats in distress to Libyan militias, including armed groups that the UN accuses of crimes against humanity (torture, slavery, rape). The report details several specific cases:

- July 26, 2022: Frontex aircraft *Osprey2* monitors an area where the Libyan patrol boat *Fezzan* subsequently intercepts approximately 100 people in the Maltese search and rescue zone.
- April 26, 2023: The Frontex drone orbits above boats in distress before their interception by the *Libyan Stability Support Apparatus* militia. Four people are left in the water without rescue.
- July 26, 2023: The *Tareq Bin Zayed* brigade intercepts **300 people** after radio exchanges with the Frontex aircraft *Osprey*. The civil rescue vessel present is not informed.
- February 1, 2024: Frontex aircraft *Osprey 3* flies over people in distress in the Maltese zone. The next day, the Libyan patrol boat *Fezzan* intercepts them and returns them to Libya.
- February 24, 2024: Frontex aircraft *Sparow4* communicates with the Libyan coast guard to coordinate an interception, without informing the *Sea-Watch 5* vessel present nearby and capable of rescuing.

The report also cites the conclusion of the European Ombudsman (February 2024) that Frontex primarily has a "search and surveillance function" rather than rescue, creating a "serious fundamental rights gap."

Relevance to the case: This proof is directly linked to the question before the Court. It demonstrates that Frontex does not respect the principle of non-refoulement (return to a country where migrants are tortured), does not respect the law of the sea (obligation to bring people to a place of safety), and violates the fundamental rights of migrants (right to life, prohibition of torture). The proof establishes the systematic nature of violations over several years and the direct involvement of Frontex in operations leading to crimes against humanity.

Source: Sea-Watch e.V. : "*Crimes of the European Coast Guard Agency. Frontex – Second Report*" (spring 2024)

Available at: www.sea-watch.org

PROOF N°2

Title of proof: Coordination of Frontex with militias involved in crimes against humanity

Type of proof: Investigation report with cross-references to UN and Amnesty International reports

Description: The Sea-Watch 2024 report identifies that Frontex cooperates not only with official Libyan coast guards, but also with militias that the United Nations and Amnesty International have formally accused of crimes against humanity and serious human rights violations. The report notably documents:

- The *Libyan Stability Support Apparatus* militia: According to the UN Panel of Experts on Libya report (2023, document N23/234/61), this militia follows a "plan to gain substantive financial and other assets" by "extorting money from detained migrants under their control through acts of brutal mistreatment" and "exploiting detained migrants under their control as forced labour." The Sea-Watch report establishes that Frontex coordinated interceptions with this militia on April 26, 2023.
- The *Tareq Bin Zayed* brigade: Led by a son of warlord Khalifa Haftar, this brigade is linked according to Amnesty International (December 2022) to a "catalogue of horrors including unlawful killings, torture, enforced disappearance, rape and forced displacement." The Sea-Watch report establishes that Frontex exchanged with this brigade on July 26, 2023 before the interception of 300 people.

The report also cites the organization ECCHR stating that these actions "may amount to the co-perpetration of crimes against humanity."

The European Ombudsman (February 2024) confirmed that Frontex prioritizes surveillance over rescue, without guaranteeing respect for fundamental rights.

Relevance to the case:

This proof aggravates the responsibility of Frontex and the EU. It demonstrates not only isolated violations, but a conscious and continuous cooperation with actors that the UN itself qualifies as criminals. The EU, as the authority directing and funding Frontex, is complicit in these operational choices. This proof directly answers the Court's question on the "balance" between security and rights: Frontex chose security at the cost of complicity with crimes against humanity.

Sources: Sea-Watch e.V. – "*Crimes of the European Coast Guard Agency. Frontex – Second Report*" (spring 2024), UN Panel of Experts on Libya – Final Report 2023 (document N23/234/61), Amnesty International – Calls for justice for the *Libyan Stability Support Apparatus* (May 2022) and the *Tareq Bin Zayed* brigade (December 2022), European Ombudsman – Press release (February 2024)

PROOF N°3

Title of proof: Systematic violence and pushbacks at European borders – Testimonies and documentation 2017-2021

Type of proof: Non-governmental organization report with direct testimonies and statistical data

Description: The report "*The violent abuse of migrants at Europe's borders*" published by Refugee Rights Europe on July 2, 2021 documents a "brutal regime of violence" at the borders of the European Union. The report is based on thousands of firsthand testimonies from migrants collected by NGOs working at the borders.

Key elements of the report:

1. Direct testimonies of violence (May 2021):
 - "They stole me €150, the only money I had to survive" (28/05/21)
 - "Kicking, stick, all the body, here, here and here" (24/05/21)
 - "We had again to kneel down with their hands behind the head. The police officers were laughing and filming the scene with a phone" (22/05/21)
 - "We were forced to walk through a river to reach the other side of the border" (17/05/21)
2. Scale of violations:
 - Since 2017, approximately 18,200 people have suffered violence and other abuses at European borders
 - In 2020 alone, the NGO Aegean Boat Report documented 324 nautical pushbacks in the Aegean Sea
 - Violence includes: beatings, destruction of property, psychological abuse, and acts comparable to torture (electric shocks, cigarette burns)
3. Identified perpetrators:
 - Croatian police forces
 - Hellenic Coast Guard
 - FRONTEX – The investigation by Bellingcat and Der Spiegel (October 2020) provided concrete evidence of Frontex involvement in illegal pushbacks in the Aegean Sea between Turkey and Greece
4. European funding of violence:
 - Since 2014, Croatia has received €150 million from the EU for border security
 - Frontex's 2020 budget amounted to €5.6 billion, making it the best-funded EU agency
 - These funds are primarily used for militarization: aircraft, drones, thermal cameras
5. Systemic responsibility of the EU:
 - Since 2015, the European response to migration has been a policy of "containment"
 - The EU creates conditions enabling violence by closing safe routes and overburdening border states

- The "hotspot" system, detention camps, and racialized political discourse are part of systemic hostility toward migrants
6. Ineffective investigations:
- Frontex's internal investigations revealed "no hint of misconduct"
 - The EU had to launch investigations through its Anti-Fraud Office and the European Ombudsman
 - Despite the evidence, the EU continues to fund Frontex and violating states

Relevance to the case: This proof is directly linked to the question before the Court. It demonstrates that:

- Violations are not isolated but systematic (18,200 victims since 2017)
- Frontex is directly involved in illegal pushbacks (Bellingcat/Der Spiegel evidence)-
- The EU funds and arms the perpetrators of this violence (€150 million to Croatia, €5.6 billion to Frontex)
- The EU creates the context enabling these violations (containment policy, closure of safe routes)
- Oversight mechanisms are ineffective (whitewash internal investigations, absence of sanctions)

The proof answers the Court's question on the "balance" between security and rights: the EU chose security through militarization and violence, at the cost of massive and documented violations of fundamental rights.

Source:

Refugee Rights Europe – *"The violent abuse of migrants at Europe's borders"* by Theo Jackson (July 2, 2021)

Available at: [The violent abuse of migrants at Europe's borders](#)

Cross-references included in the report: Aegean Boat Report – Annual reports:

aegeanboatreport.com/annual-reports/ , Bellingcat / Der Spiegel – Investigation on Frontex (October 2020):

www.bellingcat.com/news/2020/10/23/frontex-at-fault-european-border-force-complicit-in-illegal-pushbacks/, Corporate Europe Observatory – Frontex budget: corporateeurope.org/en/lobbying-fortress-europe



Photo credit: Nidžara Ahmetasević



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PROOF N°4

Title of proof: Frontex failing to protect people at EU borders – Systemic failures of oversight mechanisms (2021)

Type of proof: Reference international non-governmental organization report

Description:

The Human Rights Watch report (June 23, 2021) analyzes Frontex's oversight mechanisms and demonstrates their systematic failure to prevent human rights violations, through three case studies: Greece, Hungary, and Croatia.

Key elements:

A. The 7 oversight mechanisms are all failing:

1. Consultative Forum: ignored by Frontex, not consulted on strategic decisions
2. Fundamental Rights Officer: lacks independence (appointed by Frontex) and resources
3. Fundamental Rights Monitors: only 20 recruited out of 40 by April 2021
4. Serious Incident Reporting (SIR): underused – only 3 reports in 2018, while NGOs documented hundreds of cases
5. Individual Complaints Mechanism: 69 complaints in 5 years, 22 admissible, none concerning Frontex officers
6. Forced Return Monitoring: violations documented during forced returns
7. Article 46 (suspension): used only once in 20 years (Hungary), too late

B. Case studies:

- Greece: Frontex reinforced its operations in March 2020 (deployment of 100 additional officers) while Greece had suspended the right to asylum. A Danish vessel received orders to tow 33 migrants out of Greek waters – no incident report filed. The Working Group cleared Frontex despite evidence.
- Hungary: Frontex ignored warnings for 4 years (2016-2020). It took a CJEU ruling to suspend operations.
- Croatia: Frontex has flown over the border since 2018 but "saw nothing" – while HRW documented systematic violence and pushbacks (beatings, women and children beaten, forced crossing of freezing rivers).

C. Institutional lie: In June 2020, Frontex told HRW it had "received no reports of violations" in Greece – while evidence existed.

D. Legal qualification: *Frontex is bound to carry out all its operations consistent with the EU Charter of Fundamental Rights and the European Convention on Human Rights. Human rights law obliges Frontex not to expose anyone to human rights abuse either directly or indirectly and to take necessary measures to protect people from prohibited ill-treatment."*

E. Ongoing investigations (2021): European Parliament, European Ombudsman, Anti-Fraud Office (OLAF) – proof that even EU institutions recognize a problem.

Relevance to the case: This proof demonstrates that:

- Violations are systemic (3 countries, years of documentation)
- Frontex actively covers up abuses (Danish vessel case, absence of SIR reports)
- Oversight mechanisms are deliberately ineffective (lack of independence, underfunding)
- Frontex lies to institutions (response to HRW)
- Article 46 remains unused despite obvious violations

It directly answers the Court's question: Frontex cannot balance security and rights because its own safeguards do not work.

Source: Human Rights Watch – "*Frontex Failing to Protect People at EU Borders*" (June 23, 2021) [Frontex Failing to Protect People at EU Borders | Human Rights Watch](#)



Image caption: A refugee in Bosnia and Herzegovina shows injuries he says were the result of a beating by Croatian police, August 2018. © 2018 Maciej Luczniewski/NurPhoto via Getty Images