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Date: 24/10/2024

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Meeting: 1514th meeting (December 2024) (DH)

Communication from the applicant (23/10/2024) concerning the Bekir-Ousta and Others group of cases v. Greece (Application No. 35151/05).

Information made available under Rule 9.1 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 : 1514^e réunion (décembre 2024) (DH)

Communication du requérant (23/10/2024) relative au groupe d'affaires Bekir-Ousta et autres c. Grèce (requête n° 35151/05) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

The President of the Committee of Ministers

Department for the Execution of Judgments of
the European Court of Human Rights
Council of Europe
Strasbourg - France
DGI-execution@coe.int, cm@coe.int

DGI

23 OCT. 2024

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Komotini, 21-10-2024

Dear President,

Under the Rule 9(1) of the Rules of the *Committee of Ministers* for the supervision of the execution of ECtHR judgments, please find enclosed the *communication* on the execution of *Bekir-Ousta and others group of cases against Greece (Application No:35151/05)* and request that it is uploaded on your website.

Yours Sincerely,



Ozan Ahmetoglou

Head of the board of Xanthi Turkish Union



Hasan Bekir-Ousta

Head of the board of Evros Minority Youth Association



Hulya Emin

Head of the board of the Cultural Association of
Turkish Women of Rodopi Prefecture

Letter of Communication
according to Rule 9.1 of the Committee of Ministers
for the supervision of the execution of judgments
and of the terms of friendly settlements

We are writing you in our capacity as the presidents of the legal entities that form the Bekir Ousta v. Greece group cases and the judgments pending implementation by the Greek authorities, that is Mr Ozan Ahmetoglu, head of the Board of the Xanthi Turkish Union, Ms Hulya Emin head of the Board of the Rhodope Prefecture Turkish Women Cultural Association as well as Mr Hasan Bekir

Ousta, head of the Board of the Evros Prefecture Minority Youth Association. With this letter of communication we want to respectfully inform the honourable members of the Committee of Ministers about the latest developments with regard to the process of execution of the judgments the European Court of Human Rights issued in our cases (application nos, 26698/05, 35151/05, 34144/05).

With regard to the past four months we recall Decision CM/Del/Dec(2024)1501/H46-14 of the Deputies of the members of the Committee of Ministers, issued on 13th June 2024 whereby it is stressed —among others— that the applicants have not been provided with restoration of their violated rights even though they have exhausted all available means in the domestic legal order. In the same document is also noted that national authorities expressed their intention to establish a Committee of Experts which will study the Bekir Ousta v. Greece group of cases and advise them on the ways the applicants will be provided restitutio in integrum. The Deputies highlighted as well the unconditional obligation of all respondent States to fully and effectively implement all judgments against them under Article 46 para. 1 of the Convention. In this respect, national authorities were clearly urged to provide detailed information on how the Greek Committee of Experts will operate its mandate as well as an indicative time frame for the conclusion of its task, before the upcoming meeting in December 2024.

On 27th September 2024, the Greek Delegation informed the Head of the Department for the Execution of the Judgements of the ECtHR, Mr. Frederic Dolt and the General Director, Mr. Gianluca Esposito that the announced Committee of Experts, has been eventually formed, started its work and prepared a road map to be observed and implemented in the coming months. In the relevant document the Chair of the said committee Mr. George Karavokyris, draws a list of actions and terms of reference that is expected to bind the members of the committee. However, a close inspection of the text reveals significant divergences between the demands of the above mentioned Decision of the Delegates of the Committee of Ministers and the articulated plans of the Greek Committee of Experts. It is evident that the road map and the terms of reference are definitely vague, lacking the detail requested. Likewise, as it is stated in the same plan, the purpose of the establishment of this group is simply to study the progress of the execution of the Bekir Ousta and Others v. Greece group of cases, overlooking the call for providing advice to the State as to its obligation to execute the judgments in matter. It is, therefore, disappointing to see that the mandate of the Committee of Experts does not involve the work of defining the means of executing the judgments of the Court yet only the study of progress in their execution. Indeed, any reader would easily understand that there is not a single reference to the implementation of the judgments of the Bekir Ousta group of cases despite the explicit call by the Deputies. The inclusion of such task in the scope of the work of the Committee of Experts is skillfully omitted. Lastly, the submitted road map fails to set a clear and certain time limit to the activities of the committee, a flaw that, given the 16 years of lack of execution by the national authorities, remains significant for the failure to provide restitution of the rights of the applicants.

In view of the above developments as well as the findings from the review of the information submitted by the national authorities we would like to respectfully draw the attention of the honourable members of the Committee of Ministers to the following conclusions: it is evident that a) the Greek Government, being the responsible to fully and effectively implement the judgments of the ECtHR, continues to devise various methods in order to avoid its obligations deriving from the Convention, b) the establishment and work of the Committee of Experts, as deciphered above, will serve as a tool to delay even longer the execution of the judgments of the Bekir Ousta v. Greece group of cases, c) national authorities are not willing to execute the judgments of the Bekir Ousta v. Greece group of cases, as obliged to do so.

Consequently, we consider that the Greek authorities do not meet the demands expressed by the Deputies of the Committee of Ministers in Decision CM/Del/Dec(2024)1501/H46-14, published on 13th June 2024. Even though the Committee of Experts has been established, its action plan reveals that the intention is not to promptly abide by the obligation to implement the judgments issued against them but to delay them, if not completely avoid to execute them. Therefore, we believe that the Greek Government must be effectively pressed to act according to the responsibilities undertaken under the Convention. To this end, it is proposed to the Committee of Ministers to issue the interim resolution as described in the relevant Decision in June 2024 and take all the necessary steps to induce the Greek Government to abide by its international commitments.