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Date: 21/10/2024

DH-DD(2024)1205

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: 1514th meeting (December 2024) (DH)

Communication from an NGO (Federation of Western Thrace Turks in Europe (ABTTF)) (11/10/2024) concerning 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 : 1514^e réunion (décembre 2024) (DH)

Communication d'une ONG (Federation of Western Thrace Turks in Europe (ABTTF)) (11/10/2024) 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 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



communication from an NGO in Bekir-Ousta and Others group v. Greece.
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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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11 OCT. 2024

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COMMUNICATION

In accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements by Federation of Western Thrace Turks in Europe (ABTTF)

Witten, 11.10.2024

Subject: DH-DD(2024)1094 / 27 September 2024 - Communication from the Greek authorities concerning the Bekir-Ousta and Others group of cases v. Greece (Application No. 35151/05)

Dear Mr. Frédéric Dolt,

In my quality as President of the Federation of Western Thrace Turks in Europe (ABTTF), I would like to congratulate you on your appointment as Head of the Department for the Execution of Judgments of the European Court of Human Rights of the Council of Europe and wish you success in this challenging new role.

Pursuant to Rule 9.2, I am writing to you with respect to the work and roadmap of the Committee of Experts as communicated in the letter of Ambassador Panos Beglitis, Permanent Representative of Greece to the Council of Europe, dated 27 September 2024 ((DH-DD(2024)1094)), requesting that this letter be included in the Bekir-Ousta and Others group of cases (Application No. 35151/05) to be examined on 5 December 2024 at the 1514th CM/DH meeting.

In Decision CM/Del/Dec (2024)1501/H46-14 dated 14 June 2024, the Committee of Ministers requested from the Committee of Experts to provide detailed information on how it would work, its scope of work and an indicative timetable for the completion of its work.

On 27 September, we noticed with surprise the letter of Beglitis regarding the letter of the President of the Committee of Experts, Prof. George Karavokyris to Mr. Gianluca Esposito on the progress made in the work of the aforementioned Committee of Experts and the roadmap presented, as this letter constitutes, so to speak, a contempt of the Committee of Ministers and a disregard for the obligations assumed by Greece by the Convention.

Indeed;

- As we stated in our letter dated 18 April 2024 with respect to DH-DD(2024)475(<https://search.coe.int/cm?i=0900001680af85d5>), the work of the Committee of Ex-

perts, which was established in an uncertain manner regarding the appointment of its President and members and the determination of its working principles, is carried out in the same uncertainty.

- First of all, it is not possible to affirm that the Committee of Experts operates in an open and transparent manner; no web page has been set up as a mechanism for open and transparent access to the members of the Committee and its work, nor has the letters to the Committee of Ministers provided information on how to access the Committee.
- In the Bekir-Ousta and Others group of cases, since no clear and transparent mechanism has been established on how to communicate with the three independent members of the Committee, it requires individual effort to reach the Committee and its members, and since this communication will be provided through the private e-mail addresses of the members, it is not guaranteed that the letters and attachments sent to private e-mails will be made available to all members and stakeholders of the Committee. In order to ensure transparent and open communication, there is a need to establish a dedicated page for the Committee or an official e-mail address.
- No conclusions or minutes of the meeting, the first of which took place on 12 June 2024, were presented and the Committee of Ministers received very limited information.
- Following the first meeting, it is unclear how and in what form the internal consultation with relevant stakeholders will take place in November-December 2024. The relevant stakeholders include “representatives of the Muslim minority”, but there is no information about who these representatives are and whether they will be included in the consultation process upon an open call or invitation. Moreover, it is only fair and necessary that the representatives of the three aggrieved parties and their legal representative are invited by the Committee and that the legal representative is included in the process from the beginning to the end in a transparent and equal manner.
- If a consultation process will be carried out with an open and transparent call for relevant stakeholders in the period November-December 2024, this should be announced within a reasonable period of time and contributions should be made publicly available in an open and transparent fashion.
- It is unclear how and in what form the Committee will assess the contributions at the end of the consultation process, given the working principles expressed in the letter.
- The exact timetable for the visit to Strasbourg is not included in the letter, nor is the purpose and scope of this meeting clear. However, the presence of the representatives of the aggrieved parties and their legal representative at the meeting with the Department for the Execution of Judgments of the European Court of Human Rights will provide an equal, transparent and impartial ground before the Department and will constitute a constructive path towards a concrete step in this group of cases.
- Finally, the purpose and scope of the meetings to be held in the first quarter of 2025 at the Ministries of Justice, Citizen Protection and Foreign Affairs are again unclear. While it is natural to assume that the matter falls within the competence of the Ministry of Foreign Affairs as it is a civil case before the Council of Europe concerning Greece’s fulfilment of its obligations, the aforementioned Department and the Committee of Ministers should tread carefully. This is because the issue of the violation of the freedom of association in this group of cases falls within the competence of the Ministries of Justice and Citizen Protection and the Ministry of Foreign Affairs should only play a liaison role with the Department and the Committee of Ministers. Otherwise, our country will continue to treat our community as the “other” within it, as in the case of having a Political Affairs Service in Xanthi, where the Turkish community in Western Thrace is densely populated, and which has the same status as that of an embassy. It will thus continue to ignore the ECtHR judgments which cannot be a justification for the violation of the freedom of association, even if it is claimed that there are associations essentially aimed at promoting and spreading the existence of an “ethnic Turkish minority” in the region.

As a result, in the nearly one year following the decision to establish the Committee, which was established to investigate and advise the relevant authorities on the execution of the judgments in this group of cases that have been pending for the past 16 years, no open and transparent process has been carried out, and the entire process has been confined to vague statements.

Unfortunately, the letter and the roadmap presented do not provide more than a rough idea of the steps the Committee plans to take, and since an open, transparent and participatory mechanism has not been established, it reinforces our view that the Committee is pretending instead of taking a real concrete step within the framework of this group of cases.

We therefore request the establishment of an open, transparent, participatory and publicly accessible mechanism for the functioning of the aforementioned Committee, its modus operandi and the manner in which the consultation process will be carried out until the review of 5 December 2024, and as a priority request, we demand that the inclusion of representatives of the aggrieved parties and their legal representatives in the work of the Committee be guaranteed.

Yours sincerely,

Halit Habip Oğlu
ABTTF President