

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



Contact: John Darcy
Tel: 03 88 41 31 56

Date: 28/11/2019

DH-DD(2019)1427

Document distributed under the sole responsibility of its author, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1362nd meeting (December 2019) (DH)

Communication from a NGO (Greek Helsinki Monitor) (18/11/2019) in the case of HOUSE OF MACEDONIAN CIVILIZATION AND OTHERS v. Greece (Application No. 1295/10)

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.

* * * * *

Document distribué sous la seule responsabilité de son auteur, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1362^e réunion (décembre 2019) (DH)

Communication d'une ONG (Greek Helsinki Monitor) (18/11/2019) dans l'affaire HOUSE OF MACEDONIAN CIVILIZATION ET AUTRES c. Grèce (requête n° 1295/10) (**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.

18 NOV. 2019

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH



GREEK HELSINKI MONITOR (GHM)

Address: P.O. Box 60820, GR-15304 Glyka Nera

Telephone: (+30) 2103472259 **Fax:** (+30) 2106018760

e-mail: panayotedimitras@gmail.com **website:** <http://greekhelsinki.wordpress.com>

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

16 November 2019

Execution of House of Macedonian Civilization and others v. Greece (Application No. 1295/10)

Mr President

Under Rule 9(1) of the Rules of the **Committee of Ministers** for the supervision of the execution of **ECtHR** judgments we submit the attached communication by applicants whom we represented before the **ECtHR** and are representing before the **Committee of Ministers** on the execution of *House of Macedonian Civilization and others against Greece (Application No. 1295/10)*, and request that it is also uploaded at your special website for the *1362nd DH meeting (3-5 December 2019)*.

Yours faithfully

Panayote Dimitras

Executive Director of Greek Helsinki Monitor and applicants' representative

***Applicants' communication on the execution of
House of Macedonian Civilization and others against Greece (Application No. 1295/10)***

16 November 2019

On 8 October 2019, the **Committee of Ministers** received and then uploaded both a [**Rule 9.1 Communication from the applicant in the case of House of Macedonian Civilization and Others v. Greece \(No. 1295/10\) \[DH-DD\(2019\)1152\]**](#) and an [**Action report: Communication from Greece concerning the case of House of Macedonian Civilization and others v. Greece Application No. 1295/10\) \[DH-DD\(2019\)1114\]**](#).

The arguments in the applicant's communication were not addressed in **Greece's** action report, or in the 40 days since in some new communication by **Greece**. The **Committee of Ministers** is requested to infer that **Greece** has no arguments and/or no willingness to address the applicant's concerns.

In its action report, **Greece** claims that, since the applicant did not use the remedy of law 4491/2017, there is no need for any individual measures. Moreover, **Greece** informs that there are more than 500

associations registered whose name includes the name “Macedonia” or the adjective “Macedonian,” and that is the result of the wide dissemination of the judgment; hence, there is no need for general measures either.

The latter argument is misleading: most of these 500+ Macedonian associations have been registered well before 2016 when the judgment was disseminated. Most importantly, the name of all these associations refers to the regional ethnic Greek identity of Macedonian (like other such regional Greek identities: Cretan, Thracian, Ionian, Epirotic, etc) unlike the name of the applicant **House of Macedonian Civilization** which refers to an ethnic (non-Greek) Macedonian identity. In fact, before the **ECtHR**, **Greece** had argued that it was the ethnic Macedonian name of the applicant association which allegedly threatened the freedom of association of the members of the 500+ regional Greek Macedonian associations that Greece invoked in its action report. Here is the relevant excerpt from [the 2015 judgment](#):

«28. (...) Les juridictions internes ont justement considéré que l’emploi du terme «macédonien» dans le nom de l’association requérante comme élément culturel et linguistique se distinguant de l’histoire grecque pourrait entraver l’exercice de la liberté d’association par des tierces personnes. Tel serait le cas des membres d’autres associations où le terme «macédonien» est utilisé dans sa connotation géographique, se référant à la partie nord de la Grèce.»

On the other hand, **Greece** failed to address in its action report the September 2019 dissolution of the only other ethnic Macedonian association in the country, the **Brotherhood of Natives from Serres: Cyril and Methodious** by a court ruling that the term “Natives” in the title of the association referred to speakers of a Macedonian language, which was misleading and confusing as the Natives of Serres and more generally of Macedonia according to the court have been speaking since ancient times the Greek language. It was moreover a threat to public order and security and to peaceful coexistence as well as a violation of the rights of others (who believe otherwise) as it also implied that all “natives” of Serres are Macedonian speakers.

Finally, in the individual measures section of the action report, **Greece** totally ignored the 2017 local Florina court decision rejecting for the third time, and despite the two **ECtHR** judgments, the registration of the **House of Macedonian Civilization**, arguing that **ECtHR** judgments have no direct effect on domestic Greek case law, and reaffirming the previous judgments, including **Court of Cassation** judgments, that the applicant association cannot be registered.

In fact, by ignoring the **House of Macedonian Civilization**’s third effort to register while asking that the **Committee of Ministers** closes the examination of this case, **Greece** proved beyond any doubt that it has no intention to implement **ECtHR** judgments related to the rights of the two ethnic minorities, **Turks** and **Macedonians**, which it adamantly refuses to recognize despite an avalanche of recommendations and judgments by international judicial or expert bodies. The **Committee of Ministers** is requested to take into consideration as supporting evidence:

- The decades old refusal to register the **House of Macedonian Civilization** and the recent dissolution, soon after registration, of the **Brotherhood of Natives from Serres: Cyril and Methodious** reflect the refusal to recognize the existence of a Macedonian minority.
- The decades old dissolution or refusal to register the three associations in the **Bekir Ousta** group of cases, the **Turkish Union of Xanthi**, the **Cultural Association of Turkish Women in the Rodopi Prefecture**, and the **Minority Youth Association at the Evros Prefecture**, as well as the recent refusal to register the **Cultural Association of Turkish Women in the Prefecture of Xanthi** reflect the refusal to recognize the existence of a Turkish minority.

- The refusal to recognize the existence of a Turkish minority is reflected also in the recent blatant violation of **Greece's** commitments that had led to the [Resolution ResDH\(2005\)88 concerning judgments of the European Court of Human Rights concerning the conviction of Muslim leaders in violation of their freedom of religion: Serif against Greece, judgment of 14 December 1999 \(final on 14 March 2000\) and Agga No. 2 against Greece, judgment of 17 October 2002 \(final on 17 January 2003\)](#). Since 2017, **Mufti Ibraim Serif** and **Mufti Ahmet Mete** (successor to **Mufti Mehmet Agga**) have each been convicted once and have been referred to two more trials for the very same charges that led to the past **ECtHR** judgments against **Greece**, i.e. usurping the functions of Muslim Muftis, while they have been summoned as suspects in several additional such cases. It is to be added that **Mufti Ahmet Mete** was convicted alongside **Imam Erkan Azizoglu**. All four aforementioned religious officials were elected and were/are followed by the large majority of the members of the "Muslim minority" in Thrace, as stated even in Greek court indictments, who identify as Turks.

Recommendations (one new and three previously submitted)

1. The **Committee of Ministers** is urged to join the **House of Macedonian Civilization** and the **Bekir-Ousta group of cases** as they concern the same violation of freedom of association of ethnic minority associations in **Greece**.
2. The **Committee of Ministers** is urged to recommend to the government to request the **Prosecutor at the Court of Cassation** to file an application for cassation of the **District Court of Florina Judgment 16/2017**. If successful, it will annul that judgment and also remove from the case law the aforementioned previous **Court of Cassation** judgments invoked by national courts to challenge the direct effect of **ECtHR** judgments and to claim that the **House of Macedonian Civilization** is a threat to public order and national security. Manifestly, the **Court of Cassation** should/will take into consideration that, with the **Prespes Agreement**, **Greece** has recognized the **Macedonian language** and **Macedonian culture** which put to rest claims that the use of the word **Macedonian** in the association's title contravenes public order and jeopardizes the harmonious coexistence of the population of the Florina region. After such a **Court of Cassation** judgment, the **District Court of Florina** will be compelled to register the **House of Macedonian Civilization**. If that recommendation is followed, the **House of Macedonian Civilization** will be registered by the end of 2020.
3. The **Committee of Ministers** is urged to also recommend to the government as an alternative that **Greece** should follow the example of **North Macedonia** and **Bulgaria** which replaced the court registration of associations with **ECHR**-compliant government registration authorities that simply examine the formal requirements for registration (such as the address of the association, the names of its founding numbers, its statute etc.), as general measures in the execution of the **ECtHR** judgments ["Association of Citizens Radko and Paunkovski v. North Macedonia"](#) (a Bulgarian minority association) and [United Macedonian Organisation Ilinden and Others v. Bulgaria](#) (Macedonian minority associations). Such change of legislation does not require more than a few months and perhaps a couple of months to set up the new authority. Hence, if that recommendation is followed the **House of Macedonian Civilization** will be registered by the summer of 2020.
4. The **Committee of Ministers** is requested to note that in 2020 the **House of Macedonian Civilization** will have completed thirty (30) years of efforts to register in **Greece** and hence it deserves, with the help of the **Committee of Ministers**, a successful outcome.