



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 23 January 2017

FIRST SECTION

Application no 55798/16

A.A. and Others against the former Yugoslav Republic of Macedonia
and 4 other applications
(see list appended)

STATEMENT OF FACTS

THE FACTS

The applicants were represented before the Court by Mr C. Gericke, a lawyer practising in Hamburg, Germany. The Vice-President of the Chamber acceded to their request not to have their names disclosed (Rule 47 § 3 of the Rules of Court).

A. The circumstances of the cases

The facts of the cases, as submitted by the applicants, may be summarised as follows.

1. Application no 55798/16 (A.A. and Others v. the former Yugoslav Republic of Macedonia)

The applicants are a Syrian family from Aleppo. They left Syria in late 2015 and on 24 February 2016 they arrived in Idomeni, Greece, a town situated on the border with the respondent State, where an encampment had been set up for refugees. They allege that on 14 March 2016 they joined a large group of refugees (around 1,500) in what became known as “The March of Hope”, crossed the Macedonian-Greek border (wading across a river (Suva Reka)) and entered Macedonian territory. After a short walk, they reached a point where hundreds of refugees (at least 500) were allegedly surrounded by Macedonian military personnel. There were also Czech and Serbian soldiers. They spent the night in the open air. At 5 a.m. the next morning, Macedonian soldiers threatened the refugees, including the applicants, with violence unless they returned to Greece. The applicants walked for three to four hours and arrived in Idomeni, Greece.

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2. *Applications nos. 55808/16, 55817/16, 55820/16 and 55823/16 (D.R.; H.O.; S.H.A.; I.A. v. the former Yugoslav Republic of Macedonia)*

The applicants are Afghan, Iraqi and Syrian nationals. The applicant in application no. 55817/16 is reliant on a wheelchair. They allege that on 14 March 2016 they left the Idomeni encampment, joined “The March of Hope”, crossed a river (Suva Reka) and entered the territory of the respondent State. The applicant in application no. 55817/16 wheeled himself where possible and relied on others to carry him over muddy or rocky terrain. A group of volunteers carried him in his wheelchair across the river. In Moin, a small village in the respondent State, the applicants were intercepted and surrounded by Macedonian soldiers, who told those gathered that if they failed to turn off their cameras and phones, they would confiscate them. The soldiers then separated out and arrested activists, journalists and volunteers (who were accompanying the refugees on the march), which prevented the ensuing actions of the State officials from being documented. The Macedonian soldiers allegedly ordered the applicants to board army trucks and drove them to the Greek border. Some of the applicants alleged that police officers from the respondent State had been standing guard at the border fence. Others alleged that soldiers had formed two lines and ordered the refugees to run between them. The soldiers had allegedly used sticks to beat the refugees as they ran to the fence. The applicants were ordered to cross the fence to the Greek side of the border. They passed through a hole in the fence or crawled under it. Soon afterwards they returned to the encampment in Idomeni, Greece.

3. *Facts complained of by all applicants*

The applicants allege that at no point did the Macedonian officials ask for their names or any other identification details. They were not processed in accordance with the national procedure for registering unauthorised migrants and adjudicating on their presence. They were not given the opportunity to explain their personal situation or to request international protection, nor were they issued with an administrative or court order for their deportation. They were not provided with an interpreter or legal assistance.

4. *Relevant material*

In support of their allegations the applicants submitted voluminous documentary material, including reports by international and human rights organisations, media articles, witnesses’ statements as well as information provided by relevant authorities of the respondent State. They also submitted video material.

COMPLAINTS

The applicants complain that there was no individual assessment of their case by the national authorities. Their summary deportation by the

Macedonian authorities amounted to collective expulsion, in violation of their rights under Article 4 of Protocol No. 4 of the Convention. Furthermore, they complain that they had no access to a procedure before the national authorities that would have allowed them to challenge and postpone their collective deportation to Greece, in violation of Article 13 of the Convention.

QUESTIONS

1. In light of the applicants' allegations, did the authorities of the respondent State carry out on 15 March 2016 the deportation of refugees, including the applicants, who had entered their territory from Greece the previous day in what became known as "the March of Hope"? The respondent Government are invited to comment on the applicants' allegations and the supporting material supplied by them in this respect.

2. If so, did the applicants' deportation to Greece by the authorities of the respondent State amount to expulsion contrary to Article 4 of Protocol No. 4 of the Convention (see *Khlaifia and Others v. Italy* [GC], no. 16483/12, 15 December 2016)?

3. Did the applicants have access to an effective remedy before a national authority within the meaning of Article 13 of the Convention, to assert their rights guaranteed under Article 4 of Protocol No. 4?