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Contact: Zoë Bryanston-Cross  
Tel: 03.90.21.59.62

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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: 1411<sup>th</sup> meeting (September 2021) (DH)

Communication from an NGO (Federation of Western Thrace Turks in Europe) (02/07/2021) 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 : 1411<sup>e</sup> réunion (septembre 2021) (DH)

Communication d'une ONG (Federation of Western Thrace Turks in Europe) (02/07/2021) dans le groupe d'affaires BEKIR-OUSTA ET AUTRES c. Grèce (requête n° 35151/05) **[anglais uniquement]**

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.

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**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)

Clare Ovey

Head of the Department for the Execution of Judgments of the European Court of Human Rights

E-mail(s): [dgi-execution@coe.int](mailto:dgi-execution@coe.int); [dgi\\_execution\\_just\\_satisfaction@coe.int](mailto:dgi_execution_just_satisfaction@coe.int)

DGI

02 JUIL. 2021

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

Witten, 02.07.2021

**Subject:** The Court of Cassation's decision on the Xanthi Turkish Union in the Bekir-Ousta and Others group of cases against Greece (Application No. 35151/05)

Dear Ms. Clare Ovey,

I am writing you in my capacity as the President of the Federation of Western Thrace Turks in Europe (ABTTF) under Rule 9.2. to provide you an update by 30 June 2021 on the outcome of the proceedings in the appeal lodged by Xanthi Turkish Union in the Bekir-Ousta and Others group of cases against Greece (Application No. 35151/05).

On 30 June 2021, the Court of Cassation rendered its decision (No 840/2021) (<https://extapps.solon.gov.gr/mojwp/faces/LdoPublicDetails>) on the Xanthi Turkish Union and rejected the appeal. The Court has not rendered its reasoned judgment yet. The Court of Cassation's decision on the Xanthi Turkish Union will have an impact on the appeals by *Bekir-Ousta and Others* and *Emin and Others* which has now been scheduled for 1 October 2021.

We regret to see that the Court of Cassation has not considered the Interim Resolution(CM/ResDH(2021)105 and previous decisions taken by the Committee of Ministers on the Bekir Ousta group of cases and did not decide in full and effective compliance of Article 11 of the Convention and the Court's case-law and Article 46 of the Convention which underlines a contracting State's obligation to fully and effectively comply with the Court's judgments through the adoption of timely measures.

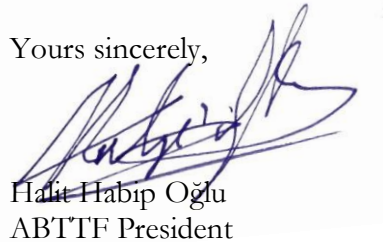
Contrary to the principles set out in the Court's judgments in the Xanthi Turkish Union and the other two associations and the CM/DH decisions in this group since 2008, it is very clear that the non-execution of the European Court's judgments is due to the deeply rooted problem in politics which seem to have prevented the judiciary to act and decide independently and in accordance with ECtHR's judgments and the Court's case-law. The recent example of political intervention to the judiciary has been observed in the removal of the Macedonian "Krste Misirkov" association in Voden. Greece did not allow the registration of the Macedonian "Krste Misirkov" and the association was removed from the register of cultural institutions only one day after its registration.

The execution of ECtHR's judgments in the Bekir Ousta group of cases has been very politicized and is regarded as an issue of national sovereignty with a mere suspicion based on the possibility of the use of the Turkish community for the collective identification of the Minority which is officially recognized as a Muslim minority on a religious basis, under the 1923 Lausanne Peace Treaty, not an ethnic Turkish minority.

In light of the information above, there cannot be any tangible progress with this procedure of re-opening the proceedings in civil matters in the Bekir Ousta group of cases due to the very high politicisation of this legal issue. Considering the fact that Greek authorities did not take any measures for the re-opening of the three cases in the Bekir-Ousta group on merits in 13 years, we urge the Committee of Ministers to take a political step and send a strong political message to the Government of Greece.

Please accept the assurances of my highest consideration.

Yours sincerely,



Halit Habip Oğlu  
ABITF President