



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

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THIRD SECTION

Application no. 12188/25
Maritess HERNANDEZ
against Greece
lodged on 4 April 2025
communicated on 18 September 2026

SUBJECT MATTER OF THE CASE

The application concerns complaints under Articles 6 § 1, 8 and 13 of the Convention regarding excessive length of criminal proceedings and of the absence of an effective remedy to that effect.

The applicant is a Philippine national residing in Greece. In July 2008, a criminal complaint for theft was lodged against the applicant. In March 2010, the applicant was called to provide written explanations to the Prosecutor at the Athens Misdemeanour Court. She alleges that her residence permit was revoked thereafter. She provided her written explanations on 31 March 2010. On 5 November 2015, she was summoned to provide her defence by the Athens Investigating Judge in the context of a criminal investigation (*κύρια ανάκριση*) and was indicted to stand trial. On 21 October 2016 the Athens One-Member Criminal Court of Appeal, sitting as a first-instance court, heard the case and, following consecutive adjournments, by judgment no. 603/2018 published on 2 February 2018, convicted the applicant of theft and sentenced her to a four-year prison term. The applicant appealed on the same day. The Athens Three-Member Criminal Court of Appeal, following consecutive adjournments, acquitted the applicant by its judgment no. 1329/2024 published on 5 March 2024.

By its judgment no. 119/2025 published on 9 January 2025, the Athens Court of Appeal dismissed the applicant's request for just satisfaction in respect of excessive length of the criminal proceedings under Law

no. 4239/2014. The court noted that, in accordance with Article 3 § 1 of that law, the request for just satisfaction must be lodged separately at each level of jurisdiction. Accordingly, it held that it could only examine the length of appellate proceedings and declared inadmissible the request with respect to the first-instance proceedings. It further held that the length of the appellate proceedings had been four years and five months after having deducted a period of 19 months and 27 days during which it was not possible to try the case on account of a lawyers' strike. It concluded that this length of proceedings satisfied the requirements of Article 6 § 1 of the Convention, considering (a) that it had not significantly exceeded the threshold of three years which was generally accepted by the Court, and (b) that substantial delays had been caused by the effects of the COVID-19 pandemic, which had prevented criminal trials from taking place for a considerable period.

Under Article 6 § 1 of the Convention, the applicant complains that in judgment no. 119/2025 the Court of Appeal failed to apply the criteria established in the Court's case-law when assessing the length of the criminal proceedings. She argues that the length of proceedings had been excessive even though the case had not been complex, and this had serious consequences for her, in particular as her residence permit had been revoked in March 2010 and, as a result, she could not leave the Greek territory for approximately 14 years. She also complains under Article 13 that the remedy under Law no. 4239/2014 was not effective, particularly as (a) the criteria established in the Court's case-law were not complied with by domestic courts, (b) many requests were dismissed even though criminal proceedings had been excessively lengthy, and (c) the procedure was costly and, if any sums were awarded, they were manifestly disproportionate to those that would have been awarded by the Court. Lastly, under Article 8, the applicant complains that the length of the criminal proceedings had had serious consequences on her private life.

QUESTIONS TO THE PARTIES

1. Was the length of the criminal proceedings in the present case in breach of the “reasonable time” requirement of Article 6 § 1 of the Convention?

What was the starting point of the period to be taken into consideration, having regard to the fact that the applicant may have become aware of the criminal charge or have been substantially affected by the measures taken in the context of criminal proceedings when she was brought in for questioning in March 2010 and her residence permit was then allegedly revoked (see *Mamič v. Slovenia* (no. 2), no. 75778/01, §§ 23-24, ECHR 2006-X (extracts), *Kalēja v. Latvia*, no. 22059/08, § 40, 5 October 2017, and *Liblik and Others v. Estonia*, nos. 173/15 and 5 others, § 94, 28 May 2019)?

2. Did the applicant have at her disposal an effective domestic remedy for her complaint under Article 6 § 1, as required by Article 13 of the Convention?

In particular, did the remedy provided under Law no. 4239/2014 satisfy the requirements of Article 13 considering the applicable legal framework and its application by domestic courts, notably as regards (a) the fragmentation of proceedings and the lack of examination of the overall length of proceedings, (b) the interpretation of the criteria for the assessment of the length of proceedings in line the Court’s case-law, and (c) the adequacy of the sums awarded considering also the costs incurred (see *Vervele v. Greece*, no. 34012/20, §§ 50-85, 26 August 2025, with further references)?

3. The parties are invited to provide examples of decisions reflecting the domestic courts’ practice in cases concerning the length of criminal proceedings under Law no. 4239/2014.

In particular, the Government are invited to submit data on:

- the number of claims for just satisfaction relating to proceedings before criminal courts which have been rejected and the periods which were taken into consideration,

- the number of claims for just satisfaction relating to proceedings before criminal courts which have been granted or granted in part, the periods taken into consideration and the amount of compensation awarded in each of them.

In submitting the above-mentioned data, the Government are invited to provide a sufficient sample of relevant domestic decisions and their copies to enable the Court to comprehensively analyse the domestic courts’ practice under Law no. 4239/2014 regarding the length of criminal proceedings (compare *Vervele*, cited above, §§ 55-79).