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## 1553<sup>rd</sup> meeting, 9-11 March 2026 (DH)

### H46-15 M.A. and Z.R. v. Cyprus (Application No. 39090/20) Supervision of the execution of the European Court's judgments

Reference document  
CM/Notes/1553/H46-15

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#### *Decisions*

##### The Deputies

1. recalled that this case concerns the interception at sea of the Syrian applicants by the authorities in 2020 and their collective and summary return to the Lebanese authorities without an examination of their asylum claims or individual circumstances, thereby exposing them to treatment contrary to Article 3 of the Convention and amounting to a collective expulsion, in the absence of an effective domestic remedy with suspensive effect, and that the applicants were subjected to degrading treatment while kept on board for two days;

##### *As regards individual measures*

2. noting that the just satisfaction awarded by the Court has been paid and noting the assurances provided by the authorities that access to the asylum procedure would be ensured should the applicants come within the Republic's jurisdiction, decided that no further individual measures are required;

##### *As regards general measures*

3. noted the information provided on the revised operational plan "Navkratis" as the principal general measure relied upon to address the violations found under Article 3 of the Convention and Article 4 of Protocol No. 4 to it; and invited the authorities to provide further clarification as regards the legal basis and practical operation of the safeguards required by the judgment in situations of interception at sea, including the conduct and documentation of individualised risk assessments, the issuance and communication of individual written decisions, and the application of these safeguards in the context of any operational cooperation with third States, in light of the Court's constant case-law;

4. noted that the statistical data submitted provide a general overview of arrivals by sea and the activation of the "Navkratis" plan; and, in order to assess whether the individual guarantees required by the Convention are effectively applied in each case, invited the authorities to provide more detailed and disaggregated information enabling an assessment of the preventive effect of the measures relied upon;

5. recalling the Court's findings under Article 13, taken in conjunction with Article 3 and Article 4 of Protocol No. 4 to the Convention, noted that, while the authorities consider that access to the asylum procedure ensures the availability of effective remedies, further information would be useful on how remedies with suspensive effect are ensured in law and in practice in situations involving interception at sea, including prior to any removal, as well as on the interaction between the "Navkratis" plan and the forthcoming EU Pact on Migration and Asylum framework, including requirements linked to national independent monitoring mechanisms;

6. recalling the Court's finding of a violation of Article 3 of the Convention as regards the applicants' treatment while kept on board and its identification of the absence of a clear legal framework governing such situations, invited the authorities to provide further information on the domestic legal basis governing any temporary control of migrants at sea, including the safeguards applicable as regards duration and material conditions, and on whether any legislative or regulatory measures have been adopted or are envisaged to address the lacuna identified by the Court;

7. invited the authorities to submit updated information by 1 December 2026 on the outstanding issues identified above.