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## FIRST WITNESS STATEMENT OF DR JACOB BERKSON

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*References to the accompanying exhibits are provided in the following format:*  
EX-JB1/Exhibit Number

**I, Dr Jacob Berkson, of Alarm Phone, will say as follows.**

### INTRODUCTION

1. I am a shift team member at Alarm Phone, and media liaison for the organisation's Channel Regional Team (formerly Watch the Channel). I have been active in the Alarm Phone network since 2018. A particular focus of my work over the past six years has been to follow up with people who have made journeys across the Channel, to understand the circumstances in which they find themselves before departing the French coast, whilst at sea, and upon arrival in the UK. Since 2015, I have also been supporting asylum seekers in Brighton and elsewhere along the South Coast. I am authorised to make this statement on behalf of Alarm Phone.
2. The matters set out in this statement are within my own knowledge and experience, save where the contrary is indicated. I enclose a bundle of exhibits, which I refer to throughout this statement, in the format set out above. I confirm that these documents are true copies, and are accurate to the best of my knowledge and belief.
3. In this statement, I intend to assist the Inquiry with their investigation under the Terms of Reference, and in particular in respect of Part VI. of the List of Issues (Recommendations). I will provide a description of the state and non-state actors involved in dinghy crossings on the French side of the Channel, and in particular describe how these have changed since the mass casualty incident on the night of 23/24 November 2021 which is the subject of the Cranston Inquiry ("**the November 2021 Incident**"). This statement is structured as follows:
  - Section A: Alarm Phone's role in the English Channel
  - Section B: Key actors on the French side of the Channel.
  - Section C: Inevitability of 23/24 November 2021 Incident
  - Section D: Changes observed in the Channel following the November 2021 Incident.
  - Section E: Alarm Phone's recommendations to avoid further loss of life in the Channel.

4. This statement was prepared with the assistance of Duncan Lewis solicitors who I understand represent a survivor and the families of several of the victims of the incident in November 2021.

### **Section A: Alarm Phone and our role in the English Channel**

5. Alarm Phone is a 24/7 hotline for people in distress at sea along Europe's borders, run by a decentralised network of volunteers who are based across the UK, Europe, and North Africa. We were founded in 2014, to mark the one year anniversary of two devastating shipwrecks of the coast of Lampedusa in October 2013, over five hundred people lost their lives despite authorities being aware of their distress.<sup>1</sup> Alarm Phone works across four regions: the Mediterranean, the Aegean, the Atlantic, and the English Channel.
6. Alarm Phone's primary objective is to assist those in distress. We have a single helpline telephone number (+334 86517161), which has been distributed widely amongst communities of people on the move over the last ten years in the Mediterranean. Since 2021, this number has also been distributed in Northern France.
7. Our volunteers, working in shifts, receive calls from people in distress, and relay their locations and the nature of their distress to the appropriate authorities. We then monitor the response of these authorities to ensure that search and rescue operations are being conducted appropriately, pressuring them to do so when they either fail to assist or coordinate push-backs or pull-backs of migrant boats. Our monitoring efforts entail a combination of staying in touch with those in distress, taking first-hand testimony of their interaction with authorities; calling authorities themselves to request information on their activities; establishing contact with civil search and rescue actors in the area (who are sometimes directly involved in rescue efforts); and tracking search and rescue assets online, on websites which display Automatic Identification System ("AIS") and Automatic Dependent Surveillance-Broadcast ("ADS-B") data on the movement of ships and aircraft.
8. We have been active in the Channel since 2018, and our hotline has operated in the Channel since September 2021. Our work involves the provision of safety at sea information to people who are considering and / or preparing for journeys across the Channel. We provide this information both digitally and through paper leaflets, in 15 different languages including English.<sup>2</sup> The digital leaflets are available on our website<sup>3</sup>, while the

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<sup>1</sup> [EX-JB1/1; INQ008767].

<sup>2</sup> [EX-JB1/2; INQ008768].

<sup>3</sup> See <https://alarmphone.org/en/safety-at-sea/channel/information-for-travellers-english/>

paper versions are distributed amongst the NGOs and associations with whom we work (see §9 below) to pass on to their service users.

9. In addition to our direct outreach to migrants, we share our expertise on safety at sea and the risks of maritime journeys (developed in the course of our experience in the Mediterranean over the past decade) with other NGOs and associations including the Calais Food Collective, Utopia 56, Refugee Women's Centre, Human Rights Observers, the Woodyard, Channel Info Project, which they are in turn able to pass on to their own service users. We also investigate incidents at sea, in particular those which have resulted in the loss of life<sup>4</sup>, or involved violence on the part of state authorities against those seeking to cross sea borders.<sup>5</sup> We publish reports on our investigations, with the aim of creating knowledge in respect of Channel crossings.
10. Our work involves and is informed by speaking with people along the French coast who are planning to cross the Channel, as well as maintaining contact with them after they have attempted and / or succeeded in their journeys. This allows us to understand and track the way in which crossings proceed, monitor how search and rescue operations are conducted, and observe how these have changed over time.

## **B: Key actors on the French side of the Channel.**

11. In this section, I will provide an overview of the key actors on the French side of the Channel. Where I have provided information about specific assets used by these actors (e.g. CROSS Gris-Nez), these continue to be in use (to the best of Alarm Phone's knowledge), unless specified to the contrary.

### *i. Gendarmerie nationale*

12. *Gendarmerie nationale* (the "**Gendarmerie**") is an arm of France's armed forces, and is one of two national law enforcement agencies in France.
13. Since 2020, the Gendarmerie Nationale has been conducting daily patrols on the beaches of Northern France, under Opération Poséidon. These patrols have involved both active gendarme officers as well as reservists, who are tasked with finding and intercepting groups of people who may be in the dunes waiting to depart. Their role is also to locate, and then confiscate and / or destroy equipment that may be used in crossings, such as

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<sup>4</sup> For example, we conducted an investigation into the shipwreck of a dinghy in French waters on 14 December 2022, in which 4 people were confirmed dead, and at least five more remain missing at sea. Our report on this incident was published on 14 December 2023: EX-JB1/3; **INQ008769**.

<sup>5</sup> For example, Alarm Phone published a report on an incident of drift-back of a vessel from UK waters to French waters: EX-JB1/4; **INQ008770**. See also §54 below.

dinghies, engines, and fuel canisters. This latter function is fulfilled both in the course of the Gendarmerie's beach patrols, as well in patrolling coastal roads where they stop and search vehicles for equipment. The number of patrols have increased over time, as successive agreements between France and the UK have involved commitments and funding in this regard – as to which see §38 below.

*ii. Police nationale*

14. The *Police nationale* (“**the National Police**”) are a civilian law enforcement agency, whose role along the Northern coast is also to conduct enforcement activities with a view to preventing boats from departing the coast.
15. The *Direction nationale de la police aux frontières* (“**PAF**”) and the *Compagnies Républicaines de Sécurité* (“**CRS**”), who are directorates of the National Police, also operate on the French coast. The former are tasked with border control, and as such will conduct checks of migrants' identity documents, and carry out any arrests and / or the administrative detention of migrants. The latter are the directorate tasked with public order, and will carry out patrols of the beaches and intervene to stop boats from launching.
16. In the event the Gendamerie or the National Police fail to prevent a boat from leaving the coast, they will alert the relevant *Centre régional opérationnel de surveillance et de sauvetage* (“**CROSS**”), as to which see §18 below.

*iii. Centres régionaux opérationnels de surveillance et de sauvetage*

17. The seven *Centres régionaux opérationnels de surveillance et de sauvetage* across France are tasked with maritime security and surveillance, and with coordinating search and rescue operations at sea. CROSS operate under the joint authority of the Maritime Prefects and the Secretary of State for the Sea.
18. CROSS at Gris-Nez are the maritime rescue coordination centre responsible for the Channel. The main role of CROSS Gris-Nez is to coordinate search and rescue (“**SAR**”) operations. In the context of dinghy crossings their primary function is to task vessels to escort migrant boats through French waters and to the sea border with the UK. The purpose of the French vessels is to follow migrants' boats whilst they are underway at sea, to notify commercial traffic about the crossings to avoid collisions in the shipping lanes,<sup>6</sup> and to be on hand to conduct rescues when necessary. I understand that in good weather, six assets will be maintained on alert to respond to migrant crossings.<sup>7</sup> These assets will

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<sup>6</sup> [EX-JB1/5; INQ008771].

<sup>7</sup> [EX-JB1/6; INQ008772].



rotate frequently based on availability, but will include a rescue and salvage tug based in Boulogne-sur-Mer belonging to the *Prefet Maritime de la Manche et de la mer du Nord* (the Marine Prefect for the Channel and the North Sea), patrol vessels belonging to the French Navy, and patrol cutters belonging to the French customs agency.<sup>8</sup> In summer of 2023, two large private vessels, the *Minck* and the *Ridens*, were contracted along with their crew to provide further rescue capacity to CROSS Gris-Nez. However, as these assets are large ships with an average maximum speed of ten nautical miles per hour, they are unsuitable for conducting swift rescue operations. Their size and high freeboards mean that they are not well-suited for effectively retrieving casualties from the water, or disembarking people directly from an inflatable dinghy. When conducting SAR operations, these vessels will launch small rigid hull inflatable boats (“RHIBs”), which are able to travel at speeds of 25 to 30 nautical miles per hour. In addition to their speed and ability to recover people from the water, RHIBs are less likely to cause damage to inflatable dinghies in pressing against them when conducting rescues.

19. CROSS Gris-Nez have drone resources which are able to assist in observing specifically selected targets – but which are ill-suited for more wide-ranging surveillance efforts, which are best conducted by manned aircraft such as the Dash 8 aircraft deployed by the UK Home Office<sup>9</sup> or HM Coastguard’s spotter planes. As of September 2021, two small fixed-wing Airbus ALIAS drones<sup>10</sup> were added to CROSS Gris-Nez’s existing rotor-wing Schiebel Camcopter<sup>11</sup> to be deployed to monitor the location of specific migrant boats whilst they are in French waters. With regard to aerial SAR assets, CROSS Gris-Nez is able to deploy a SAR helicopter based in Le Touquet to assist in rescues in the Channel. On occasion, a Belgian SAR helicopter has also been deployed by CROSS Gris-Nez – e.g. in the shipwreck in August 2021.<sup>12</sup>

*iv. Société Nationale de Sauvetage en Mer*

20. The *Société Nationale de Sauvetage en Mer* (“SNSM”) are a national volunteer lifeboat service who operate across France, similar to the RNLI in the UK. In northern France the SNSM are stationed in Dunkirk, Calais, Boulogne-sur-Mer, and Berck. In addition to conducting or assisting in SAR operations, SNSM are also called upon to provide training to the French authorities on conducting SAR operations. In October 2021, both the French Navy and the customs authority separately requested that SNSM deliver training on saving lives at sea.

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<sup>8</sup> [EX-JB1/6; INQ008772].

<sup>9</sup> [EX-JB1/7; INQ008773].

<sup>10</sup> [EX-JB1/6; INQ008772].

<sup>11</sup> [EX-JB1/8; INQ008774].

<sup>12</sup> [EX-JB1/9; INQ008775].

The first of these trainings took place in January 2022, since which time 300 staff from the French Navy, customs, and other agencies have received training.<sup>13</sup>

21. In autumn of 2021, SNSM were involved in a number of dinghy rescues in the Channel.<sup>14</sup> In an article published in Le Monde on 18 November 2021, just over a week before the 2021 Incident, it was reported that SNSM volunteers had assisted in 45 rescues since January 2021, compared to 19 rescues in 2020.<sup>15</sup> On 21 November 2021, three days before the November 2021 Incident, the president of the SNSM station at Calais gave an interview in which he said *“il n’y a pas une seule nuit sans qu’il y ait des alertes au sauvetage [“there is not one single night which goes by without distress calls”]*.<sup>16</sup> In the aftermath of the November 2021 Incident, SNSM were in fact called upon to assist in the search for survivors, and the recovery of bodies.<sup>17</sup>
22. It is Alarm Phone’s observation that the French reliance on SNSM has decreased since the high-watermark of Autumn 2021. Through our informal conversations with SNSM volunteers, we understand this to a result of a policy decision by the French state to keep the response to migrant boats within state resources, minimising reliance on volunteers as far as possible. However, SNSM are still tasked by CROSS Gris-Nez, usually in cases of severe distress, e.g. where boats have in fact shipwrecked, and people are known to have entered the water. When called upon, SNSM will often assist with rescue operations, as well as in searching for survivors. For example, on 28 July 2024, Calais’ SNSM lifeboat was called upon to assist after a woman was found deceased in a dinghy. SNSM escorted the dinghy through French waters until a Gendarmerie vessel became available to take over.<sup>18</sup> Similarly, on 11 August 2024, an SNSM Calais lifeboat was called upon to assist in a shipwreck,<sup>19</sup> and rescued four people from the water. One of those four could not be resuscitated, and was later pronounced dead.<sup>20</sup>
23. Our informal discussions with SNSM volunteers suggest that they have sought the assistance of the French government in procuring more lifesaving equipment and to assist

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<sup>13</sup> [EX-JB1/10; INQ008776]. This training is analysed in the book chapter by Camille Martel and others in Nathalie Wallian, Marie-Paule Poggi and Gaëlle Lefer-Sauvage (eds), *Les savoirs de l’extrême* (Editions des archives contemporaines 2024).

<sup>14</sup> [EX-JB1/11; INQ008777; INQ009654].

<sup>15</sup> [EX-JB1/12; INQ008778; INQ009655].

<sup>16</sup> [EX-JB1/13; INQ008779; INQ009656].

<sup>17</sup> [EX-JB1/14; INQ008780; INQ009657].

<sup>18</sup> [EX-JB1/15; INQ008781].

<sup>19</sup> [EX-JB1/16; INQ008782].

<sup>20</sup> [EX-JB1/17; INQ008783].

with their fuel costs, but have been refused. This is notwithstanding the SNSM being tasked by CROSS Gris-Nez to assist when necessary: see §22 above.

*v. Frontex*

24. Frontex was deployed in the Channel in response to the November 2021 Incident, following a crisis meeting of a number of European ministers held in Calais on 28 November 2021.<sup>21</sup> The specific operational aim of Frontex's Joint Operation Opal Coast ("**JO Opal Coast**"), set out in the relevant Specific Activity Plan<sup>22</sup> is to "*provide increased technical and operational assistance to Belgium and France by coordinating operational activities in order to detect and prevent unauthorised border crossings from the Belgian and French coast and from the territorial sea of Belgium towards the United Kingdom, and to tackle cross-border crime, including people smuggling and trafficking in human beings as well as supporting SAR in accordance with international law.*" In the main, Frontex's activity on the French coast is to conduct aerial surveillance with a view to detecting smuggler and migrant activity: see §39 below.

*vi. NGOs along the coast*

25. There are a number of NGOs including Utopia 56, Osmose 62, and the others listed at §9 above who work in northern France to support migrants. These NGOs will provide basic necessities such as food, water, tents, and access to sanitation, as well as ensuring that individuals intending to make the journey across the Channel are given as much information as possible (including Alarm Phone's leaflet<sup>23</sup>) regarding how to access rescue in the event this becomes necessary.
26. Some NGOs (namely, Utopia 56 and Osmose 62) will also conduct beach patrols as part of their work. If, in the course of these patrols, they become aware of boats departing from the beaches, they will immediately inform the CROSS Gris-Nez and MRCC Dover by email, with Alarm Phone in copy. If we are requested to do so – either by the relevant NGO, or by the people / their friends and family – Alarm Phone will take over the case. Our protocol is to make immediate contact with those on the boat by telephone, ascertain their location and whether there are any circumstances which warrant an urgent SAR response by the authorities. We then relay this information to the relevant authorities by email, and follow up by telephone to ensure this has been safely received. Absent any urgent change in the situation, we will continue to monitor the situation by maintaining

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<sup>21</sup> [EX-JB1/18; INQ008784].

<sup>22</sup> [EX-JB1/19; INQ008785].

<sup>23</sup> [EX-JB1/1; INQ008768].

contact with the small boat, and liaising with authorities to confirm what their intentions are.

### **Section C: Inevitability of 23/24 November 2021 Incident**

27. It is Alarm Phone's view that, given the situation in the Channel in and around November 2021, a tragedy involving the loss of multiple lives such as occurred on 24 November 2021 was inevitable, for at least four reasons, which are set out below.

#### ***Patterns of travel***

28. In the years preceding 2021, there were a significant number of crossings attempted by people independently<sup>24</sup> – for instance on small inflatable kayaks, dinghies or paddleboats purchased<sup>25</sup> locally.<sup>26</sup> These attempts will have involved smaller groups of migrants: e.g. a single kayak could not typically carry more than 3 people, while other small inflatable boats would not normally accommodate more than 10 people. This is in sharp contrast to, for example, the over 30 people aboard the dinghy involved in the November 2021 Incident.

29. Over time, and as a result of changes in France which I detail below, those making the journey across the Channel became increasingly dependent on smugglers to make the crossing. These changes included legal restrictions on the sale of fuel in Calais (announced in September 2021)<sup>27</sup>, and restrictions by retailers on the sale of inflatable kayaks and other dinghies.<sup>28</sup> Preventing people from buying their own small inflatable boats was intended to prevent incidents such 11 November 2021 when three people went missing while trying to cross to the UK in canoes that they had directly organised themselves. However, the result was that, more people had to rely on the services of professionalised organisers who organised journeys as a business venture and in some cases take fewer safety precautions by putting people into larger dinghies with more occupants.<sup>29</sup>

#### ***Coordination between France and the UK***

<sup>24</sup> [EX-JB1/20; INQ008786]; [EX-JB1/21; INQ008787]; [EX-JB1/22; INQ008788].

<sup>25</sup> [EX-JB1/23; INQ008789].

<sup>26</sup> We are in contact with one man, [Name] from Eritrea, who in the Autumn of 2021 coordinated the delivery of four inflatable kayaks from Germany to organise himself and 12 others including a woman with her six year old daughter. In our podcast, Chronique à Mer, we share the story of one man, [Name] from Sudan who in Summer 2021 spent 15 hours paddling across the Channel with his group in small dinghy without a motor: <http://canalsud.net/spip.php?article4591>

<sup>27</sup> [EX-JB1/24; INQ008790].

<sup>28</sup> [EX-JB1/25; INQ008791]; [EX-JB1/26; INQ008792].

<sup>29</sup> [EX-JB1/27; INQ008793].



30. In Alarm Phone's experience, there can be difficulties for people in distress to effectively communicate their positions at sea with the coast guards. This will be for a number of reasons. First, people leaving France may not have sufficient credit to make telephone calls, or to access mobile data. Second, the further boats are from the coast, the more difficult it is to have a stable network connection. Signal fades as one moves away from the coast, and telephones temporarily lose their connection when switching from the French to UK cellular network. Without signal, people may not be able to call Alarm Phone or other telephone numbers for assistance; however, they should still be able to call emergency numbers (which is why we display them prominently in our safety at sea leaflet). Data is even less reliable in the Channel than a phone signal; in the absence of a data connection, people cannot share their location via WhatsApp or similar messengers (the way people are most familiar with sharing GPS coordinates). Third, languages are a problem and people who do not speak English or French are often unable to precisely communicate their location to the authorities, which may delay or hamper efforts to initiate or progress a SAR operation (seen to have had drastic consequences in November 2021). Fourth, individuals may not be familiar with finding their GPS positions on their telephones using Google Maps or Apple Maps etc. which would allow them to identify and share their precise location. This is why Alarm Phone's safety at sea information emphasises how to find and share GPS positions without a data connection. We are aware that the authorities will have their own technological means to find the location of a cellular device once a call is connected, but we cannot speak either to when and how frequently this technology is used, nor to its accuracy.
31. While this may, to some extent, have been mitigated by the French authorities properly and consistently escorting all dinghies to the sea border, our experience was that this was not routinely done in practice at the time of the November 2021 incident. On many occasions prior to the November 2021 Incident, Alarm Phone observed that boats were arriving at the sea border between France and the UK without having been escorted by a French vessel. For example, Name who crossed in May of 2021, told us in an interview conducted in August of 2024 that his boat had *"never been followed by anyone. I hear stories from other crossers that said French government followed them but for us we've never been followed."*
32. Even where an escort was provided, that vessel would usually not wait with the boat until a UK escort arrived, or otherwise accompany the dinghy as it progressed into UK waters, with the result that a dinghy would be left unaccompanied in UK waters, a substantial distance from the coast. In our view, this was in part an issue of resources on the part of CROSS Gris-Nez, but also underscores the poor coordination between the UK and France at the time, resulting in an increased level of risk for those dinghies once in UK waters. In addition, it is our view that this conduct constitutes an abdication of responsibility on the

part of the French authorities which cannot be justified by mere jurisdiction: there is no way for the French vessel to know how long a migrant boat will await rescue by UK authorities, whether it will find itself in distress before this rescue arrives, and whether it may drift back into French waters before it has been rescued.

33. In October of 2021, Alarm Phone went on the record noting our concerns regarding a number of instances where the French and UK authorities were passing responsibility for conducting SAR operations back and forth between them.<sup>30</sup> These concerns drew on a number of reports we received in the months preceding the November 2021 Incident, and are graphically illustrated by the example of a testimony we obtained from [Name]<sup>31</sup> following a failed crossing attempt on 20 November 2021, in which he described to us how his distress calls were passed back and forth between French and UK authorities (emphasis added).<sup>32</sup>

*"It was at 3am on Saturday 20 November when we put the boat in the sea. We are 23 in the boat.*

*After three hours, I think, we reached the British border then the fuel ran out, I think at 7 o'clock, and then we decided to call the 999 [the British emergency number]. **Then we called and they told us you are in the French water without asking us for our location. They told us to call 196.***

*First of all we did not agree to call the French. We were trying to paddle but it was very difficult because of the waves. Then we decided to call the French. **When we called they asked us to send our live location, then they told us 'You are in UK waters'.***

***Then we called the British again many times but they kept repeating that we were in French waters and then they ended the call.** The UK guys answered us in a very rude way and it seemed like he was laughing at us.*

*I told him two times that there were people dying in here but he really didn't give a shit. We sent our live location a second time to the French coastguard. **We also called them again, we were trying to reach them by two phones but they kept telling us we were in the UK waters.***

*So I decided around 9.30am to call Utopia. Then they helped us and they were forcing the French authorities to send the boat to save us around 10am or 10.30am. The reason why I'm sharing this thing because I don't want it to happen again because it's related to people's lives."*

34. In all such instances of which Alarm Phone are aware, the result of the inaction of the French and UK authorities was to prolong the duration for which people were left in life-

<sup>30</sup> [EX-JB1/28; INQ008794].

<sup>31</sup> [EX-JB1/29; INQ008795].

<sup>32</sup> We put this individual in contact with Aaron Walawalkar of Liberty Investigates, and his testimony was included in Walawalkar's article about this incident in the Observer.

threatening distress. When they were eventually rescued, they were wet, cold, exhausted, and frightened. While no fatalities resulted on those occasions, it was Alarm Phone's view that if these long delays in the provision of assistance were to continue, it was inevitable that there would be loss of life.

### *Resources*

35. Another factor which we consider to have complicated the responses to distress calls was the scarcity of resources, and the consequent need for authorities to conduct triage, prioritising assistance to those assessed as being in most distress. During the time of the November 2021 Incident, there were fewer assets available to CROSS Gris-Nez than the six which are now available – and were made available in part as a response to that Incident. While we cannot confirm how many assets were in use at the time, our experience was that boats in distress went unassisted for longer than they do at present, and escorts were not routinely provided to dinghies in French waters (as to which see §45 below). I understand there were incidents where dinghies with a broken down engines and which were unable to continue had to wait a significant period of time for rescue. The French assets which did eventually rescue these dinghies had, at the time of the initial distress call, been busy escorting or rescuing other people.

### **D: Changes observed in the Channel following the November 2021 Incident.**

36. In this section, I will provide an account of the Channel following the November 2021 Incident, through to present day. In particular, I will provide a summary of how the ways in which people cross the Channel have changed since November 2021, as well as changes to policing on the coast, resource levels on the French side, and UK-France coordination which have resulted in large part in response to the November 2021 Incident.
37. At the outset, I note that deaths in the Channel continue: I exhibit a list prepared by Alarm Phone of the deaths in the Channel since March of 2023, which indicates that since that date (and as of the time of writing), a large number of people have lost their lives.<sup>33</sup> Our analysis of these incidents indicate that, in contrast to previous years, deaths are occurring closer to the French coast, with boats sinking<sup>34</sup> or people dying of causes relating to overcrowding shortly after launch (see §42 below).

### *Policing along the coast*

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<sup>33</sup> [EX-JB1/30; INQ008796].

<sup>34</sup> See, by way of example, the 12 August 2023 incident, the 8 October 2023 incident, the 22 November 2023 Incident, and the 14 January 2024 incident (EX-JB1/30; INQ008796).



38. There has been a sharp increase in the number of personnel deployed by the Gendarmerie and the Police along the coast, as a result of agreements between the UK and France in this regard. The most recent of these at the time of writing was on 10 March 2023, and entailed the provision of funding by the UK for 500 additional Gendarmerie to conduct beach patrols.<sup>35</sup> This was on the heels of an agreement on 14 November 2022, in which the French Government undertook to increase police presence on the beaches by 40% in the five months following the date of that agreement.<sup>36</sup> UK funding has also been used by the French government to equip the Gendarmerie and the National Police with small quadcopter drones to assist them in detecting and disrupting smuggler activity and boat launches on the beaches.<sup>37</sup> The increased policing along the French coast has been accompanied by an increase in the use of force on the part of the Gendarmerie and the National Police against people along the coast. While the use of violent tactics has been observed and documented for a number of years<sup>38</sup>, since spring of 2023 in particular we are aware of indiscriminate use of teargas<sup>39</sup>, pepper spray,<sup>40</sup> and riot control explosives<sup>41</sup> against people on the beaches.
39. Frontex's activity on the French coast as part of Joint Operation Opal Coast (see §24 above) is, in practice, principally focused on the policing of the coast. This is also borne out by Alarm Phone's analysis of the publicly available ADS-B data of Frontex's aerial assets, which shows that the aircraft will traverse a path along the French and Belgian coast, on nights when good weather is expected. Our analysis has not captured any systematic deployment of these aircraft to fly search the Channel during good weather, or to otherwise orbit targets in the Channel, indicating that Frontex's role in practice as regards SAR / monitoring at sea is, at best, limited. I exhibit by way of illustration a screenshot of the ADS-B data on Frontex's aircraft on the night of 9 July 2022, which shows the aircraft's path along the French and Belgian coast.<sup>42</sup> For completeness, I note that the UK Home Office's data for 9 and 10 July 2022 indicates that 146 people (in 3 boats) and 37 people (in 1 boat) arrived in the UK respectively.<sup>43</sup>

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<sup>35</sup> [EX-JB1/31; INQ008797].

<sup>36</sup> [EX-JB1/32; INQ008798].

<sup>37</sup> [EX-JB1/33; INQ008799].

<sup>38</sup> [EX-JB1/34; INQ008800]; [EX-JB1/35; INQ008801]. See footage at <https://www.dailymail.co.uk/news/article-11145729/French-police-SLASH-inflatable-dinghy-pepper-spray-migrants-attempting-cross-Channel.html> and <https://www.dailymail.co.uk/news/article-11090267/French-police-foil-migrants-looking-sneak-Channel-puncturing-dinghy-KNIFE.html>

<sup>39</sup> [EX-JB1/36; INQ008802].

<sup>40</sup> [EX-JB1/37; INQ008803].

<sup>41</sup> [EX-JB1/38; INQ008804]. See footage at <https://www.bbc.com/news/world-europe-68882577>

<sup>42</sup> [EX-JB1/39; INQ008805].

<sup>43</sup> [EX-JB1/40; INQ008806].



40. All of the above, taken together, has meant that there is more enforcement in respect of smuggler activity. In practice, this means that where a certain number of boats are required, some of these will be confiscated or damaged by authorities whilst they are being transported to or have arrived at the coast (see §41 below). However, the same number of prospective travellers remain, meaning that there are too few boats to accommodate them.
41. Alarm Phone is also aware of a rise in instances of French authorities using weapons such as knives to destroy dinghies, with people either in close proximity, or already on these dinghies. For example, Alarm Phone spoke with a Sudanese migrant named [Name] who told us of one of his unsuccessful attempts to cross the Channel. [Name] and a number of other people had boarded an inflatable dinghy off the coast of Calais and were in shallow water when a member of the Gendarmerie / National Police entered the water and pierced the dinghy with a knife. [Name] and all the other passengers were cast into the water. It was [Name] testimony that the passengers of that dinghy had to swim some meters before they were able to wade back to the beach, where they were left by French authorities to make their way back to Calais. Similarly, there is at least one documented incident where the tactics of the French authorities resulted in a dinghy catching fire with people in the immediate vicinity.<sup>44</sup> This increase in violent interventions on the part of the French authorities are, in our view, a significant contributing factor to the stark increase in the number of fatalities along the coast in recent years. Most significantly, boats are launching in a highly chaotic environment, meaning that they are sometimes underinflated, or people are piling onto them in a chaotic manner to 'outrun' the authorities on the coast. One particularly stark example, from summer of 2024, is a dinghy having taken off in chaotic circumstances with a puncture in its rear.
42. Alarm Phone directly attributes the recent phenomenon of migrant deaths / injury in dinghies by suffocation or by being forced off boats as a result of overcrowding to the French and UK governments' joint initiatives to disrupt the supply of dinghies arriving to the coast, and the violent interventions of the French authorities on the coast to prevent boats from launching, as detailed above. We have recorded at least eight people who have died from causes relating to overcrowding since March of 2023. These have included (by way of example only): the death by suffocation of 24 year-old Eritrean woman on 26 September 2023; the death by drowning of one man and the disappearance of at least two people as a result of overspill from a dinghy on 28 February 2024; the death of five people (including a 7 year-old girl) by crushing on 23 April 2024; and the death by crush asphyxiation of a 21 year-old woman on 28 July 2024.<sup>45</sup> Non-fatal incidents involving overcrowding include the loss of consciousness of a 15 year-old boy, and the entry into the

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<sup>44</sup> [EX-JB1/41; INQ008807].

<sup>45</sup> [EX-JB1/30; INQ008796].

water of four people (who were later recovered) on a severely overcrowded dinghy on 19 July 2024.<sup>46</sup> Indeed, in July of 2024, a UK Border Force officer was quoted in the Telegraph saying that “[t]here are more dinghies being intercepted which is causing shortages. This means the loads are getting bigger.”<sup>47</sup>

43. The increase in the number of people in each boat has deadly consequences. For example, on 23 April 2024, the BBC captured footage of the panicked launch from the French coast of a dinghy with 112 people aboard, against the backdrop of a violent onslaught (including the use of tear gas canisters and stun grenades) by the French authorities. Five people on that dinghy, including a seven year-old girl, died after being crushed to death.<sup>48</sup> Alarm Phone spoke to one man [Name], who was present that night. His testimony was that the reason that dinghy had 112 people aboard was the destruction by the Gendarmerie of two other dinghies, which had been meant to depart that morning. This had left 30-40 people on the beach in search of another vessel to board – by force if necessary.
44. The Gendarmerie and the National Police will also use dinghies and RHIBs, which patrol close to the shore and may dangerously intervene to try to stop migrant boats from departing. There is some evidence of the French authorities conducting ‘pull-backs’ in 2022<sup>49</sup> and 2023.<sup>50</sup> Our own observation is that whilst these incidents have occurred, they are not part of a pattern: most dinghies, once launched, are able to make their way to the sea border, usually accompanied by an escort. Rescues are only ever conducted by the French authorities in French waters if those on the boat request it, so as to not put lives at risk.<sup>51</sup> Frequently, French assets will recover only those travellers who request rescue, and allow others to continue their journey. For example, on 5 August 2024, 26 travellers were recovered onto the French vessel *Minck* but the rest of the people on the dinghy continued to the UK.<sup>52</sup>

### *The Channel*

45. In the Channel itself, Alarm Phone has observed a gradual improvement in the cooperation between the UK and France on vessels making their way through the Channel. MRCC Dover and CROSS Gris-Nez appear to coordinate their operations far more closely, with France escorting almost every single dinghy to the sea border, and the UK pre-emptively (rather than re-actively) deploying assets to the sea border to receive boats escorted by the

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<sup>46</sup> [EX-JB1/30; INQ008796].

<sup>47</sup> [EX-JB1/42; INQ008808].

<sup>48</sup> [EX-JB1/43; INQ008809].

<sup>49</sup> [EX-JB1/44; INQ008810].

<sup>50</sup> [EX-JB1/45; INQ008811].

<sup>51</sup> [EX-JB1/46; INQ008812].

<sup>52</sup> [EX-JB1/47; INQ008813].

French. Improvements in the provision of escorts in practice correlates with CROSS Gris-Nez's acquisition of additional vessels (see §18 above), underscoring the point made above about capacity on the French side in and around the time of the November 2021 Incident. By way of illustration, I exhibit the AIS tracks of French and UK vessels from 20 July 2024, which show French vessels escorting dinghies to the sea border, where Border Force boats await their arrival.<sup>53</sup>

46. From our calls to both the French and UK authorities in the course of operating the Alarm Phone helpline, we have observed that there is now significantly more operational awareness on both sides than we have previously observed. In a number of cases, the relevant authorities are already aware of the dinghies we are seeking to alert them to, and of their position. We attribute this increased awareness to the improved surveillance capacity on both sides, both in the air and at sea. We understand that this operational coordination also entails a daily comparison of the number of boats recorded by the French as having launched with the number of boats recorded by the UK as having been rescued, as well as aerial assets being tasked to do end-of-shift sweeps to ensure that no dinghies remain in the Channel awaiting rescue.
47. An example of this increased coordination may be drawn from the case of [Name] with whom we spoke in August of 2024 to discuss her successful journey across the Channel in January 2024. [Name] telephoned the French authorities soon after the dinghy set off from the French coast at 3am CET. She recalled seeing a French vessel approach and follow closely behind the boat until, according to her GPS, they reached UK waters. The UK Border Force rescued them shortly thereafter, and before UK authorities were alerted by anyone on the boat.
48. In respect of resources on the French side, there were concerns following the November 2021 Incident as to CROSS Gris-Nez's capacity to adequately respond to migrant crossings. In response to these concerns, in December of 2022 it was announced that additional assets from French law enforcement and the military would be made available to CROSS Gris-Nez; as set out above at §18, we understand the total number of assets at their disposal to be six. As detailed above at §18, SAR operations from these large assets are carried out by RHIBs, which have significant safety advantages in comparison to larger vessels. However, due to the small size of the RHIBs, they cannot take many people aboard at once, meaning that rescues will take longer, and victims will be in the water – and at risk – for longer.

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<sup>53</sup> [EX-JB1/48; INQ008814].



49. Notwithstanding efforts having been made on the French side to increase the number of assets available to CROSS Gris-Nez, it remains the case that there is a huge area for CROSS to cover, and they have finite resources with which to do so. For instance, on 28 February 2024, a vessel deployed by CROSS Gris-Nez to escort a dinghy across the Channel was re-tasked to rescue a second dinghy which was in distress. A second vessel was deployed to escort the first dinghy, but before its arrival that dinghy too encountered difficulties, and sank. Four people fell into the water before the second ship arrived on site. A survivor we spoke with said that this second ship did not immediately provide them with assistance, despite those in the dinghy signalling to them that four people had fallen into the water. While one person was rescued, one person was drowned, and two remain missing at sea.<sup>54</sup> The French abandoned their search after approximately one hour.

#### **Section E: Alarm Phone's recommendations to avoid further loss of life in the Channel.**

50. As noted above (see §38) notwithstanding the increased coordination between France and the UK and the availability of further assets, the risk to the lives of those in dinghies cannot, and has not been, eradicated. In this section, I will outline Alarm Phone's two key recommendations for the French and UK authorities to seek to militate against the loss of life in the Channel.

#### ***Improve practice of tasking SAR assets***

51. First, we recommended that UK authorities should be quicker to initiate rescue when a boat is headed for UK waters, to ensure that sufficient steps are taken to militate against loss of life. It is our observation that UK authorities will only initiate rescue where (a) where a dinghy is assessed as being in the 'distress' phase – within the meaning<sup>55</sup> in the International Convention on Maritime Search and Rescue ("SAR 1979")<sup>56</sup> – whilst in French waters, or (b) once a dinghy has clearly entered UK waters such that it is *prima facie* classed as being in 'distress'.
52. It is Alarm Phone's observation that the UK authorities take a strict view on whether or not boats have made it across the border so as to warrant rescue, even where there are no French assets nearby, and where it is plain that the boat is headed for UK waters. For instance, we are aware of cases where the UK authorities will wait until the boat crosses the final quarter-mile or half-mile, before initiating rescue. As long as a dinghy remains in French waters, the UK authorities will make use of aerial surveillance as well as the Border

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<sup>54</sup> [EX-JB1/49; INQ008815].

<sup>55</sup> "[A] situation wherein there is a reasonable certainty that a vessel or a person is threatened by grave and imminent danger and requires immediate assistance"

<sup>56</sup> [EX-JB1/50; INQ008816].



Force vessels present at the sea border to form their own assessment of whether a boat is in sufficient distress to warrant a rescue before it has entered UK waters. . In our view, this fosters an undesirable culture whereby a certain level of distress is normalised, with vulnerable individuals left for long periods in inherently dangerous circumstances due to delays in initiating rescue. Furthermore, we are concerned that the increasing reliance of UK authorities on their increased surveillance capacity inspires an overconfidence in their own assessment of risk (notwithstanding the accounts given by those aboard these dinghies), and their ability to respond at speed to any urgent situation.

53. Once boats enter UK waters, we understand they are classed as being in ‘distress’ , though this classification may be downgraded based on observations by aerial or maritime assets in the vicinity. HM Coast Guard’s relevant Standard Operating Procedure, entitled *Incidents Involving Dinghy Crossings*, dated 13 February 2023,<sup>57</sup> notes that the SAR phase in respect of a relevant dinghy may be downgraded from the distress’ phase to the ‘alert’ phase<sup>58</sup> where a vessel is “*taking on water, but able to manoeuvre*” (see pg.7).
54. A particularly egregious example of these practices is to be found in the ‘drift-back’ incident of 2 January 2023, on which we produced a detailed report entitled “*The drifting politics of HM Coastguard: from life-saving agency to border police*”.<sup>59</sup> By way of summary, the UK authorities appear to have waited for a dinghy with 38 people aboard, and which had been suffering from engine difficulties throughout its journey, to drift back into French waters so that the responsibility for rescue could be passed back to the French. A Border Force vessel *Typhoon* was on site, and reported that those aboard did not have life jackets.<sup>60</sup> The French customs vessel *Kermorvan* which had escorted the boat close to the sea border were told that the boat would be rescued by the UK, and therefore left the site.<sup>61</sup> As *Typhoon* was coming to the end of its shift, it stood by awaiting replacement by *Hurricane*, on the instructions of MRCC Dover. *Typhoon* is recorded as relaying to MRCC Dover that the dinghy’s engine had stopped, that it was drifting back into French waters, and that there were no French assets in the area.<sup>62</sup> The dinghy’s engine, having failed, was unable to power the boat back into UK waters. MRCC Dover then called CROSS Gris-Nez and requested that *Kermorvan* be sent back to conduct a rescue in French waters. Those on the boat continued to make distress calls to the UK. Aerial assets circled the boat from above, assessing its condition, and *Hurricane* remained on site “*to recover when they cross the line*”

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<sup>57</sup> [EX-JB1/51; INQ008817].

<sup>58</sup> Defined in Chapter 1, 1.3.10 of SAR 1979 as “*a situation wherein apprehension exists as to the safety of a vessel and of the persons on board*”: see INQ008816.

<sup>59</sup> [EX-JB1/4; INQ008770].

<sup>60</sup> [EX-JB1/4; INQ008770].

<sup>61</sup> [EX-JB1/52; INQ008818].

<sup>62</sup> [EX-JB1/4; INQ008770].

(emphasis added).<sup>63</sup> When the *Kermorvan* arrived over an hour later, those on the dinghy had been at sea for 15 hours. An officer aboard *Kermorvan* said “the people on the dinghy were exhausted and afraid and frozen. We took them onboard and gave them blankets, food and hot drinks. Everyone survived. The UK didn’t push them back but let them drift.”<sup>64</sup>

55. This incident illustrates the unacceptable risk to life resulting from the UK’s strict practice as regards rescue operations. Here, not only did the UK decline to assist the dinghy whilst it remained in French waters (notwithstanding that it was plainly headed for UK waters, and suffering from engine trouble), assistance was not provided by the UK vessel on site due to administrative concerns as to shift changes (despite the boat’s engine having stopped). Once the boat drifted back into French waters – in significant part as a result of inaction by the UK authorities – the UK did not assist the boat which was left in distress (in the ordinary sense of the word) for several hours. As set out elsewhere in this statement (see §57), the inherent dangers to those on-board a dinghy in the Channel are such that it cannot be appropriate to only initiate a rescue operation where individuals are already in the water. In addition, this practice also has the effect of prolonging the distress of vulnerable individuals, including women and children.
56. On the basis of the preceding paragraphs, we recommend that UK authorities should immediately task assets to rescue vessels when they are headed for UK waters, rather than applying a strict policy based on whether the sea border has actually been crossed, and the vessel’s level of distress. This is particularly so given it is widely accepted (indeed uniquely so, in contrast to the Mediterranean context, for example) that rescues by French assets are more likely to put people in dinghies at risk, given they will be unwilling to return to France (see also §45 above). This would also have the added benefit of reducing costs and crew fatigue incurred in conducting lengthy patrols whilst waiting for dinghies to cross the sea border.

#### *Access to regulated means of Channel crossings*

57. Second, it is Alarm Phone’s position that the inherent risks in the Channel are so high, and the demand for and supply of illegal crossings so resilient (see §40 above), that the risk to life may only be averted by the provision of a practical alternative to dinghy crossings. Put simply, it is Alarm Phone’s strong view that to treat the issue of deaths in the Channel as a mere issue of SAR resources or of UK-France cooperation is inadequate and ineffective. Steps must be taken to ensure people are not making these crossings at all. Improving the effectiveness of SAR operations (and thereby addressing the risk at its final and most

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<sup>63</sup> [EX-JB1/4; INQ008770].

<sup>64</sup> [EX-JB1/52; INQ008818].

deadly stage) does not, in our view, go far enough to militate against the risk arising in the first instance.

58. It is because of these inherent dangers involved in dinghy crossings that that SAR operations, even when conducted properly, cannot guarantee that lives will not be lost. When a boat sinks, this is typically a sudden event, with water rushing into the vessel and individuals being pushed out of the vessel. The number of passengers on these boats will mean that at the point at which a shipwreck occurs, there will be a large number of people in need of immediate rescue, quickly overwhelming rescue resources. The currents in the Channel will almost certainly mean that passengers will spread out in the water, meaning that a single vessel will struggle to recover all of them swiftly – particularly where this vessel is not specifically designed to conduct SAR operations (see §§18 above). People in dinghies will often have had no sea survival training, are often unable to swim, and will in many cases not have been provided with life jackets or any other flotation devices<sup>65</sup>. In some cases – for instance in the shipwrecks of 14 December 2022<sup>66</sup> and 12 July 2024<sup>67</sup> – people will be trapped inside the shipwrecked dinghy, and require specialised rescue procedures from rescuers. This risk is one which will rise proportionately with the number of people crowded onto a small boat. The temperature of the water will mean that even where people do not drown, they may quickly go into hypothermic shock – which may itself be fatal. For example, on 12 August 2021, a dinghy sank off the coast of Dunkirk with 37 people on board. Notwithstanding a swift response from the French Coastguard – who coordinated a SAR operation conducted by dedicated rescue assets, fishing vessels close to the scene, as well as a Belgian maritime helicopter – at least one life was lost, and one person remains missing at sea. This is not an isolated incident; see §49 above.
59. In light of this it is Alarm Phone’s position that, despite improvements to the coordination between France and the UK (see §§45-47 above), the only way in which the loss of life in the Channel can be effectively reduced is through the provision of alternative, safe routes to access the UK. This point was made succinctly by a French customs officer who worked aboard a cutter deployed by CROSS Gris-Nez to escort dinghies to the sea border with the UK: *“Let’s be lucid about this, our role is to escort them to UK waters and ensure their safety. Why don’t we simply put them directly in chartered ferries? At least they would be kept safe. The situation here is paradoxical. There is huge hypocrisy.”*<sup>68</sup>

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<sup>65</sup> Broadly, our observation is that people in small boats are increasingly less likely to have lifejackets, and rubber rings are becoming more common. There may be some correlation with the higher numbers of passengers per boat.

<sup>66</sup> [EX-JB1/53; INQ008819].

<sup>67</sup> [EX-JB1/54; INQ008820].

<sup>68</sup> [EX-JB1/55; INQ008821].

**STATEMENT OF TRUTH**

I confirm that the contents are true to the best of my knowledge and belief. I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Name: Dr Jacob Berkson

Date: 18/11/2024 | 18:26:16 GMT

Signed:

**Personal Data**