

## 1553rd meeting, 9-11 March 2026 (DH)

Human rights

### H46-15 M.A. and Z.R. v. Cyprus (Application No. 39090/20)

Supervision of the execution of the European Court's judgments

Reference documents

[DH-DD\(2025\)545](#), [DH-DD\(2025\)1056](#)

---

Application	Case	Judgment of	Final on	Indicator for the classification
39090/20	M.A. and Z.R.	08/10/2024	08/01/2025	Complex problem

#### Case description

The case concerns the interception of Syrian nationals at sea by the authorities and their collective and summary return to the Lebanese authorities in 2020, without an examination of their asylum claims or individual circumstances, exposing them to treatment prohibited by Article 3 of the Convention due to the living conditions in Lebanon and the risk of indirect refoulement to Syria (violations of Article 3 of the Convention and Article 4 of Protocol No. 4), as well as the lack of an effective domestic remedy with suspensive effect regarding their removal in the absence of individual procedures and written decisions (violation of Article 13 in conjunction with Article 3 of the Convention and Article 4 of Protocol No. 4). The Court also found that the treatment by the Cypriot Port and Marine Police during the two days the applicants remained on the boat amounted to degrading treatment, in particular, on account of inadequate provision of food and water, exposure to heat and lack of hygiene facilities (violation of Article 3).

#### Status of execution

The authorities submitted a communication on 7 May 2025 ([DH-DD\(2025\)545](#)) and an Action Report on 16 September 2025 ([DH-DD\(2025\)1056](#)).

*Individual measures*

The just satisfaction awarded by the Court has been paid.

The authorities provided assurances that, should the applicants be found within the Republic's jurisdiction and request international protection, they would have access to the asylum procedure. For this purpose, the applicants' details have been uploaded into the police alert list.

#### *General measures*

#### *Violations of Article 3 and Article 4 of Protocol No. 4 (individualised risk assessment and collective expulsion)*

According to the authorities, when a boat carrying irregular migrants enters Cypriot territorial waters, the special national plan "Navkratis" – a revised version of which entered into force in July 2024 - is activated. It provides for coordination among the competent authorities, including the police, the Joint Rescue Coordination Centre (JRCC), the asylum service and the social welfare services, and aims to regulate the management of irregular arrivals by sea through preparation, inter-agency coordination, training and awareness-raising.

The authorities submitted that irregular migrants arriving by sea within the territorial waters of Cyprus are received by the authorities and transferred to the First Reception Centre Pournara, where they have the right to lodge an application for international protection. The authorities further referred to training measures for the Police, including training on the Aliens and Immigration Law, international protection procedures and border control issues.

The authorities also submitted statistical data intended to demonstrate the application of the "Navkratis" plan in practice. According to this information, in 2022 there were 41 incidents involving 807 asylum seekers arriving by sea; in 2023, 109 incidents involving 4 257 asylum seekers; in 2024, 51 incidents involving 2 859 asylum seekers; and in 2025, up to the date of the report, 8 incidents involving 143 asylum seekers.

#### *Violation of Article 3 (degrading treatment while kept on board at sea)*

The authorities referred to the revised "Navkratis" plan as addressing the violation of Article 3 found by the Court concerning the applicants' treatment while being kept on board. According to the authorities, the plan is designed to ensure that persons intercepted at sea are promptly transferred ashore, with the timely involvement of the competent authorities, including the asylum service and the social welfare services, and reception at the First Reception Centre Pournara. In their view, these arrangements are intended to prevent a recurrence of situations in which persons are kept at sea for prolonged periods.

*Violation of Article 13 in conjunction with Article 3 and Article 4 of Protocol No. 4 (effective remedy with suspensive effect)*

The authorities consider that, in view of the arrangements described above, irregular migrants arriving by sea have access to the asylum procedure and that no further general measures are required to comply with the Court's findings concerning the lack of an effective remedy with suspensive effect.

*Submissions under Rule 9 and authorities' reply*

The Cyprus Refugee Council ([DH-DD\(2025\)1388](#), 27 October 2025) and KISA, EuroMed Rights and CESSMA[1] ([DH-DD\(2026\)180](#), 23 January 2026) alleged that pushbacks and collective expulsions continued during 2024 and 2025, both at sea and on land at the Green Line (Buffer Zone). They referred to alleged interceptions of boats carrying Syrian nationals, summary returns to Lebanon or Syria without access to the asylum procedures, and situations in which persons were allegedly prevented from accessing the asylum procedure and left stranded in the Buffer Zone in precarious conditions. The NGOs further submitted that the details of the revised "Navkratis" plan remain confidential, that it does not adequately address interceptions at sea and that access to an effective remedy with suspensive effect remains problematic in practice.

In their reply of 14 January 2026 ([DH-DD\(2026\)63](#)), the authorities contested these allegations. Referring to information provided by the Joint Rescue Coordination Centre (JRCC), they stated that the Republic of Cyprus does not engage in pushbacks and that it effectively monitors the Search and Rescue area under its responsibility through a functional and modern Search and Rescue system, implemented in accordance with its international obligations. They provided information on the JRCC's mandate and standard operating procedures, including the assessment and verification of distress information, the mobilisation of naval and aerial assets, broadcasts to shipping, and coordination with the competent domestic authorities.

With regard to the March 2025 maritime incident referred to by the Cyprus Refugee Council, both the NGO and the authorities indicated that this incident did not constitute a pushback, whereas KISA, EuroMed Rights and CESSMA, in their submissions, characterised it as a pushback. The authorities further maintained that the allegations raised fall outside the scope of the execution of the present judgment. Nevertheless, they transmitted detailed factual information from the JRCC concerning the actions undertaken during the search and rescue operation, including its duration, the assets deployed and the area covered. The authorities also indicated that allegations relating to persons in the

Buffer Zone fall outside the scope of this judgment and are the subject of separate applications currently pending before the Court.

## **Analysis of the Secretariat**

### *Individual measures*

In view of the payment of the just satisfaction and taking into account the assurances provided by the authorities that the applicants would be ensured access to the asylum procedure should they come within the Republic's jurisdiction, no further individual measures are required.

### *General measures*

#### *Violations of Article 3 of the Convention and Article 4 of Protocol No. 4 (individualised risk assessment and prevention of collective expulsion)*

The Court found that the applicants were intercepted at sea and returned to Lebanon without any examination of their individual circumstances, exposing them to treatment contrary to Article 3 of the Convention and amounting to a collective expulsion. The violations were linked, *inter alia*, to the failure, prior to removal, to assess the risks arising from the lack of access to an effective asylum procedure in Lebanon, the living conditions of asylum-seekers there and the risk of *refoulement*, as well as to the failure to afford the applicants access to a procedure for claiming asylum and the absence of individualised written decisions prior to removal.

The authorities rely on the revised operational plan "Navkratis", as the principal general measure intended to address these shortcomings. According to the information provided, the plan aims to ensure coordination between the competent authorities, prompt disembarkation, registration and transfer of persons arriving by sea to the First Reception Centre Pournara, where they may lodge an application for international protection. While these elements appear relevant in light of the Court's findings, further clarification would be useful as to how the safeguards required by the judgment are provided by the relevant legal framework and operate in practice in situations of interception at sea. In particular, it would be useful to receive information on how individualised risk assessments are carried out prior to any removal; how such assessments are documented; whether individual written decisions are systematically issued and communicated to the persons concerned; and how these safeguards apply in the context of any operational cooperation with third States, in light of the Court's constant case-law that responsibility under the Convention cannot be

evaded by relying on obligations arising out of bilateral agreements with other countries (§ 91).

The statistical data submitted by the authorities provide a general overview of arrivals by sea and the activation of the “Navkratis” plan. However, they do not, as such, allow an assessment whether the individual guarantees required by the Convention are effectively applied in each case. In this regard, it may be recalled that the Court has previously found that comparable statistical information did not support the assertion that persons arriving by sea were systematically allowed to disembark and access the asylum procedure (§ 88). The Committee may therefore wish to invite the authorities to provide more detailed and disaggregated information enabling an assessment of the preventive effect of the measures relied upon.

The allegations raised by NGOs under Rule 9 concerning continued interceptions at sea and summary returns, although contested by the authorities, further underline the need for clarity and transparency as regards the applicable procedures and safeguards.

*Violation of Article 13 in conjunction with Article 3 of the Convention and Article 4 of Protocol No. 4 (effective remedy with suspensive effect)*

The Court found that the applicants did not have access to an effective remedy with suspensive effect in respect of their removal, in the absence of individual procedures and written decisions.

The authorities consider that, in view of the current arrangements and access to the asylum procedure upon arrival, no further general measures are required. However, the information provided does not clarify how remedies with suspensive effect are ensured in law and in practice in situations involving interception at sea and rapid operational decisions, nor how access to such remedies is guaranteed prior to any removal. In this context, it would be useful to receive further detailed information on the remedies available, their suspensive effect, and their accessibility in practice in situations comparable to those examined by the Court.

It may also be useful to clarify how the forthcoming EU Pact on Migration and Asylum framework, due to apply from June 2026 and including requirements linked to national independent monitoring mechanisms, will interact with the “Navkratis” plan and relevant domestic procedures, in particular as regards

individual assessment, prevention of collective measures and access to effective remedies.

*Violation of Article 3 (conditions on board at sea)*

The Court found that the applicants were kept on board a vessel for two days without a clear legal framework governing such situations and in inadequate conditions. Section 12(2) of the Aliens and Immigration Law restricts disembarkation without the consent of an immigration officer, but it does not specify the conditions under which a person may be kept at sea or for how long. As noted by the Court, the absence of a relevant legal framework regulating the circumstances under which a person is to be kept at sea pending a determination of their status could on its own raise a structural issue for the purposes of Article 3 of the Convention (§ 133).<sup>[2]</sup>

The authorities consider that this aspect of the judgment is addressed by the revised “Navkratis” plan, which is intended to ensure prompt disembarkation and transfer to reception facilities on land. While this represents a relevant development, it would be useful to receive further information on the domestic legal basis governing any temporary control of migrants at sea, the safeguards applicable as regards duration and material conditions, and whether any legislative or regulatory measures have been adopted to address the lacuna identified by the Court. It would also be useful to receive further information on the applicable legal framework and practical instructions, including any relevant data (for example, average time spent at sea prior to disembarkation and the role of the competent immigration officer during this period).

*Conclusion*

In view of the nature of the violations found by the Court, the reliance placed by the authorities primarily on the operational plan “Navkratis” rather than on clearly articulated legal safeguards, the absence of detailed information enabling an assessment of the practical application of individualised procedures and remedies, and the persisting divergent positions reflected in the Rule 9 submissions, the information available at this stage does not support closure of the case or transfer to standard supervision at the first examination.

In this context, the Committee may wish to invite the authorities to submit updated information on the outstanding issues identified above by 1 December 2026.

Financing assured: YES
------------------------

Sent from my iPhone

