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Date: 01/06/2022

DH-DD(2022)595

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Meeting: 1436th meeting (June 2022) (DH)

Reply from the authorities (01/06/2022) following a communication from an NGO (Federation of Western Thrace Turks in Europe) (04/03/2022) in the case of TOURKIKI ENOSI XANTHIS AND OTHERS v. Greece (Application No. 26698/05) (BEKIR-OUSTA group, 35151/05).

Information made available under Rule 9.6 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 : 1436^e réunion (juin 2022) (DH)

Réponse des autorités (01/06/2022) suite à une communication d'une ONG (Federation of Western Thrace Turks in Europe) (04/03/2022) relative à l'affaire TOURKIKI ENOSI XANTHIS ET AUTRES c. Grèce (requête n° 26698/05) (groupe BEKIR-OUSTA, 35151/05) **[anglais uniquement]**.

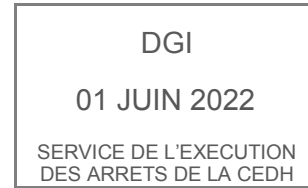
Informations mises à disposition en vertu de la Règle 9.6 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



PERMANENT REPRESENTATION OF GREECE

TO THE COUNCIL OF EUROPE

The Permanent Representative



No de Réf. : 6702 / 598

31 May 2022

*Ms Clare Ovey
Head of the Department
for the Execution of Judgments
of the European Court of Human Rights*

Dear Ms Ovey,

Please find attached the authorities' reply to the communications from the applicant association "*Tourkiki Enosi Xanthis*" dated 25.2.2022 (document DH-DD(2022)253 and the NGO "*Federation of Western Thrace Turks in Europe*" dated 4.3.2022 (document DH-DD(2022)323).

Yours sincerely,

Panayiotis Beglitis
Ambassador

c/c : - Ms Evgenia Veloni
President of the Legal Council of the State/
Agent of the Government of Greece before the ECtHR
- DG1-Execution
- Ms Dominique Huber
Secretariat of the Committee of Ministers

In response to the communications dated 25.2.2022 and 4.3.2022 submitted, respectively, by the President of the applicant association “*Tourkiki Enosi Xanthis*” and the NGO “*Federation of Western Thrace Turks in Europe*”, we wish to highlight the following points:

1. The judicial authorities are bound by the fundamental principle and obligation of the secrecy of the pre-trial investigations and inquiries.
2. The authorities’ silence does not tantamount to an acceptance of the association’s and the NGO’s allegations and accusations.
3. The principle of secrecy of the pre-trial investigations and inquiries aims at guaranteeing the presumption of innocence as well as the “*authority of the judiciary*”.
4. As the Court itself has put it “*The phrase “authority of the judiciary” includes, in particular, the notion that the courts are, and are accepted by the public at large as being, the proper forum for the settlement of legal disputes and for the determination of a person’s guilt or innocence on a criminal charge (see *Worm v. Austria, judgment of 29.8.1997, Reports 1997-V, p. 1549, § 40, Kyprianou v. Cyprus, judgment of 15.12.2005, § 172*).*
5. Therefore, it would be wrong for the Committee of Ministers to consider the applicant’s or the aforementioned NGO’s allegations as well founded. Rather, they are intended to influence the outcome of the ongoing inquiries, by conveying to the reader the impression that the criminal investigation carried out by the public prosecutor of Xanthi is unjustified and that he cannot possibly do otherwise than abstain from bringing charges against people who participated in the march of July 2021.
6. Against this background, we wish to underline that evidently measures taken to prevent the spread of Covid-19 are in no way linked to the execution of the ECtHR judgments and apply equally to everyone irrespective of religion. That also includes people wishing to organize or participate in a march.