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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1331st meeting (December 2018) (DH)

Communication from a NGO (Federation of Western Thrace Turks in Europe (ABTTF)) (09/11/2018) in the Bekir-Ousta and Others group of cases v. Greece (Application No. 35151/05).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1331^e réunion (décembre 2018) (DH)

Communication d'une ONG (Federation of Western Thrace Turks in Europe (ABTTF)) (09/11/2018) dans le groupe d'affaires Bekir-Ousta et autres c. Grèce (requête n° 35151/05).

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



Avrupa Batı Trakya Türk Federasyonu

Föderation der West-Thrakien Türken in Europa

Federation of Western Thrace Turks in Europe

Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης

Fédération des Turcs de Thrace Occidentale en Europe

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Member of the Fundamental Rights Platform (FRP) of the European Union Agency for Fundamental Rights
Member of the Federal Union of European Nationalities (FUEN)

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DGI

09 NOV. 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Witten, 09.11.2018

Subject: The group of cases Bekir-Ousta and Others v. Greece (Application No. 35151/05)

Dear Mr. Fredrik Sundberg,

I am writing you in my capacity as the President of the Federation of Western Thrace Turks in Europe (ABTTF) to report the state of execution of the group of cases Bekir Ousta and others v. Greece (application No. 35151/05) under Rules 9(1) and 9(2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments with a request that this letter is taken into consideration for the 1331st meeting (December 2018) (DH) on 4-6 December 2018.

ABTTF would like to recall its communication on 20 July 2018 that the Thrace Court of Appeal, with judgment 96/2018, declared inadmissible the application of the Xanthi Turkish Union for the re-opening of the proceedings under Articles 29 and 30 of Law 4491/2017 and ordered that there is no possibility of the re-opening of the proceedings on grounds that Xanthi Turkish Union has already filed an application, with a similar content, with a request for the re-opening of the case after the ECtHR's decision, which was rejected by the Thrace Court of Appeal with judgment 477/2009 and then by the Supreme Court with judgments 352/2012 and 1549/2012. The Xanthi Turkish Union appealed for cassation before the Supreme Court on 30 October 2018. The remedy before the Supreme Court may, again, take a long time, which in turn would further delay the implementation of the ECtHR's judgment, given that more than ten years have elapsed since the Court's judgment in 2008.

ABTTF would like to inform that the other two applicant associations in the Group of cases Bekir-Ousta and Others v. Greece, the Minority Youth Association at the Evros Prefecture (case Bekir Ousta and others) and the Cultural Association of Turkish Women at the Rodopi Prefecture (case of Emin and others) applied to the Thrace Court of Appeal for the re-opening of the domestic proceedings under Law 4491/2017. The Three-Member Court of Appeal will hear the two cases on 7 December 2018.

We strongly regret that Greece ignores the interim resolution (CM/ResDH(2014)84) which notes that the applicants have not succeeded in having their cases re-examined in the light of the Court's findings on the basis that ECtHR's judgments did not constitute, per se, a cogent factor for an application seeking for annulment or revocation of the national court's judgment on the basis of new facts or a change in the circumstances in which the judgment had been handed down.

In light of the information above Greece persistently refuses to implement the individual measures in the group of cases Bekir Ousta and others after the adoption of Law 4491/2017. We believe that the Government of Greece has, in fact, no intention to implement the ECtHR's judgments which would acknowledge the existence of the Turkish community in Western Thrace.

Greece has, therefore, ignores the interim resolution and recommendations by the Committee of Ministers on the application of Law 4491/2017. We request from the Committee of Minister to urge Greece to take, without any further delay, all necessary measures so that the applicants benefit from proceedings in compliance with the ECtHR's judgments.

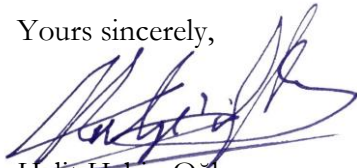
We urge the Committee of Ministers to ask the Government of Greece to provide tangible and detailed information on implementation of Law 4491/2017 by domestic courts in light of the judgment 96/2018 of the Thrace Court of Appeal and information on change in the domestic courts' case law concerning registration of associations in Western Thrace following the adoption of Law 4491/2017.

We ask the Committee of Ministers to continue to monitor the group of cases Bekir-Ousta and others v. Greece provided above that Xanthi Turkish Union appealed to the Supreme Court and the other two applicant associations applied to the Thrace Court of Appeal for the re-opening of the domestic proceedings.

Since there is no progress achieved considering the time that has elapsed since these judgments became final, we urge the Committee to issue a resolution in which it will ask the Government of Greece to implement, with no delay, individual measures and general measures in the group of cases Bekir-Ousta and others.

Please accept the assurances of my highest consideration.

Yours sincerely,



Halit Habip Oglu
ABITF President