

20 July 2026

COMMUNICATION

in accordance with **Rule 9.1** of the Rules of the Committee of Ministers
for the supervision of the execution of judgments and
of the terms of friendly settlements with regards

A.R.E. v. Greece, Application No 15783/21, 07 January 2025

1. This communication is submitted on behalf of the Applicant in the A.R.E. v. Greece case, pursuant to Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements. In accordance with Rule 9.1 *“The Committee of Ministers shall consider any communication from the injured party with regard to payment of the just satisfaction or the taking of individual measures”*.
2. With the present communication the Applicant confirms that she has received the amount awarded by the Court (para. 310). However the Applicant would like to note that as the Government also corroborate, domestic judicial Authorities have not re-opened the examination of the criminal complaint with regards the incidents that gave rise to the violations of the Convention.
3. More precisely, it is reiterated that in the present case the Court found:
 - a violation of Article 3 alone and in conduction with Article 13 ECHR on the ground that the Greek Authorities pushed back the Applicant to her country of origin, which she had fled, without affording her access to the asylum procedure and without prior examination of the risks she faced in the light of Article 3 of the Convention.¹
 - a violation of Article 5(1), 5 (2) and 5(4) ECHR on the ground that the Applicant has been informally detained *“with the view to her ‘pushback’”*² at the Orestiada border guard station in Neo Cheimonio, a detention which

¹ A.R.E. v. Greece, paras. 279-284.

² A.R.E. v. Greece, para. 228.

lacked “any legal basis for the purposes of Article 5 § 1 of the Convention and infringed the rights guaranteed by paragraphs 2 and 4 of that Article”,³ and

- a violation of Article 2 & 3 in conjunction with 13 ECHR on the ground that *inter alia* “the investigation conducted by the domestic authorities following the applicant’s criminal complaint fell far short of satisfying the effectiveness requirements established by the Convention”.⁴
4. In the present case the criminal complaint submitted by the Applicant before domestic Authorities has been dismissed “for lack of evidence” and archived.⁵
5. The Court found that the criminal complaint submitted by the Applicant “was dismissed and archived following a “**manifestly inadequate preliminary investigation**”⁶ and explicitly noted a number of flaws and failures of the preliminary investigation:
- “the authorities did not take any steps to enable the applicant’s brother to give evidence, despite requests to that effect”,⁷
 - “[the authorities did not take any steps] to ascertain the authenticity of the audiovisual material submitted to them”,⁸
 - “they did not take the trouble to examine seriously the other material in the case file, such as the documents from the Turkish judicial authorities or the testimony of the witnesses called by the applicant, including, in particular, that given by the lawyer N.O”,⁹
 - “the criminal complaint has been dismissed on the basis of Decision no. 41/2020 of the public prosecutor at the Thrace Court of Appeal in which he noted, in particular, that ‘the Greek police ... never [effectuated] such ‘pushbacks’ to Turkey’”.¹⁰
6. According to the Action Plan submitted by the Greek Government, in the present case “the Prosecutor of the Court of Cassation [Άρειος Πάγος] requested the Prosecutor of the Court of Appeal of Thrace to examine the possibility of retrieving the applicants file from the archives. The Prosecutor of

³ *Ibid.*

⁴ A.R.E. v. Greece, paras. 302-304.

⁵ A.R.E. v. Greece, para. 48.

⁶ A.R.E. v. Greece, para. 199.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

the Court of Appeals of Thrace replied that there is no reason to retrieve the preliminary criminal case file from the archives in order to re-examine the criminal case in question [...] No new facts and elements, unknown at the time when the case was shelved, have been disclosed to the prosecutor handling the case in question – beyond those already taken into account- which (new facts), either on their own or in combination with those already presented, would have made it clear that the case was erroneously shelved”.¹¹

7. With regards the refusal of the Public Prosecutor of the Court of Appeals of Thrace to re-opened the case of the Applicant, it is mentioned that this is contradictory to what it has been followed in other similar cases following the finding of a violation by the Court.
8. This is for example the *B.Y. v Greece* case (Application no 60990/14, 26 January 2023), in which the criminal complaint of the Applicant has been archived after the preliminary investigation. After the issuance of the Judgment of the Court by which a violation of the procedural limb of Article 3 has been found, the competent Public Prosecutor re-opened the case, following a request of the Public Prosecutor of the Court of Cassation.¹²
9. *A fortiori*, in *B.Y. v Greece* the finding of the violation refers only to the procedural limb of Article 3 ECHR.¹³ In that case, the Court has rejected the allegation of the Applicant on the violation of the substantial limb of Article 3 ECHR.¹⁴ In the *A.R.E. v Greece*, it is reiterated that the Court did not only found a violation due to the ineffective criminal investigation but also a violation of Article 3 and 3 and 13 ECHR due to the pushback of the Applicant without affording her access to the asylum procedure and without prior examination of the risks she faced in the light of Article 3 of the Convention (see above) and violation of Article 5 ECHR due to her informal detention at the Orestiada border guard station in Neo Cheimonio *with the view to her ‘pushback’*” (see above).

¹¹ Greek Government, Action Plan *A.R.E. v. Greece*, DH-DD(2026)37, 5 January 2026, para 5; see also Greek Government, Action Plan *A.R.E. v. Greece*, DH-DD(2026)803, 26 June 2026, para 5-7 and *inter alia* “[...] *It is submitted that the Court’s relevant judgment does not introduced any new facts but merely considers and assesses the evidence already submitted in a different manner and within the context of a different procedure [...]*”.

¹² See Greek Government, Updated Action Report/Communication *Sidiropoulos and Papakostas v. Greece* group of cases, DH-DD(2025)491, 24 April 2025, p. 5: “[...] *As regards the possibility of reopening criminal proceeding in B.Y. By his letter no ... the Prosecutor to the Court of Cassation ordered the Head Prosecutor to the First Instance Court of Athens as follows: “Given that the act investigated took place on [...] and therefore the relevant crime has not been time barred you are instructed to carry on with the main investigation of the case filed [...] by reopening it. The aim of the investigation should focus -despite the time elapsed- on the response of the competence police authorities to the following questions [...] in General all reasonable investigative efforts should take place, so that the perpetrators and any participant be identified”*”.

¹³ Paras. 58-66.

¹⁴ Paras. 77-90.

10. Moreover, in the present case, it is mentioned that the actions alleged in the Applicant's criminal complaint have not been time-barred, and the reopening of the case is not prohibited by the statute of limitations or any other relevant clause. According to the Action Plan of the Greek Government, the competent Prosecutorial Authorities also do not referred to such clauses. Thus there is no legal barrier as of the reopening of the case, as the example of the B.Y. v Greece, mentioned above, corroborates.
11. Thus, the reopening of the examination of the criminal complaint of the Applicant in A.R.E. v Greece at the domestic level is an individual measure that the Authorities should pursue, see Committee of Ministers' Recommendation No. R(2000)2, II(ii).

On behalf of the Applicant

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