

DGI Directorate General of Human Rights and Rule of Law
Department for the Execution of Judgments of the ECHR
F-67075 Strasbourg Cedex FRANCE
Email: DGI-Execution@coe.int

20 July 2026

COMMUNICATION

submitted by the Greek Council for Refugees
in accordance with Rule 9.2 of the Rules of the Committee of Ministers
regarding the supervision of the execution of judgments
and of terms of friendly settlements

concerning the supervision of the Judgement of the Court

A.R.E. v. Greece

Application No 15783/21, 07 January 2025

1. This communication, addressed to the Committee of Ministers, is submitted by the Greek Council for Refugees in the context of the supervision of the execution of judgments and of the terms of friendly settlements with regards the A.R.E. v. Greece, Application No 15783/21, 07 January 2025.
2. The Greek Council for Refugees (GCR) is a Greek civil society organization, founded in 1989, specializing in the provision of legal aid and social support to persons in need of international protection in Greece. GCR *inter alia* participates in the Greek National Commission for Human Rights (GNCHR) since 1999, and has a Consultative Status in the UN Economic and Social Council (ECOSOC) since 2001. GCR has represented a significant number of Applicants before Greek Courts as well as the European Court of Human Rights. Among them GCR has represented the Applicant in *A.R.E. v Greece* in domestic proceedings and before the European Court of Human Rights.
3. With the present submission the undersigned organization wish to provide to the Committee of Ministers information with regards the execution of the Judgements by the Greek Authorities.

The findings of the Court

4. The case concerns the refoulment (pushback) of a woman from Türkiye to her country of origin from the Evros area/Greek-Turkish land borders, without her having the possibility to apply for asylum. It is the first case, in which the Court found that the Greek Authorities indeed pushed back the Applicant and also that there are “*strong indications*” of a “*systematic practice of ‘pushbacks’ of foreign nationals by the Greek authorities from the Evros region to Turkey*”, despite the fact that the Government has completely denied both the pushback of the Applicant and the systematic practice.¹
5. More precisely the Court found:

Systematic practice of pushbacks: The Court underlined that the Greek Government had completely denied the pushback of the Applicant and also that there was a systematic practice of pushbacks at the material time of the facts. Having regard to the large number, variety and concordance of the relevant sources, the Court concluded that *there are strong indications to suggest that, at the material time, there was a systematic practice of “pushbacks” of foreign nationals by the Greek authorities from the Evros region to Türkiye.*²

Violation of Article 3, Article 3 in conjunction with Article 13 ECHR [pushback without access to the asylum procedure]: The Court found a violation of said provisions 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.³

Violation of Article 5 (1), (2) and (4) [informal detention prior of the pushback]. The Court found a violation of Article 5 ECHR on the ground that the Applicant has been informally detained “*with the view to her ‘pushback’*”⁴ at the Orestiada border guard station in Neo Cheimonio. The Court underlined that the detention of the Applicant “*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*”.⁵ The Court also underlined that “*the arrest and subsequent detention of irregular migrants – a kind of temporary forced disappearance – formed part*

¹ A.R.E. v. Greece, Application No 15783/21, 07 January 2025, para. 207.

² A.R.E. v. Greece, paras. 216, 229; see also G.R.J. v. Greece (dec.), application no 15067/21, 03 December 2024, para. 190, 225 regarding the finding of the Court on “*strong indications*” of “*a systematic practice of ‘pushbacks’ of foreign nationals by the Greek authorities*” also “*from the Greek islands to Turkey*”.

³ A.R.E. v. Greece, paras. 279-284.

⁴ A.R.E. v. Greece, para. 228.

⁵ *Ibid.*

of the documented modus operandi of the practice of ‘pushbacks’”.⁶ Finally, it reiterated that the Government, who bore the burden of proof, had not managed to rebut the applicant's allegation and, in particular, had not provided “*any information as to whether the Orestiada border guard station in Neo Cheimonio was equipped with video-surveillance cameras on the date alleged*”.⁷

Violation of Article 2 & 3 in conjunction with 13 ECHR [lack of effective remedy for violations committed during a pushback and the pushback as such and lack of effective investigation]: The Court found (a) that available domestic remedies are ineffective in respect of complaints alleging a “pushback” as such⁸ and breaches of Articles 2 and 3 of the Convention allegedly committed during a “pushback”. Such a remedy should have automatic suspensive effect and being able to prevent the return⁹ and (b) that domestic legal order does not ensure an effective investigation of pushback allegation in line with the effectiveness requirements established by the Convention.¹⁰

In particular and as of the lack of an effective remedy in order to properly investigate pushback allegations (criminal proceeding) the Court concluded that there was a non-effective criminal proceeding (a) in the case of the Applicant - the preliminary investigation conducted has been found by the Court as “*manifestly inadequate*”¹¹ and (b) in general.

According to the Court, the case of the Applicant “*is but one example among others of the ineffectiveness of the criminal-law remedy in respect of ‘pushback’ allegations*”¹² and “*as domestic practice currently stands, a criminal complaint is not a remedy to be pursued in respect of breaches of Articles 2, 3 or 5 of the Convention allegedly committed during a ‘pushback’*”.¹³

In detail, paragraphs 198 and 199 of the judgment read as follows:

“ 198. [...] *it is very clear from the case file, and in particular from the information submitted by the Government themselves, that all the cases in which the competent prosecutors had opened criminal investigations were discontinued for lack of evidence that a “pushback” had even taken place. Thus, none of those cases progressed beyond the preliminary investigation stage and no proceedings were therefore brought against those responsible. In the light of the very large number of complaints lodged and of the competent national and*

⁶ *Ibid.*

⁷ A.R.E. v. Greece, paras. 285 -288.

⁸ A.R.E. v. Greece, para. 201.

⁹ A.R.E. v. Greece, para. 192.

¹⁰ A.R.E. v. Greece, paras. 302-304.

¹¹ A.R.E. v. Greece, para. 199.

¹² *Ibid.*

¹³ A.R.E. v. Greece, para. 198.

international institutions' reports documenting recurrent shortcomings that have undermined the effectiveness and diligence of criminal investigations into the alleged "pushbacks" [...], the Court takes the view that this situation raises serious doubts as to the effectiveness of the criminal-law remedy recommended by the Government. It is therefore of the view that, as domestic practice currently stands, a criminal complaint is not a remedy to be pursued in respect of breaches of Articles 2, 3 or 5 of the Convention allegedly committed during a 'pushback'.

199. [...] *the criminal complaint lodged by the applicant in the present case was dismissed by the public prosecutor at the Thrace Court of Appeal in decision no. 41/2020, in which he noted, in particular, that "the Greek police ... never [effected] such 'pushbacks' to Türkiye" ... Most importantly, it observes that the complaint was dismissed following a manifestly inadequate preliminary investigation. It is clear from the case file that the authorities did not take any steps to enable the applicant's brother to give evidence, despite requests to that effect, or to ascertain the authenticity of the audiovisual material submitted to them. Furthermore, 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. The Court therefore concludes that the applicant's case is but one example among others of the ineffectiveness of the criminal-law remedy in respect of "pushback" allegations" (para 199).*

Situation after the issuance of the Judgment

- i) Recent materials on pushbacks/pushback practices
6. **More recent materials continue to point out that pushback incidents and practices continue to take place.** In *A.R.E. v Greece*, the Court in order to determine as to whether a systematic practice of pushbacks existed has taken into consideration a number of reports issued by national and international institutions. In particular the Court has stated that to this regards that "*special importance must above all be attached to reports from competent national institutions the independence of which is beyond doubt*",¹⁴ namely the Greek Ombudsman and the Greek National Commission for Human Rights. More recent reports of said Institutions corroborate that the practice remain intact and consequently the lack of compliance with the Judgments of the Court.
7. More precisely in *A.R.E. v Greece*, the Court has taken into consideration the findings of the Greek Ombudsman in its capacity as National Mechanism for the

¹⁴ *A.R.E. v. Greece*, para. 227.

Investigation of Arbitrary Incidents (EMIDIPA) and more precisely the Reports of EMIDIPA issued by October 2023 (Annual Report of 2022). More recent Reports of the Greek Ombudsman under its capacity as National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA) verify the same pattern.

8. According to EMIDIPA 2024 Annual Report, issued in August 2025 and EMIDIPA 2025 Annual Report, issued in July 2026 the Ombudsman continued to receive complaints for violations at the borders, and in particular these have been significant increased during 2025 (7 complaints for violations at the borders during 2024¹⁵ and 24 complaints for violations at the borders during 2025).¹⁶ In these Reports, the Ombudsman underlines that the “*thorough and effective investigation*” remains a challenge,¹⁷ and identifies systemic issues hindering the effectiveness of the administrative inquiries of such cases.¹⁸ These include for example
 - the dismissal of cases on the ground that since the third country national has not been registered by the Authorities, his/her presence in the country is not proven.¹⁹ However, the core of the complaint is the person's informal arrest and removal in bypass of any legal procedure, and
 - the lack of video footage from detention facilities near the land borders and from Hellenic Coast Guard vessels.²⁰ To this regards the Ombudsman notes that different practices are applied, regarding the existence of cameras/video surveillance systems and the ability to record or retain recordings among different Police Boarder Stations under the same Police Direction.²¹
9. Equally, the findings of the Annual Reports of the Recording Mechanism of Incidents of Informal Forced Returns operating under the Greek National Commission for Human Rights (GNCHR) issued up until 2024 (Annual Report of 2023), has also been taken into consideration by the Court.²²
10. Subsequent Annual Reports of the Recording Mechanism of Incidents of Informal Forced Returns under the GNCHR further corroborate these findings. A number of 52 and 21 new incidents of informal force returns at land and sea borders,

¹⁵ Greek Ombudsman, National Mechanism for the Investigation of Arbitrary Incidents, Annual Report 2024, August 2025, <https://www.synigoros.gr/el/category/default/post/ethsia-ek8esh-or-emhdipa-2024>, p. 106 seq.

¹⁶ Greek Ombudsman, National Mechanism for the Investigation of Arbitrary Incidents, Annual Report 2025, June 2026, <https://www.synigoros.gr/el/category/default/post/enhmerwtiko-shmeiwma-or-ethsia-ek8esh-emhdipa-2025>, p. 99 seq.

¹⁷ Annual Report 2024, p. 107-108.

¹⁸ *Ibid* and Annual Report 2025, p. 102-105.

¹⁹ Annual Report 2024, p. 108 & Annual Report 2025, p. 102.

²⁰ Annual Report 2025, p. 103.

²¹ *Ibid*.

²² A.R.E. v. Greece, paras. 143-145.

affecting at least 483 and 359 individuals have been recorded in 2024 (issued in July 2025) and 2025 (issued in July 2026) Annual Reports, respectively.²³ As underlined in the more recent 2025 Report, the total number of individual affected demonstrates “*the massive and collective nature of the Informal Forced Returns operations*”.²⁴ Furthermore, both Reports confirm the previous findings as of the *modus operandi* and the organized nature of the Informal Forced Returns (push-backs).²⁵ *Inter alia*, according to the 2025 Report (issued in July 2026) “*the systematic nature, the repetitive pattern and the predictable geographic and operational characteristics of the incidents recorded in 2025 demonstrate that informal forced returns are not random or isolated events, but rather practices involving the organized and systematic violation of fundamental rights and the principle of non-refoulement*”.²⁶

11. The same applies to international bodies, which have also raise concerns about continuing allegations of pushbacks and the practice itself in a number of recent publications.
12. For example, as underlined by the **Commissioner for Human Rights of the Council of Europe** in the Memorandum following his mission to Greece (3 to 7 February 2025), the Commissioner is concerned about the allegations received during his visit of “*persisting practices of summary returns, also referred to as ‘pushbacks’ or ‘informal forced returns’, at both land and maritime borders*” and during his mission to Greece “*the Commissioner also met with third-country nationals who shared their experience, some of them having been summarily returned multiple times, including after having reached Greek territory [...] The Commissioner also heard allegations of unnecessary or excessive use of force and of sexual violence by members of law enforcement forces in the context of such operations*”.²⁷
13. The 2024 **Frontex Fundamental Rights Officer (FRO)** Annual Report (issued in July 2025) underlines “*The Office received allegations of collective expulsions and ill treatment of migrants, particularly in the context of operational activities in [...] Greece (sea and land borders with Turkey [...]) Continued reports of allegations of collective expulsions and ill treatment at sea and on islands where*

²³ GNCHR, Recording Mechanism of Incidents of Informal Forced Returns, 2024 Annual Report, July 2025, https://nchr.gr/images/rec_mechanism/Annual_Report_2024.pdf & GNCHR, Recording Mechanism of Incidents of Informal Forced Returns, 2024 Annual Report, July 2025, <https://nchr.gr/images/pdf/RecMechanism/Mich2025.pdf>.

²⁴ GNHCR, Annual Report 2025, July 2026, p. 17.

²⁵ GNHCR, Annual Report 2025, July 2026, pp. 56, 62.

²⁶ GNHCR, Annual Report 2025, July 2026, p. 18.

²⁷ Council of Europe, Commissioner for Human Rights, Memorandum on migration and border control, following the Commissioner’s visit to Greece from 3 to 7 February 2025, <https://rm.coe.int/memorandum-on-greece-on-migration-and-border-control-following-visit-t/1680b5a661>, para. 10.

*Frontex was not operating with land patrols, as well as at the land border in Evros region, keep raising significant fundamental rights concerns”.*²⁸

14. The 2025 Annual Report of the Frontex FRO (issued in July 2026) underlines that the Office “*continued to receive credible reports concerning alleged collective expulsions of migrants at sea and land borders in Frontex operational areas [...] often accompanied by inhumane and degrading treatment of migrants, use of unnecessary or disproportionate force by border and coast guards, the confiscation or destruction of migrants’ property, or unlawful deprivation of liberty*”.²⁹ Moreover, the same report notes that in Evros region “*concerns remain as to the lack of involvement of Frontex teams in apprehension of migrants, despite the number of incidents reported at the border. Frontex teams performing land patrolling had a relatively low level of participation in migrant incidents, remaining in most cases assigned to operational areas away from the border line*”³⁰ and that the Greek Authorities “*did not formally endorse an action plan presented by the Agency to strengthen fundamental rights compliance and accountability during maritime operations and search and rescue activities*”.³¹ During the year Greece is the Member State with the plurality of the serious incidents report launched by the Office (12 out of 47, or 26% of the total).³²
15. GCR also notes that from January 2025 and by June 2025 has legally represented 56 individuals alleging a risk of pushback in Evros region before the European Court of Human Rights by lodging requests for Interim Measures (R 39). Interim measures requested have been granted by the Court in all cases and the Court ordered the Applicants not to be removed from the Greek territory.³³ The fact that no further cases have been supported by GCR from mid-2025 onwards is due to the limited capacity and funding restrictions severely affecting the humanitarian sector.
16. Finally, it should be mentioned that there has been no public acknowledgment by the Greek Authorities - after the issuance of the Judgment and/or even after the Judgment became final-, of any pushback incident and/or the systematic practice of pushbacks. National Authorities continue to completely deny all

²⁸ FRONTEX, 2024 Annual Report of the Frontex Fundamental Rights Officer, July 2025, https://www.frontex.europa.eu/assets/Frontex_Fundamental_Rights_Office_Annual_Report_2024.pdf?ettrans=de, para. 1.2.1 & pp. 11, 13.

²⁹ FRONTEX, 2025 Annual Report of the Frontex Fundamental Rights Officer, July 2026, https://www.frontex.europa.eu/assets/FRO_Reports/FRO_Annual_Report_2025.pdf, 1.3.1.

³⁰ *Ibid.*, para. 1.2.1.

³¹ *Ibid.*, pp. 8, 20.

³² *Ibid.*, para. 3.1.2; see also Le Monde, Frontex continuing mission in Greece despite serious violations of migrants' rights, 18-7-2026, https://www.lemonde.fr/en/les-decodeurs/article/2026/07/18/frontex-continuing-mission-in-greece-despite-serious-violations-of-migrants-rights_6755593_8.html.

³³ GCR, Informative note updated by 1st July 2025, <https://gcr.gr/en/news/item/gcrs-information-note-on-interventions-and-on-interim-measures-granted-by-the-ecthr-in-cases-regarding-pushbacks/>.

allegations regarding pushbacks incidents and as of the existence of a systematic practice of pushbacks.³⁴ Consequently as the practice is not acknowledged by the Authorities, no concrete measure have been adopted to tackle said practice.

ii) Judicial investigation of pushbacks

17. No progress has been observed in the judicial proceeding regarding the investigation of pushbacks allegations. More recent data corroborate that the domestic practice on the examination of criminal complaints regarding pushbacks' allegations has not been differentiated by the state found by the Court in the A.R.E. case. This has lead the Court to "*raise serious doubts as to the effectiveness of the criminal-law remedy*" and to find that "*as domestic practice currently stands, a criminal complaint is not a remedy to be pursued in respect of breaches of Articles 2, 3 or 5 of the Convention allegedly committed during a 'pushback'*".³⁵

18. As of the time of writing and to the extent that we are aware, no pushback case has proceeded beyond the criminal preliminary examination stage to date and criminal complaints/investigation continue to be shelved due to lack of "*sufficient indications*" of wrongdoing or in some cases for or inability to identify the perpetrators and no criminal prosecution has been initiated.³⁶ As reported, this is also corroborated by recent data submitted to the Greek Parliament.³⁷

19. Moreover, similar investigative flaws as those identified by the Court in A.R.E. v Greece are repeated in a number of pushback cases archived by domestic

³⁴ By way of example see **Ministry of Citizen Protection**, 28-4-2025, "*There is no systematic practice or operational planning of informal returns ('pushbacks') of third country nationals from Greece to Türkiye across the borders*" (p.5); "*the Court's finding that "there were strong indications to suggest that there had existed, at the time of the events alleged, a systematic practice of summary returns from the Greek islands to Türkiye" does not provide any evidence nor can it be the sole basis for the suspension of Frontex's operations in Greece*" (p. 6); **Public Prosecutor of the Supreme Court**, 29-4-2025 "*although, the ECtHR with the Judgement A.R.E. (it is noted that the applicant's brother was already in Greece and had applied for asylum) v. Greece of 7.1.2025 (Application No. 15783/21) found that there was a violation of Article 13, in conjunction with Articles 2 and 3 of the Convention, however, the ECtHR with the Judgement G.R.J. v. Greece of 7.1.2025 (Application No. 15067/21) declared the application inadmissible, in accordance with Article 35 para. 4. These judgements of the Court concerned a "systematic practice of pushbacks" from Greece to Turkey, a practice (systematic), which the ECtHR disputes, as it can be deduced from the above" – both documents available in Comments of the Greek Authorities on the Memorandum of the Commissioner for Human Rights of the Council of Europe, <https://rm.coe.int/comments-by-the-greek-authorities-to-the-commissioner-s-memorandum/1680b5a662>; see also more recently (by way of example): Ekathimeri.gr, Ministry rejects BBC allegations on foreign border mercenaries, <https://www.ekathimerini.com/politics/1300861/ministry-rejects-bbc-allegations-on-foreign-border-mercenaries/>, 14-4-2026.*

³⁵ A.R.E. v. Greece, para. 198.

³⁶ See also GNHCR, Annual Report 2025, July 2026, p.12.

³⁷ Efsyn.gr, Στο συρτάρι όλες οι υποθέσεις επαναπροωθήσεων, 8 July 2026, <https://www.efsyn.gr/ellada/1422917/sto-syrtari-oles-oi-ypotheseis-epanaproothiseon/> (in Greek).

prosecutorial Authorities after the Judgment of the Court (7 January 2025). As reported, these include for example the Prosecutor refraining from examining digital evidence submitted;³⁸ the dismissal of the criminal complaint on the basis that the presence of the victim on the territory cannot be confirmed due to lack of official records by the Authorities;³⁹ circular statements denying the existence of illegal practices or that alleged acts are not perpetrated by state officials since they are prohibited by law etc.⁴⁰

20. Finally, the refusal of the Public Prosecutor of Appeals of Thrace to reopen the criminal case of the Applicant in the present case, dismissed on the ground that no new facts or elements have emerged,⁴¹ is also an example of ineffective investigation in a pushback case.

iii) Independent Monitoring Mechanism

21. In the Action Plan of 5-1-2026 (DH-DD(2026)37), the Greek Authorities under the title “*Important measures that shall address all shortcomings identified*” refer *inter alia* to the establishment of an Independent Monitoring Mechanism (IMM), as required under Article 10 of the EU Regulation (EU) 2024/1356 (Screening Regulation).⁴² Furthermore, in their Action Plan of 25-6-2026 (DH-DD(2026)803), Greek Authorities refer to the fact that pursuant to Article 39 of L. 5303/2026, the National Transparency Authority (NTA) has been designated as the Independent Monitoring Mechanism.⁴³ Under this capacity the NTA is entitled to monitor screening procedure and asylum border procedures and to receive complaints submitted by third country nationals.⁴⁴

22. Without underestimating the importance and the potential contribution of an Independent Monitoring Mechanism as provided by EU Legislation, it should be noted first, that the Court in A.R.E. v Greece by referring to its settled caselaw has underlined that “*in the circumstances of the present case*” (i.e. cases involving allegations of Article 2 or 3 ECHR violations) the lodging of a complaint before a body whose recommendations are not binding on the

³⁸ Joint CSO Report – Rule of Law in Greece 2025, January 2026, https://rsaegean.org/wp-content/uploads/2026/02/RoL2026_Greece_CS_O_Report.pdf, para. 54d; see A.R.E. v Greece, para. 199 “[...] *It is clear from the case file that the authorities did not take any steps ... to ascertain the authenticity of the audiovisual material submitted to them*”.

³⁹ Joint CSO Report – Rule of Law in Greece 2025, para. 54d; see A.R.E. v Greece, para. 48 “[...] *no arrest of a person with the same name as the applicant [had been] made[...]*”.

⁴⁰ Joint CSO Report – Rule of Law in Greece 2025, para. 55; see A.R.E. v Greece, para. 48 & 198 “*the criminal complaint lodged by the applicant in the present case was dismissed by the public prosecutor at the Thrace Court of Appeal in decision no. 41/2020, in which he noted, in particular, that ‘the Greek police ... never [effected] such ‘pushbacks’ to Turkey’*”.

⁴¹ Greek government, Action Plan A.R.E. v. Greece, DH-DD(2026)37, 5 January 2026, para 5.

⁴² Greek government, Action Plan A.R.E. v. Greece, DH-DD(2026)37, 5 January 2026, paras 15-16.

⁴³ Greek government, Action Plan A.R.E. v. Greece, DH-DD(2026)803, 25 June 2026, paras 14-24.

⁴⁴ Article 39(2) of L. 5303/2026.

domestic Authorities cannot be considered as an effective remedy. This is also the case with regards complaints submitted before the NTA.⁴⁵

23. Furthermore, and in addition to the above it should be noted that the NTA does not meet the requirements of independency and lacks the expertise and the capacity to properly investigate human rights violations at the borders, as widely documented.⁴⁶ *Inter alia*, the Head and the Management Board members of NTA are proposed by the Council of Ministers and are approved by the simple majority vote of the Institutions and Transparency Committee of the Parliament. The supermajority vote guarantees of Article 101A(2) of the Greek Constitution are not applied in the case of NTA, contrary to the Independent Authorities expressly mentioned in the Constitution.⁴⁷ Indeed the current Head of the NTA has been elected in August 2025, only by the votes of the ruling party.⁴⁸ Moreover, the protection of human rights is not included on the statutory purposes of NTA and the required knowledge and experience of the Authority is not guaranteed.⁴⁹

24. These concerns are also depicted in the Judgment of the Court in A.R.E. v Greece. The Court stated that it attaches special importance to the national institutions “*the independence of which is beyond doubt*”. NTA has not been included to them. In addition the Court underlined that concerns with regards NTA’s independence in general and the methodology followed by the NTA in a pushbacks investigation submitted before the Court “*has not been rebutted by the Government*”.⁵⁰

⁴⁵ ARE v Greece, para. 200 “*The Court further considers that, in the circumstances of the present case, the lodging of a complaint with the Greek Ombudsman was not an effective remedy within the meaning of its case-law, especially in view of the fact that this institution’s recommendations are not binding on the domestic authorities (see Zabelos and Others v. Greece, no. 1167/15, § 92, 17 May 2018). The same applies to complaints lodged with the National Transparency Authority*”.

⁴⁶ See *inter alia* Greek Ombudsman, Observation on Article 39 of the draft law Reform of Inheritance Law Provisions, 13-5-2026, https://www.synigoros.gr/el/category/default/post/parathrhseis-or-ar8ro-39-*sxedio-nomoy-anamorfwshtoy-klhronomikoy-dikaioy-kai-alles-diata3eis; Greek NCHR, The NCHR at the Parliamentary Committee with regards the draft Law of the Ministry of Justice, 14-5-2026, <https://www.nchr.gr/ta-nea-mas/2263-i-eeda-stin-koinovoulftiki-epitropi-gia-to-sxedio-nomou-tou-ypourgeiou-dikaioynis.html>.

⁴⁷ See Joint CSO Report - Rule of Law in Greece 2023, https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CSOGreece.pdf, para. 59.

⁴⁸ In.gr, Βουλή: Εγκρίθηκε από τη ΝΔ ο διορισμός της Ρογκάκου ως διοικήτῆς της Εθνικής Αρχῆς Διαφάνειας, 1-8-2025, <https://www.in.gr/2025/08/01/politics/epikairota/vouli-egkrithike-apo-ti-nd-o-diorismos-tis-rogakou-os-dioikiti-tis-ethnikis-arxis-diafaneias/> (in Greek).

⁴⁹ See FRA, Monitoring fundamental rights during screening and the asylum border procedure – A guide on national independent mechanisms, 2024, <https://fra.europa.eu/en/publication/2024/border-rights-monitoring>.

⁵⁰ A.R.E. v Greece, paras. 227 – 228: “227. On this point, the Court takes the view that in order to determine whether there is a systematic practice of “pushbacks”, special importance must above all be attached to reports from competent national institutions the independence of which is beyond doubt, including any written observations they may have submitted as third-party interveners, like the Greek Ombudsman and the NHRC in the present case. It notes, in particular, that the Greek Ombudsman is an independent authority within the meaning of the Greek Constitution and that the NHRC, which has been accredited by the Global Alliance of National Human Rights Institutions since 2001, provides the

25. Thus the designation of the NTA as the IMM and the fact that the Greek Authorities refers to this additional mandate attributed to the NTA within the framework of the measures adopted to comply with the Judgments of the Court in A.R.E. v Greece, should be assessed within this context.

Recommendations

26. A.R.E. v Greece is the first case in which the Court found the pushback of the Applicant on behalf of the Greek Authorities, as well as that there are “*strong indications*” of a “*systematic practice of ‘pushbacks’ of foreign nationals by the Greek authorities from the Evros region to Turkey*”, that the Applicant has been prior of the pushback informally detained and that domestic remedies and proceeding are not capable to prevent and to provide redress, including to held accountable potential perpetrators, in pushback cases.

27. The supervision of the execution of the Judgment is taking place under the enhanced procedure and the case has been classified as a “*complex problem*”. Thus a wide array of measures, including tangible and operational measures, are required to put an end to the violations identified by the Court and prevent similar future violations.

28. These may include:

- The official recognition by the Greek Authorities of pushbacks incidents and the “*systematic practice of pushbacks*”, their recognition of the seriousness of this kind of human rights violations and their commitment to put an end to this practice and to held accountable potential perpetrators, see *mutatis mutandis* Committee of Ministers, 1411th meeting (DH), Decision CM/Del/Dec(2021)1411/H46-15, 14-16 September 2021, *Makaratzis group v. Greece*, para. 2.⁵¹

guarantees of independence laid down by the United Nations (1993 Paris Principles). However, the Court would call attention to the fact that the National Transparency Authority’s investigation report no. OM 3/4 (see paragraphs 146-151 above), which concerns separate “pushback” allegations from those at issue in the present case, rules out any involvement of State agents in this type of conduct. The Court observes that the applicant questioned that entity’s independence in general and the methodology and findings of investigation report no. OM 3/4 in particular, relying on two documents produced before the Court, the content of which has not been rebutted by the Government. 228. Consequently, investigation report no. OM 3/4 is not such as to cast doubt on the credibility of the findings set out in the reports and observations of the Greek Ombudsman and the Greek NHRC documenting a systematic practice of “pushbacks” from Greece to Türkiye at the relevant time, including in the Evros region”.

⁵¹ Committee of Ministers, Decision CM/Del/Dec(2021)1411/H46-15, 14-16 September 2021, *Makaratzis group v. Greece*, “2. welcomed the Greek Prime Minister’s public expression of apology to all victims of ill-treatment by law enforcement officers during his speech in Parliament on 12 March 2021, and his recognition of the seriousness of this kind of human rights violations”.

- The re-opening at the domestic level of the criminal case of the Applicant in A.R.E. v Greece.⁵²
- The issuance of a Circular by the Directorate of the Hellenic Police and the Hellenic Coast Guard address to all members of the staff, in which in details is described their formal duties of the staff in line with national and EU legislation and the ECHR in case that the presence of a third country national is identified within the territory of the country and explicitly to be mentioned that “*pushbacks*” are contrary to the ECHR and national legislation, and said practice may also entail their criminal liability before Courts in case of misconduct.
- The adoption of the long stand recommendation of the Greek Ombudsman a) to install surveillance and recording systems in all areas of law enforcement agencies’ detention facilities (police stations, security departments, border guard units, immigration management departments, pre-removal detention etc.), monitoring the exterior/outdoor areas surrounding the facilities and the interiors of buildings, particularly areas designated for the detention of individuals (at an angle that ensures the privacy of detainees) and the mandatory retention of the relevant video footage for three months from the date of recording, or for a longer period in case that administrative or criminal complaint is submitted or an administrative or criminal investigation is initiated and, b) the activation of the cameras on the vessels of the Hellenic Coast Guard in any situation involving an encounter with another vessel and the mandatory retention of the relevant video footage for three months from the date of recording, or for a longer period in case of complaints or investigations.⁵³
- Footage from cameras operating at the Evros land border within the framework of new surveillance technologies⁵⁴ should also be kept and made available in case of complaints or investigations.
- The organization of targeted wide scale training activities for Prosecutors and Judges for pushback cases, see *mutatis mutandis* Committee of Ministers, 1553rd meeting, Decision CM/Del/Dec(2026)1553/H46-19, 11 March 2026,

⁵² Committee of Ministers’ Recommendation No. R(2000)2.

⁵³ Greek Ombudsman, National Mechanism for the Investigation of Arbitrary Incidents, Annual Report 2025, June 2026, pp. 213-215.

⁵⁴ See *inter alia* https://www.astynomia.gr/file/2026/03/26032026border_protection_en.pdf; Center on Research and Technology, REACTION REal-time Artificial InTellgence for BOrders Surveillance via RPAS data aNalytics to support Law Enforcement Agencies, <https://www.iti.gr/iti/en/project/reaction-en/>; STS-MIGTEC, Visibility Without Responsibility: Situational Awareness at the Evros Land Border, 3 April 2026, <https://www.sts-migtec.org/events/visibility-without-responsibility-situational-awareness-at-the-evros-land-border>.

Sidiropoulos and Papakostas and Alkhatib and Others groups v. Greece, para. 6.

- The issuance of a Circular by the Public Prosecutor of the Supreme Court addressed to all Prosecutorial Authorities across the country, in which the attention of the Public Prosecutor will be drawn to the required actions while the examination of complaints/cases involving pushbacks allegations in line with the finding of the Court in the present Judgment.⁵⁵ These may include the attention of Public Prosecutors in ensuring that key witnesses will testify before them and that the statements of witnesses and all other materials of the case file are properly examined;⁵⁶ Attention in the collection and/or *serious examination* of audiovisual materials collected/submitted, including video footage from police buildings.⁵⁷ Moreover attention should be given to the fact that a general assertion that pushback practices are not applied by the Greek law enforcement bodies may not serve as a sufficient ground for dismissal.⁵⁸ Equally the lack of formal recording by the Authorities of the person concerned, may not be considered as an irrebuttable presumption that the person was not on the territory.⁵⁹
- The introduction of a remedy with a preventive nature for pushback allegations.
- To regularly collect and publicize credible statistical data of pushback case examined by the judicial Authorities and their outcome.

Greek Council for Refugees

www.gcr.gr

⁵⁵ A.R.E. v. Greece, para. 199

⁵⁶ A.R.E. v. Greece, para. 199 “[...] *the authorities did not take any steps to enable the applicant’s brother to give evidence, despite requests to that effect [...] 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*”.

⁵⁷ A.R.E. v. Greece, para. 199 “[...] *the authorities did not take any steps [...] to ascertain the authenticity of the audiovisual material submitted to them [...]*”.

⁵⁸ A.R.E. v. Greece, para. 199 “[...] *the Court notes that the criminal complaint lodged by the applicant in the present case was dismissed by the public prosecutor at the Thrace Court of Appeal in decision no. 41/2020, in which he noted, in particular, that “the Greek police ... never [effected] such ‘pushbacks’ to Türkiye” [...]*” and para. 48 “*The prosecutor further noted that [...] the allegations had not been proved “since the Greek police, having a specific remit and clear orders to open a case and submit it to the competent prosecuting authorities, never [carried out] such ‘pushbacks’ to Türkiye” [...]*”.

⁵⁹ A.R.E. v. Greece, para. 48. “[...] *The prosecutor further noted that “no arrest of a person with the same name as the applicant [had been] made [...] The public prosecutor further noted that persons arrested by the police very frequently applied for asylum and that “it [was] therefore clear that this would also have been the case for the complainant if she had been detected and arrested on Greek territory” [...]*”.