

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES



Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

Date: 23/10/2024

DH-DD(2024)1221

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 (Greek Helsinki Monitor) (14/10/2024) concerning the cases of Bekir-Ousta and Others and House of Macedonian Civilization and Others v. Greece (Applications No. 35151/05, 1295/10) (Bekir-Ousta and Others group) (appendices in Greek are available at the Secretariat upon request).

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.

* * * * *

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1514^e réunion (décembre 2024) (DH)

Communication d'une ONG (Greek Helsinki Monitor) (14/10/2024) relative aux affaires Bekir-Ousta et autres et House of Macedonian Civilization et autres c. Grèce (requêtes n° 35151/05, 1295/10) (groupe Bekir-Ousta et autres) (des annexes en grec sont disponibles auprès du Secrétariat sur demande) **[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.



GREEK HELSINKI MONITOR (GHM)

Address: P.O. Box 60820, GR-15304 Glyka Nera **Tel.:** (+30) 2103472259 **Fax:** (+30) 2106018760
e-mail: panayotedimitras@gmail.com **website:** <https://greekhelsinki.wordpress.com>

DGI

14 OCT. 2024

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

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

14 October 2024

**Execution of *Bekir-Ousta and others group of cases against Greece* (Application No. 35151/05) and of
House of Macedonian Civilization and Others against Greece (Application No. 1295/10)**

Mr President

Under Rules 9(2) of the Rules of the **Committee of Ministers** for the supervision of the execution of **ECtHR** judgments we submit the attached communication on the execution of *Bekir-Ousta and others group of cases against Greece* (Application No. 35151/05) and of *House of Macedonian Civilization and Others against Greece* (Application No. 1295/10) and request that it is uploaded at your website.

Yours faithfully

Panayote Dimitras
Executive Director
Greek Helsinki Monitor

Communication on the execution
of *Bekir-Ousta and others group of cases against Greece* (Application No. 35151/05) and
of *House of Macedonian Civilization and Others against Greece* (Application No. 1295/10)

14 October 2024

Greece insists in not implementing ECtHR judgments
and in not registering or dissolving new ethnic minority associations

1. The communication concerns the persistent failure to implement the **ECtHR** judgments concerning the *restitutio in integrum* of ethnic Turkish and Macedonian minority associations that were dissolved or refused registration and the refusal to register or the dissolution after registration of new ethnic Turkish and Macedonian minority associations, which indicates that Greece is refusing to allow the functioning of associations that explicitly or implicitly claim that the respective ethnic minorities exist in Greece.
2. The first such association is the **House of Macedonian Civilization**. It applied for registration on 12 June 1990. It was refused registration and applied to the **ECtHR** which, on 10 July 1998, found a violation of Article 11 by Greece (*Sidiropoulos and Others v. Greece* app.no. 26695/95). The **Committee of Ministers** on 24 July 2000 closed the supervision of the execution with [*Resolution DH \(2000\) 99*](#) having satisfied

itself with **Greece**'s declaration that "*the Greek courts will not fail to prevent the kind of judicial error that was at the origin of the violation found in this case.*" The fact that the violation was not due to some "*judicial error*" [sic] was demonstrated by the **Greek authorities**' reaction when the association applied for registration again on 24 July 2003. It was again refused registration and applied to the **ECtHR** which, on 9 July 2015, found again a violation of Article 11 by Greece ([*House of Macedonian Civilisation and Others v. Greece*](#) - 1295/10). The association applied for registration for a third time on 27 July 2017 on the basis of the **ECtHR**'s second judgment but the application was again rejected on 11 September 2017 by the **Florina Court of Peace** on the same grounds that it was a threat to public order and peace (see [*Applicants' communication on the execution of House of Macedonian Civilization and others against Greece*](#) dated 7 October 2019).

3. The second such association is the **Turkish Union of Xanthi**. It was established on 14 April 1927. On 2 December 1983, a court prohibited the use of the term "*Turkish*." On 30 January 1984, the **Prefect of Xanthi** filed an application for its dissolution as a threat to public order. The dissolution was first decided by a court on 11 March 1986 and finally confirmed by the **Court of Cassation** on 7 February 2005. It applied to the **ECtHR** which, on 27 March 2008, found a violation of Article 11 by Greece ([*Tourkiki Enosi Xanthis and Others v. Greece*](#) app.no. 26698/05): therein, the **ECtHR** underlined the radical nature of the measure, namely the dissolution of the association, and noted in particular that, prior to its dissolution, the association had continued its activities for about half a century without hindrance and without any indication that its members had ever used violence or rejected democratic principles. [All efforts to revoke its dissolution were rejected by domestic courts which stated that the use of the terms "Turkish" and "Turks of Western Thrace" promoted the idea that an ethnic Turkish minority exists in Greece contrary to the Lausanne treaties recognising only a religious minority.](#)
4. The third such association is the **Minority Youth Association of the Evros Prefecture**. It applied for registration on 14 December 1995. It was refused registration as the domestic courts considered that the name of the association, particularly the phrase "*Minority Youth*", was not sufficiently clear and unequivocal but, on the contrary, created confusion and doubt as to whether the association represented a religious (Muslim) minority or an ethnic (Turkish) minority – the latter being against the law in Greece. It applied to the **ECtHR** which, on 11 October 2007, found a violation of Article 11 by Greece ([*Bekir-Ousta and Others v. Greece*](#) app.no. 35151/05). [All efforts to register the association were rejected by domestic courts which stated that the refusal of registration was lawful given that the association's title \("*Minority Youth Association of the Evros Prefecture*"\) creates confusion with regard to whether the minority youth represent a religious \(Muslim\) or an ethnic \(Turkish\) minority and promotes the idea that an ethnic minority exists in Greece, and hence, the association constituted a threat to the Greek public order and national security.](#)
5. The fourth such association is the **Cultural Association of Turkish Women of the Rodopi Prefecture**. It applied for registration on 5 April 2001. It was refused registration as the use of the term "*Turkish*" in the title of the association creates confusion with regard to the nationality and the identity of its members and promotes the idea that an ethnic minority exists in Greece (contrary to the Lausanne treaties recognising only a religious minority). It applied to the **ECtHR** which, on 27 March 2008, found a violation of Article 11 by Greece ([*Emin and Others v. Greece*](#) app.no. 34144/05). [All efforts to register the association were rejected by domestic courts which reiterated the above reasoning and hence considered the association a threat to the Greek public order and national security.](#)
6. The fifth such association is the **Cultural Association of Turkish Women of the Xanthi Prefecture**. It applied for registration on 1 December 2010. It was refused registration as the use of the term "*Turkish*" in the title of the association creates confusion with regard to the nationality and the identity of its members and promotes the idea that an ethnic minority exists in Greece (contrary to the Lausanne treaties recognising only a religious minority). It applied to the **ECtHR** on 9 July 2018 which communicated the application to Greece on 11 October 2021 with a question on whether the domestic decisions constituted a violation of Article 11 by Greece and with a classification as an "*impact case*." The judgment is pending ([*Sagir and Others v. Greece*](#), app.no. 34724/18).

7. The sixth such association is the **Brotherhood of the Serres Natives: Cyril and Methodius**. It was registered on 8 December 2017. Following a request from the Prosecutor of Serres, it was dissolved on 10 September 2019, because the aim of the association to preserve the “*mother tongue*” did not refer to “*Greek*” but to “*Macedonian*”, whereas, according to the court, the mother tongue of the “*Serres natives*” is Greek. Thus, the aim pursued by the association was neither defined nor clear and created confusion that could not guarantee the preservation of the peaceful coexistence of the population of the region and was therefore contrary to public order. The dissolution was confirmed on appeal on 19 January 2021.
8. The seventh such association is the **Macedonian Movement for the Promotion of the Mother Tongue**. It was registered in the **Registry of Cultural Institutions of the Ministry of Culture** on 10 May 2021 but, after public attacks, it was deregistered on 13 May 2021 because “*its administrator and legal representative is said to have repeatedly occupied the Greek justice, a fact that raises serious questions regarding the possibility of his inclusion in the Register of Cultural Institutions of the Ministry of Culture*” (<https://www.facebook.com/page/373402573234122/search/?q=Φορέων>).
9. The eighth such association is the **Center for the Macedonian Language in Greece**. It was registered on 28 July 2022. [Following an order from the Prosecutor of the Court of Cassation](#), the **Prosecutor of Florina** filed an opposition (ανάκοπή) against the registration on 29 December 2022. Several associations or extreme right parties also filed third-party oppositions or joined other oppositions. Most of them were heard by the **Single-Judge First Instance Court of Florina** on 2 February 2023, when the governmental agency **Region of Western Macedonia** (among several others) joined the opposition of the **Prosecutor of Florina**, and another was heard on 16 February 2023. Two judgments were published on 16 March 2023 rejecting all oppositions, and mainly the ones ordered by the **Prosecutor of the Court of Cassation** and by the **Government**. It was the first time in Greek judicial history that a court opposed efforts by the **Government** and/or by a **Prosecutor of the Court of Cassation** or of a lower court to dissolve or refuse registration of a minority association. Appeals were filed and on 13 August 2024 the **Single-Judge Appeals Court of Western Macedonia** with **Judgment 82/2024 (Attachment 1)** and **Judgment 83/2024 (Attachment 2)** annulled its registration hence dissolving the association because it “*endangers the institutions of the State, public security, national interest and peaceful relations with the neighboring country of the Republic of North Macedonia*” as it (allegedly) “*deliberately falsifies the history and anthropo-geography of the region of Macedonia, aiming directly in the establishment of the existence and speaking of the “Macedonian language” in the neighboring and bordering areas of the North Macedonian state, mainly border regions [sic], whose population speaks the Greek language and is purely of Greek national consciousness;*” Researcher **Tasos Kostopoulos** [commented](#) that its “*reasoning was, in fact, drawn from the theories of a historical member of the domestic Far Right, which the court declared to be ‘well-known facts’*” adopting his claim that what was spoken by the Macedonian minority in Greece was not the Macedonian language spoken in North Macedonia but some “*creole language*” [sic].
10. The ninth such association is the **Western Thrace Fenerbahçe Culture and Sports Association**. It was established by supporters in **Western Thrace** of the **Istanbul-based Fenerbahçe Sports Club** and registered on 11 October 2022. The **Prosecutor of Rodopi** filed an opposition (ανάκοπή) against the registration that was serviced on 28 February 2023 and a [hearing was set for 22 March 2023](#) when [it was postponed for 14 June 2023](#). On 30 May 2024, the **First Instance Court of Rodopi**, [with its judgment 94/2024](#), decided to dissolve the “**Western Thrace Fenerbahçe Culture and Sports Association.**” Its dissolution was asked because, by allegedly “*being established by usurping the concept of “Western Thrace” contained in the name and charter of the association, [it] deliberately falsifies the history and anthropogeography of the region, and it is noted that, aware of the historical context, it aims to create and expand a different cultural and geographical community in Komotini, located in the border region with a geopolitically sensitive location that is actually only Greek, for secret separatist purposes.*”

11. In its last [Decision](#) concerning the execution of the judgment **House of Macedonian Civilization** dated 5 December 2019, the **Committee of Ministers** depended its final evaluation of the case on “*some issues pertaining in particular to the interpretation of Article 758 of the Code of Civil Procedure currently pending before the Court of Cassation*” and on “*any developments in Greek case-law of relevance to the present case, in particular as regards the above-mentioned provision.*”
12. In its last [Decision](#) concerning the execution of the judgments in the **Bekir-Ousta and others group of cases** dated 13 June 2024, the **Committee of Ministers** “*recalled that these cases concern violations of the right to freedom of association due to the domestic courts’ rulings not to register associations and a decision leading to the dissolution of an association on grounds criticised by the European Court as non-Convention-compliant; reiterated once again the fundamental importance of freedom of association in a democratic state, as emphasised by the European Court; reiterated again their deep concern that 16 years since the leading judgment in this group and despite the legislative amendment adopted by Greece in 2017 which allowed the reopening of the impugned proceedings, the applicants have still not been provided with restitutio in integrum, despite having exhausted the possibilities available to them within the domestic legal system, so that progress with regard to the individual measures is therefore now dependent on the taking by the Greek authorities of effective general measures; recalled in this context the intention expressed by the Greek authorities to establish a Committee of Experts to study the matter and advise them on the next steps to take with a view to providing the applicants with the possibility to obtain restitutio in integrum, and noted with interest the recent finalisation of the Committee’s composition, which is already operational; noted however that any progress with respect to both individual and general measures appears to now be dependent on the work of the Committee of Experts, and given the length of time these judgments have been pending, expressed their concern that no further details about its work have been provided; underlined once again the unconditional obligation under Article 46§1 of the Convention on respondent States to fully and effectively execute all judgments against them, and urged the authorities to redouble their efforts to ensure that the Committee of Experts can provide the necessary advice to the competent authorities as to the possible measures to be taken; urged them also to provide detailed information about how it will function, the scope of its work as well as an indicative timetable for the completion of its work; decided to resume examination of this group of cases at their 1514th meeting (December 2024) (DH) and, underlining the crucial importance of rapidly advancing the execution process, invited the Secretariat to examine the possibility of proposing a draft interim resolution for consideration at that meeting, in the event that the Committee of Experts is not yet fully functional with a clear mandate and timetable for completion of its work by then.*”
13. The domestic case-law rendered the interpretation of Article 758 of the **Code of Civil Procedure** by the **Court of Cassation** incompatible with “*the unconditional obligation under Article 46 § 1 of the Convention on respondent states to fully and effectively execute all judgments against them.*” Hence, the **Committee of Ministers** [on 8 December 2022](#) “*called therefore upon the Greek authorities to consider amending the system concerning the registration of associations, in line with the European Court’s case-law and the 2014 [Venice Commission and OSCE Joint Guidelines on Freedom of Association](#) which favour the registration of associations without any prior control of their legality, when domestic law provides for clauses allowing the monitoring of their activity a posteriori; invited the Chair of the Committee of Ministers to send a letter to the Greek authorities conveying the Committee’s deep concern about the present situation and urging them to adopt swiftly measures allowing the full and effective execution of the Court’s judgments; decided to resume their examination of this group of cases at their 1468th meeting (June 2023) (DH).*”
14. Since that **Decision**, the Greek authorities submitted [on 27 September 2024](#) a “road map” that indicated that that **Committee of Experts** met in June 2024 when the **CM** was examining the case, will meet with the **Execution Department** in December 2024 again when the **CM** will be examining the case, and will meet again in June 2025 when it guesses that the **CM** may be examining the case again, but without any commitment that on that June 2025 session the **Committee of Experts** will issue some final recommendation. In that document it is also mentioned that sometime before November 2024 the **Committee of Experts** was/is to meet with “relevant stakeholders” to solicit their input and ask for written

contribution to be submitted by November – December 2024. The **CM** is kindly asked to consider that until today none of the associations in the *Bekir - Ousta group of cases* and no NGOs that have made scores of submissions to the **CM** on this case, including **GHM**, had been invited to meet with the **Committee of Experts**. There is a clear conclusion: that **Committee of Experts** offers another possibility to the State to “*renvoyer aux calendes grecques*” the execution of these judgments while its functioning is evidently an implicit rejection of the **CM**’s recommendation on 8 December 2022 “*to consider amending the system concerning the registration of associations, in line with the **European Court**’s case-law and the 2014 Venice Commission and OSCE Joint Guidelines on Freedom of Association which favour the registration of associations without any prior control of their legality*” which was the only respectable recommendation the **Committee** should have made after its June 2024 session and which, if accepted, would have by now been legislated.

15. Recalling that, as mentioned above, in 2024 a Macedonian and a Turkish minority associations, which were initially lawfully registered by the courts, were dissolved, the **CM** is urged to draw the only possible conclusion, that the Greek State, including the Greek courts, do not want Macedonian and Turkish minority associations (even if one is only for fans of a Turkish football team) to function.

Recommendations

The Committee of Ministers is therefore urged, once again, in its 1514th meeting (December 2024), to conclude that no tangible progress as regards execution measures has been achieved or is expected to be achieved soon and hence:

1. Join the supervision of the examination of the two groups of cases *Bekir-Ousta and others group of cases against Greece* (Application No. 35151/05) and of *House of Macedonian Civilization and Others against Greece* (Application No. 1295/10) as they concern identical problems, and
2. Consider all appropriate means at its disposal to secure the execution of the judgments in these groups including the issuing of the interim resolution it had considered in the June 2024 meeting, announcing therein that the continued failure to execute these judgments will lead to the application of the infringement procedure.